

# Sexual Violence & Misconduct Policy (CCNM – Boucher Campus)

**Purpose:** The Canadian College of Naturopathic Medicine - Boucher Campus is committed to providing a safe working and learning environment that allows for full and free participation of all members of the CCNM – Boucher Campus community. To that end, the Campus has established a Sexual Violence and Misconduct Policy (the “Policy”) and Procedure (the “Procedure”) to address and prevent Sexual Violence and Misconduct and create a safe environment for Disclosing and Reporting.

## **Policy Statement:**

CCNM – Boucher Campus is committed to addressing Sexual Violence and Misconduct by:

1. implementing and actively promoting awareness to educate the CCNM – Boucher Campus Community regarding Sexual Violence and Misconduct and the issues addressed in the Policy;
2. promoting learning and working conditions that seek to eliminate the potential for incidents of Sexual Violence and Misconduct to occur within the Institute’s facilities or operations;
3. reducing barriers to Disclosing and filing Complaints regarding Sexual Violence and Misconduct;
4. responding to Disclosures and Complaints in a procedurally fair, efficient, and consistent manner;
5. supporting members of the CCNM – Boucher Campus Community who are impacted by Sexual Violence and Misconduct, through academic, non-academic, and other supports as required; and
6. communicating the support services and the resources available to members of the CCNM – Boucher Campus Community who may be directly or indirectly impacted by Sexual Violence and Misconduct.

## **Disclosure of Sexual Violence and Misconduct**

CCNM – Boucher Campus acknowledges that it is difficult to Disclose an incident of Sexual Violence and Misconduct. There is no obligation on any person who has experienced Sexual Violence or Misconduct to disclose, inform, or make a Complaint about the incident.

A member of the CCNM – Boucher Campus Community who has experienced Sexual Violence and Misconduct may choose to Disclose the incident by confiding in an employee of CCNM – Boucher Campus.

In addition to Disclosing, informing or making a Complaint, a person who has experienced Sexual Violence and Misconduct may, at any time, report the matter to the police.

A Disclosure is not the same as a Complaint under the Policy and does not normally serve to initiate an investigation or other process. To initiate an investigation, a Complaint must be filed as described in this Procedure.

## Responding to a Disclosure

Where CCNM – Boucher Campus receives a Disclosure, it will exercise care to protect and respect the rights of the parties involved.

A CCNM – Boucher Campus employee who receives a Disclosure of Sexual Violence and Misconduct should provide a compassionate, respectful, and reassuring response to the person who chooses to Disclose. Fear and apprehension about the reactions of others can be significant barriers to making a Disclosure.

Reasons for avoiding Disclosing may include;

- concerns about not being believed or being blamed;
- feelings of shame or guilt;
- fear of sanctions from the Institute;
- fear of reprisal or being ostracized by the alleged perpetrator(s) or their friends
- peer pressure not to make a Disclosure, especially if the alleged perpetrator has significant status on campus or in the CCNM – Boucher Campus Community;
- concerns about confidentiality; or
- cultural beliefs and values.

A CCNM – Boucher Campus employee who receives a Disclosure of Sexual Violence and Misconduct must notify the Acting Executive Director – Boucher Campus (Reid Wildeman, MEd., [rwildeman@ccnm.edu](mailto:rwildeman@ccnm.edu)) or the Executive Director of Human Resources (Barbara Young, [byoung@ccnm.edu](mailto:byoung@ccnm.edu)) if any of the following circumstances apply:

- a person is at risk of self-harm or of harming others;
- there is an imminent risk of harm to the CCNM – Boucher Campus Community and/or the broader community;
- the Disclosure involves sexual harassment in a CCNM – Boucher Campus workplace; or
- disclosure is otherwise required by law.

In these instances, the minimum amount of information needed to meet legal or other obligations will be disclosed, and every effort will be made to involve the person making the Disclosure in decision-making and to mitigate any associated risks. Any CCNM – Boucher Campus Community member who is unsure about their responsibility to disclose should seek advice from the Director of Human Resources.

## Accommodation and Safety Planning

CCNM – Boucher Campus encourages, but does not require, members of the CCNM – Boucher Campus Community who have experienced Sexual Violence and Misconduct to seek immediate assistance. However, seeking assistance promptly may be important to ensure physical safety, to obtain medical care or emotional support, or to preserve evidence. CCNM – Boucher Campus employees should be familiar with the available community resources for members who have experience sexual violence or misconduct (see below).

A member of the CCNM – Boucher Campus Community who wishes to create a safety plan, or request academic, workplace, or other accommodations, arising from an incident of Sexual Violence and Misconduct should contact:

- the Executive Director, Human Resources, if the member is a CCNM – Boucher Campus employee; or
- the Assistant Registrar (TBD), for all other members of the CCNM – Boucher Campus Community.

CCNM – Boucher Campus will address immediate safety concerns and, where necessary, establish a safety plan to protect the health and safety of the person making the Disclosure.

CCNM – Boucher Campus will make the person making the Disclosure aware of the Policy and this Procedure.

A CCNM – Boucher Campus employee who receives a Disclosure of Sexual Violence and Misconduct should refer students who Disclose to the CCNM – Boucher Campus Counselling Service to ensure they get appropriate support. Employees who Disclose should be referred to the Executive Director of Human Resources for appropriate support.

### Complaints of Sexual Violence and Misconduct or Other Violations of this Policy

A member of the CCNM – Boucher Campus Community who has experienced Sexual Violence and Misconduct, or who is otherwise affected by a violation of the Policy, may file a Complaint as described in this Procedure.

To initiate an investigation, a Complaint must be filed, in writing, with:

- the Assistant Registrar (AR) if the Respondent is a Student; or
- the Executive Director of Human Resources (EDHR), if the Respondent is a CCNM – Boucher Campus employee.

The Complaint should set out the relevant details regarding the alleged Sexual Violence and Misconduct, or other alleged violation of the Policy using the CCNM – Boucher Campus Incident Report Form. The Complaint should include a list of any potential witnesses, along with a brief description of the information those witnesses are expected to provide. Any relevant documents, including any social media communications, should also be included with the Complaint.

A Complainant has the right to withdraw a Complaint at any stage of the process. However, CCNM – Boucher Campus may continue to act on the issue identified in the Complaint to comply with its obligations under law or the Policy.

### Initial Review

Upon receipt of a Complaint, the AR, EDHR or designate will notify the President and conduct an initial review to determine whether the allegations in the Complaint fall within the scope of the Policy. This review will occur within 14 calendar days of receiving a Complaint unless exceptional circumstances exist that prevent meeting this timeline, in which case the AR or EDHR will contact the individual making the Complaint as soon as possible to inform them of the revised timeline.

(Note; If the President is named in the complaint, then their role will be replaced throughout the Procedure by the College Counsel).

If the AR or EDHR determines that the Complaint falls within the scope of the Policy, they will refer the matter to the President, who will do one of the following:

- appoint an external Investigator to investigate the Complaint; or
- refer the matter to the alternative resolution process described below.

If the AR, EDHR or designate determines that the allegations in the Complaint do not fall within the scope of the Policy, the AR, EDHR or designate will advise the President and the individual making the Complaint of this decision along with reasons. If the AR, EDHR or designate believes that the Complaint discloses other kinds of misconduct or information that CCNM – Boucher Campus may need to act on under another CCNM – Boucher Campus policy or process, the AR, EDHR or designate may refer the Complaint or the relevant portions of the Complaint to the appropriate Institute authority. When appropriate, the AR, EDHR or designate will consult with the person making the Complaint before referring it elsewhere.

### Interim Measures

CCNM – Boucher Campus reserves the right to implement interim measures as it considers appropriate, to protect the safety of the CCNM – Boucher Campus Community or any of its members during an evaluation of a Disclosure or Complaint or pending the completion of an investigation. Such measures may include, but are not limited to:

- directing the Complainant, Respondent, witness or other parties to cease and desist from engaging in a particular type of behaviour;
- restricting access to CCNM – Boucher Campus property or specific areas within the Campus;
- alteration of the learning or work schedule of an individual;
- imposing a no-contact directive; and/or
- temporary, non-disciplinary leave of an individual.

### Alternative Resolution

If the EDHR believes that an alternative resolution process may be appropriate in the circumstances, the President will discuss this option with the Complainant. If the Complainant agrees that an alternative resolution process may be appropriate, the EDHR will contact the Respondent to advise them that a Complaint has been made, and will discuss this option with the Respondent. If the Respondent agrees to participate in an alternative resolution process and the EDHR is satisfied that an alternative resolution process is appropriate, then the EDHR will explore the options available and, with the agreement of both parties, will refer the matter to that process for resolution.

Participation in an alternative dispute resolution process is entirely voluntary. If either the Complainant or the Respondent decides they no longer wish to participate in the alternative resolution process at any time, then the EDHR will appoint an Investigator to investigate the Complaint.

## Investigation

When CCNM – Boucher Campus appoints an external Investigator to investigate a Complaint, consideration will be given to the subject matter of the Complaint and the expertise and training of the Investigator.

The Investigator will advise participants in the investigation process of the option to have a support person present for interviews.

Except in exceptional circumstances, investigations (including the preparation of the Investigator's report) will be completed within 60 calendar days of the Investigator's receipt of the Complaint. If during the course of the investigation the Investigator believes that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent, and the President as soon as possible to inform them of the revised timeline.

Investigations are not adversarial processes, and hearings will not be held as part of the investigatory process. Formal rules of evidence commonly associated with a civil or criminal trial will not be applied.

In all investigations, the Respondent will be informed of the allegations made against them, and will be given a full opportunity to respond.

The Investigator will conduct the investigation in a procedurally fair manner, using a process determined by the Investigator.

At the completion of the investigation, the Investigator will submit a written Report to the President. The Report will normally include the following information:

- a summary of the evidence considered;
- any assessment of credibility that is required to render a determination; and
- the Investigator's findings of fact, and a determination as to whether, on a balance of probabilities, the Policy has been violated.

## Investigation Outcomes

If the Investigator's Report determines that Sexual Violence and Misconduct has occurred, or that the Policy has otherwise been violated, the following will occur:

- the EDHR will determine what disciplinary and/or other measures are appropriate based on the findings in the Report;
- the Complainant and the Respondent will be notified of the outcome
- the Respondent will be notified of the option to appeal, as described below.

In addition to disciplinary outcomes, CCNM – Boucher Campus may require workshops and/or mediation for the parties or other members of the CCNM – Boucher Campus Community in the environment affected by the Complaint or investigation.

If the Investigator's Report determines that the Policy has not been violated, the EDHR will dismiss the Complaint and so notify the Complainant and the Respondent. The Complainant will be notified of the option to appeal, as described below.

Whether or not the Investigator's Report determines that Sexual Violence and Misconduct has occurred, or that the Policy has otherwise been violated, if the EDHR believes that the Investigator's Report discloses other kinds of misconduct or information that CCNM – Boucher Campus may need to act on under another CCNM – Boucher Campus policy or process, the EDHR may refer the Investigator's Report, or the relevant portions of the Report, to the appropriate CCNM – Boucher Campus authority. When appropriate, the President will consult with the person making the Complaint before referring it elsewhere.

### Confidentiality

Confidentiality of all persons and information involved in a Disclosure or Complaint of Sexual Violence and Misconduct is expected.

To protect the integrity, fairness, and effectiveness of investigations and to ensure compliance with the Personal Information Protection Act (PIPA), all participants in an investigation must act in accordance with the requirements set out below.

Individuals, including the Complainant and the Respondent, who have obtained personal information about an identifiable individual through their participation in an investigation must not disclose this information to anybody except their own personal advisors or representatives, or as required by law. However, this section does not prevent:

- any participants in an investigation from disclosing information about themselves, or information that they have obtained outside the investigation; or
- CCNM – Boucher Campus representatives from disclosing investigation-related information as authorized under the Policy.

CCNM – Boucher Campus will not disclose any personal information related to an investigation except to the extent such disclosure is:

- expressly authorized by the affected individual;
- to a CCNM – Boucher Campus representative, if necessary for the performance of that individual's duties;
- to a Complainant, Respondent, witness, or other participant in the investigation, if necessary for the conduct of the investigation;
- authorized by the Policy; or
- authorized or required under law.

Information may also be shared where:

- an individual is at imminent risk of self-harm;
- an individual is at imminent risk of harming another; or
- there are reasonable grounds to believe that others in the CCNM – Boucher Campus Community or the wider community may be at risk of harm.

To maintain the integrity of the investigation process, CCNM – Boucher Campus must ensure that both Complainants and Respondents know the investigation findings.

Under the PIPA, CCNM – Boucher Campus is only authorized to disclose disciplinary actions it has taken against a Respondent if the disclosure is authorized by CCNM – Boucher Campus for compelling health or safety reasons. For example, CCNM – Boucher Campus will normally inform Complainants of any restrictions that may have been imposed upon the Respondent's movements or activities.

### **Retaliatory Action, Breaches of Confidentiality, and Frivolous or Vexatious Complaints**

Retaliatory Action of any kind is prohibited. This includes Retaliatory Action against a person who Discloses or files a Complaint regarding Sexual Violence and Misconduct, against witnesses, or against any other persons involved in the process.

Where a member of the CCNM – Boucher Campus Community is found to have engaged in Retaliatory Action, or to have breached the confidentiality requirements in the Policy, CCNM – Boucher Campus may take appropriate disciplinary action.

Where an investigation determines that a Complaint was frivolous, vexatious, or vindictive in nature, CCNM – Boucher Campus may take appropriate disciplinary action.

### **Appeal**

A Complainant or Respondent may appeal the decision of the EDHR to the President.

The appeal must be submitted in writing within ten (10) business days of the decision being received by the Complainant/Respondent and must provide specific grounds for the appeal, describing how the Policy was incorrectly applied and/or due process was not followed.

The appeal will deal with appropriateness of process or disciplinary decisions, and will not reconsider the original Complaint. However, the person or body deciding the appeal has the discretion to consider new evidence that could not reasonably have been available at the time of the investigation.

The appeal may be upheld or dismissed, in whole or in part, and/or referred back to the Responsible Administrator for reconsideration.

The person or body deciding the appeal will give reasons for the decision in writing.

### **Resources**

#### **Internal**

#### **CCNM – Boucher Campus Counselling Department**

Suite 100 435 Columbia St. New Westminster,  
777-9981 ext 256

<https://www.wellnessbinm.org> or <https://ecampus.binm.net/>

#### **Boucher Naturopathic Medical Clinic**

Suite 300 435 Columbia St. New Westminster, BC  
604-540-2873

### **Student Services**

Suite 200 435 Columbia, St New Westminster, BC  
604-777-9981 ext. 225

### **Community Resources**

#### **Royal Columbian Hospital Emergency Department (closest to CCNM – Boucher Campus)**

330 East Columbia, New Westminster, BC  
604-520-4253

#### **Lions Gate Hospital Emergency Department**

604.988.3131

#### **St. Paul's Hospital Emergency Department**

604.806.8016

#### **Burnaby General Hospital**

604.434.4211

#### **Surrey Memorial Hospital Emergency Department**

604.581.2211

#### **Local police jurisdiction**

Call 911

#### **VictimLinkBC**

1.800.563.0808 - A 24/7 toll-free, confidential, multilingual telephone service available across B.C. It provides information and referral services to all victims of crime and immediate crisis support to victims of family and sexual violence.

#### **Sexual Assault Service**

#### **Vancouver General Hospital Emergency Department**

604.875.2881

[www.vch.ca](http://www.vch.ca)

#### **Women Against Violence Against Women**

604.255.6344 – a 24/7 crisis support service

#### **SMART (Surrey Mobile Assault Response Team)**

604.583.1295 – a 24/7 crisis support service

#### **Vancouver Rape Relief and Women's Shelter**

604.872.8212 – a 24/7 crisis support service

#### **BC Society for Male Survivors of Sexual Abuse**

604.682.6482

[www.bc-malesurvivors.com/for-survivors](http://www.bc-malesurvivors.com/for-survivors)

#### **Overnight Crisis Line**

Crisis Centre in Vancouver

Toll Free: 1.866.661.3311



## Professional Relationships – Faculty/Staff/Students

Faculty, staff, and student interaction is encouraged to help maintain communications throughout the CCNM – Boucher Campus Community. Faculty/staff and student contact is encouraged to provide role models for students; faculty members are expected to be available to students at regular hours for consultation regarding classroom material.

However, there are situations when dual relationships within the CCNM – Boucher Campus Community may occur, such as when faculty/staff and students have both a professional and social relationship, also known as a dual relationship. A dual relationship occurs when students and faculty/staff engage in two or more of these situations, including teaching, evaluation, advising, mentoring, program administration, or a privileged therapeutic relationship (doctor/patient or counsellor/client). The complexity of these dual relationships is challenging and can obscure perceived or actual objectivity and create a conflict of interest due to inherent power differentials.

Therefore, close personal relationships between faculty/staff and students, in the presence of a conflict of interest where the student could be favoured or discriminated against at CCNM – Boucher Campus, either of which would be in violation of the CCNM – Boucher Campus policy on discrimination, are strongly discouraged. In addition, a breach of confidentiality and professional ethics could occur, also resulting in violation of CCNM – Boucher Campus policies.

For these reasons, romantic/sexual relationships between faculty/staff and students are strongly discouraged. Any relationships between faculty/staff and students that result in favouritism or discrimination are strictly prohibited.

All measures will be taken to ensure that any actual or potential conflict of interest is addressed. Corrective action may include employee withdrawal from all supervisory, evaluative, or other authoritative relationships with the student, and will remain in effect until the student has completed their training, irrespective of whether the relationship continues or not.

For faculty, this includes, but is not limited to, withdrawal from any study committee on which they serve with the student, not participating in faculty evaluations of the student, and withdrawal from examination, supervision, class teaching and thesis evaluation of the student. In the case of an administrative staff member, the staff member will also withdraw from any position involving a conflict of interest, such as granting scholarships or supervising work-study positions.

Romantic or sexual relationships that occurred prior to either the faculty/staff member or a student becoming affiliated with CCNM – Boucher Campus must be disclosed by the faculty/staff member to their direct supervisor, the program Dean(s), and to Human Resources. In the case of a past relationship, the faculty/staff person must still withdraw from all supervisory, evaluative, or other power relationships with the student as above. Students should report romantic or sexual relationships with faculty/staff that occurred prior to matriculation to CCNM – Boucher Campus to the Assistant Registrar (TBD).

All cases will be managed on an individual basis.