

Columbia College Sexual Violence and Misconduct Policy

Effective Date: June 14, 2018

1. Scope:

- 1.1 The Columbia College Sexual Violence and Misconduct Policy applies to all members of the Columbia College Community, including: students, all employees, governors, contractors, suppliers of services, volunteers and visitors.
- 1.2 The Columbia College Sexual Violence and Misconduct Policy applies to Sexual Violence and Misconduct by a member of the Columbia College Community against another member on Columbia College property, or at an event, activity, program, or online, regardless of location, connected to the participants' status as members of the Columbia College Community, including but not limited to: athletic events, academic or professional conferences, volunteer activities, academic field work, online courses and social media platforms and homestay programming.

2. Purpose and Intent:

- 2.1 Columbia College is committed to ensuring that every member of the Columbia College Community is able to study and work in a safe and respectful environment, free from Sexual Violence and Misconduct of any kind. This policy outlines the Columbia College Sexual Violence and Misconduct Response Protocol which includes the following measures: the provision of counselling support for Sexual Violence and Misconduct survivors; the implementation of clear reporting options; an investigation process that protects the rights of individuals, upholds procedural fairness and ensures due process; holding individuals who have committed an act of Sexual Violence and Misconduct accountable; and ensuring access to relevant Columbia College and community resources.

3. Definitions:

Columbia College Community: Columbia College students, employees, governors, contractors, suppliers of services, volunteers and visitors.

Complainant: The person filing a Report under this policy in order to initiate an investigation.

Consent: Voluntary and explicit agreement to engage in sexual activity. Voluntary agreement to engage in a sexual activity, or to continue to engage in an activity, must be communicated through mutually understandable words or conduct and can be revoked at any time. Consenting to one kind of sexual activity does not mean that consent is given for another kind of sexual activity. Consent only applies to each specific instance of sexual activity. No consent is obtained where a person is incapable of

consenting due to being intoxicated, or where a person is induced to engage in an activity by someone abusing a position of trust, power or authority.

Disclose/Disclosure(s): The sharing of information regarding an incident of Sexual Violence and Misconduct with a member of the Columbia College Community. A Disclosure can be made without a formal Report to Columbia College under section “If Complainant Wishes to File Formal Report of Sexual Violence and Misconduct”.

Report/Reporting: A formal report of an incident of Sexual Violence and Misconduct made by a member of the Columbia College Community for the purpose of initiating a Sexual Violence and Misconduct investigation by Columbia College. This is not the same as Disclosing, under section “Disclosure”.

Respondent: The person accused, and whom the Report is made against, when a Report is made under this policy.

Sexual Assault: A criminal offence under the *Criminal Code* of Canada. Sexual Assault is any form of sexual contact without a person’s consent, including the threat of sexual contact without consent. Sexual Violence and Misconduct can include a wide range of behaviours including:

- Forced touching, kissing, fondling
- Forced participation in sexual acts
- Forced oral, vaginal and anal penetration
- Forced sexual acts involving weapons or objects
- Forced exposure to sexual conduct
- Coerced sexual behaviour
- Manipulative sexuality
- Forced exposure to sexual information
- Sexual intimidation, threats and fear
- Unwanted remarks, behaviours or communications of a sexual nature

Sexual Violence and Misconduct Response Advisor: A counsellor within the Columbia College Student Services Department who is trained to receive Disclosures of Sexual Assault and support community members through the stages of Disclosure and Reporting.

Sexual Violence and Misconduct is a broad term that encompasses a range of sexual behavior including:

- Sexual Assault
- Sexual Exploitation
- Sexual Harassment
- Stalking
- Indecent Exposure
- Voyeurism

- The distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video and with the intent to distress the person in the photograph or video
- The attempt to commit an act of sexual misconduct
- The threat to commit an act of sexual misconduct

Survivor: A person who has experienced Sexual Violence and Misconduct. A Survivor may choose to be identified as such because they do not wish to identify with victimization. It is up to the person who has experienced Sexual Violence and Misconduct to decide how they wish to identify.

4. Columbia College Commitments:

- 4.1 Developing and maintaining a safe, healthy and positive learning environment where Sexual Violence and Misconduct of any kind is not tolerated.
- 4.2 Ensuring that this Policy and all protocols related to Sexual Violence and Misconduct respect all members of the Columbia College Community regardless of sexual orientation, gender identity, or gender expression.
- 4.3 Regularly providing opportunities for members of the Columbia College Community to engage in Sexual Violence and Misconduct education, awareness and prevention initiatives.
- 4.4 Supporting those who Disclose or Report incidents of Sexual Violence and Misconduct by providing appropriate information, providing referrals for counselling and medical care and offering academic assistance and other accommodations.
- 4.5 Supporting those who receive a Disclosure of Sexual Violence and Misconduct.
- 4.6 Ensuring that comprehensive education and training is offered to those who are most likely to receive Disclosures so that they have the skills and knowledge to respond appropriately.
- 4.7 Ensuring that those who have experienced Sexual Violence and Misconduct have their personal agency respected and are given the freedom to make their own decisions regarding Disclosure, Reporting, and support services.
- 4.8 Ensuring that those who Disclose or Report Sexual Violence and Misconduct are treated with compassion and respect throughout the stages of Disclosure and Reporting, and subsequent investigation by Columbia College.
- 4.9 Thoroughly investigating all allegations of Sexual Violence and Misconduct, and imposing the relevant disciplinary actions against any Columbia College Community member found to have violated the Sexual Violence and Misconduct Policy.

- 4.10 Ensuring that a comprehensive investigation procedure is available and that the investigative process is carried out with procedural fairness and respecting individual rights.
- 4.11 Ensuring that coordination and communication takes place between Columbia College's departments (administration, teaching staff, counselling, etc.) that are involved in a response to Sexual Violence and Misconduct.
- 4.12 Not tolerating any retaliatory measures (actions intended to get revenge) taken against Survivors who choose to Disclose or Report Sexual Violence and Misconduct.
- 4.13 Respecting privacy and confidentiality.
- 4.14 Providing clear and easily accessible information regarding Sexual Violence and Misconduct policies and protocols to all members of the Columbia College Community.
- 4.15 Regularly reviewing the Sexual Violence and Misconduct Policy and other applicable policies and protocols and updating them as necessary to ensure they remain effective, and in line with other Columbia College policies, protocols and known best practices.

5. Disclosure:

- 5.1 Sexual Violence and Misconduct Response Advisors ("Response Advisors") within the Columbia College Student Services Department have been trained to receive Disclosures of Sexual Violence and Misconduct. Response Advisors are able to provide support, relevant information, access to resources, and information about the available Reporting options. They can also provide the Survivor who Discloses Sexual Violence and Misconduct with ongoing support throughout the Reporting process if they choose to Report.
- 5.2 Although Sexual Violence and Misconduct Response Advisors are specifically trained to receive Disclosures of Sexual Violence and Misconduct, any member of the Columbia College Community, including instructors, volunteers, counsellors of Columbia College Student Services Department and fellow students, may receive a Disclosure of Sexual Violence and Misconduct, if a Survivor chooses to confide in them. Members should not go beyond personal boundaries of comfort and skill when responding to a Disclosure. Rather, members should refer the person making the Disclosure to a Response Advisor within the Student Services Department in the Student Services Area (Room 211, 2nd Floor, 438 Terminal Avenue).
- 5.3 Any member of the Columbia College Community can Disclose Sexual Violence and Misconduct without making an official Report. A Disclosure does not cause a Report to be made or launch a process to address the Sexual Violence and Misconduct. Columbia College will respect each Survivor's decisions about whether to Report and understands that the decision to Disclose and the decision to Report are two separate decisions.

- 5.4 Any member of the Columbia College Community who Discloses Sexual Violence and Misconduct can access support services, including academic accommodations (may include class or exam rescheduling, extending assignment deadlines, providing tutoring and academic support, etc.). In order to access these services, a Report does not have to be made, and the Sexual Violence and Misconduct does not need to be proven.
- 5.5 Columbia College can provide relevant support services and accommodations on the basis of a Disclosure, which can include: referral to a counsellor in the community, referral to the Columbia College Nurse, referral to a community agency or support group, safety planning, class schedule changes and academic accommodations.

6. **If Someone Discloses Allegations of Sexual Violence and Misconduct to You:**

- 6.1 If a student Reports to an incident of Sexual Violence and Misconduct to you and you think the student may be at risk (i.e. imminent risk of possible further physical or psychological harm), you will contact a Sexual Violence and Misconduct Response Advisor **immediately**. Columbia College's counselling office will provide an immediate response to safety concerns by connecting the student to relevant community support services.
- 6.2 If a student Discloses an act of Sexual Violence and Misconduct to you, be supportive while referring Survivors to the appropriate staff member who is trained to provide assistance (Sexual Violence and Misconduct Response Advisor).
- 6.3 Keep in mind that anyone who has experienced Sexual Violence and Misconduct has the right to:
- be treated with dignity, compassion and respect
 - be informed about services and resources at Columbia College and off-campus
 - make their own choices about which services to access, if they choose to access services
 - make their own choices about whether to Disclose and/or Report to Columbia College and/or local police
 - have an investigation carried out by Columbia College
 - have a safety plan
 - have reasonable and necessary actions taken in order to prevent further unwanted contact with the alleged perpetrator(s)

7. **Role of Sexual Violence and Misconduct Response Advisor:**

- 7.1 Provide appropriate assistance and support
- 7.2 Refer to School Nurse or other medical professional, as needed
- 7.3 Assist a Survivor with making a Report as set out in section 8 of this policy

- 7.4 Provide Reports to the Director of Student Services and/or the Principal or Human Resources Manager, as applicable
- 7.5 Provide resources and access to a counsellor in Student Services and/or external referrals
- 7.6 Explain and provide a copy of this Sexual Violence and Misconduct Policy, and associated protocols
- 7.7 Work with departments within Columbia College to reduce the risk of academic impacts on the Survivor
- 7.8 Ask the Survivor if they wish to report the incident to police and if they wish to report, contact local police detachment to make arrangements for taking a report
- 7.9 The Sexual Violence and Misconduct Response Advisor will offer to be present with the student if they decide to meet with the police (if meeting on campus) or arrange for a Victim Service Worker from WAVAW to accompany and support student during the interview with police if they wish

8. Reporting Sexual Violence and Misconduct:

- 8.1 Any member of the Columbia College Community who has experienced Sexual Violence and Misconduct is encouraged to Report the incident immediately, following the Columbia College Protocol, *If You Have Experienced Sexual Violence and Misconduct* (see section 9 of this Policy)
- 8.2 Any member of the Columbia College Community can file a Report of Sexual Violence and Misconduct under this Policy.
- 8.3 The Report should be made to a Response Advisor in person at Columbia College Student Services (Room 211, 2nd floor, 438 Terminal Avenue) or call 604-683-8360 during office hours.
- 8.4 The Response Advisor will assist a Survivor in making a Report.
- 8.5 Members of the Columbia College Community who are in positions of authority (including, but not limited to, those who supervise or direct others) shall take immediate action to respond to and prevent Sexual Violence and Misconduct.
- 8.6 Where Columbia College becomes aware of an incident of Sexual Violence and Misconduct, Columbia College will take all reasonable steps to ensure the safety of the Columbia College Community.
- 8.7 Individuals are not prevented from reporting Sexual Violence and Misconduct to local law enforcement if they have Reported Sexual Violence and Misconduct to Columbia College.
- 8.8 Individuals are not prevented from Reporting Sexual Violence and Misconduct to Columbia College if they have Reported Sexual Violence and Misconduct to local law enforcement.

Individuals may Report Sexual Violence and Misconduct to one organization or the other, to neither, or to both.

9. If You Have Experienced Sexual Violence and Misconduct:

- Find a safe place
- Connect with a person you trust (friend, counsellor, instructor, etc.)
- Contact one of the organizations/agencies listed below
- Call local police detachment or the RCMP

9.1 Choosing whether or not to Disclose and/or Report Sexual Violence and Misconduct is often very difficult. It is completely the Survivor's choice whether or not to Disclose and/or Report, but Colombia College strongly encourages you to do so, so that you can access information and resources available to support you.

9.2 If you have experienced Sexual Violence and Misconduct, please contact a Response Advisor and they will assist you by providing the resources and support you need. If you want to speak to someone immediately, and our office is closed, please contact Women Against Violence Against Women (WAVAW) anytime.

a) Women Against Violence Against Women (WAVAW) Rape Crisis Centre:

- WAVAW provides immediate emotional support 24 hours a day, 7 days a week through their 24-Hour Crisis Line.
- 24-hour hospital accompaniment
- 604-255-6344
- www.wavaw.ca

9.3 A number of additional resources are available to you, including:

a) Sexual Assault Service - Vancouver General Hospital - Jim Pattison Pavilion:

- Go directly to the Vancouver General Hospital Emergency Department at 920 West 10th Avenue (near Broadway and Oak) in Vancouver, BC. Ask for the Sexual Assault Service. Nurses and doctors are on-call 24 hours a day.
- http://www.vch.ca/locations-and-services/find-health-services/?program_id=11289

b) Vancouver Rape Relief & Women's Shelter:

- 604-872-8212 (24 hour crisis line)
- www.rapereliefshelter.bc.ca

c) Vancouver Crisis Centre:

- 604-872-3311(24 hours a day, 7 days a week)
- www.crisiscentre.bc.ca

d) VictimLinkBC:

- VictimLinkBC is a toll-free, confidential, multilingual telephone service available across B.C. 24 hours a day, 7 days a week.
- 1-800-563-0808
- <http://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/victimlinkbc>

9.4 Please note that the services previously listed are available for all members of the general public, not just Columbia College Community members, and can assist with any type of Sexual Violence and Misconduct (including Sexual Violence and Misconduct perpetrated off-campus or perpetrated by a non-student) and the related physical, mental, and psychological impacts.

9.5 In cases where an individual accused of Sexual Violence and Misconduct is not a member of the Columbia College Community or in circumstances where Columbia College is unable to initiate an investigation under these procedures, a Report may be referred to the local police or to other community resources at your request.

10. If You Have Witnessed Sexual Violence and Misconduct:

10.1 If you witness Sexual Violence and Misconduct, please contact a Response Advisor (at Columbia College Student Services Department: Room 211, 2nd Floor, 438 Terminal Avenue) as soon as you can and they will assist you by providing support, information and resources. All members of the Columbia College Community who have witnessed Sexual Violence and Misconduct have a duty to cooperate with Columbia College's investigation.

10.2 Student members of the Columbia College Community who have witnessed Sexual Violence and Misconduct perpetrated against another member of the Columbia College Community are encouraged to Report the incident immediately

10.3 Any faculty or staff member of Columbia College who witnesses Sexual Violence and Misconduct, or becomes aware of, an allegation of Sexual Violence and Misconduct against another member of the Columbia College Community is required to Report the alleged incident to a Sexual Violence and Misconduct Response Advisor immediately.

10.4 Any faculty or staff member of Columbia College who witnesses Sexual Violence and Misconduct, or becomes aware of, an allegation of Sexual Violence and Misconduct against a student in the secondary program is required to Report the alleged incident to the Principal who must then report this to law enforcement.

11. College Investigation and Response Overview:

11.1 Upon receipt of a Report, Columbia College will launch an investigation

- 11.2 When dealing with Reports and investigations, Columbia College will seek to achieve procedural fairness.
- 11.3 Disciplinary actions and/or sanctions will not be taken against a Respondent without their knowledge.
- 11.4 Where a Report is made, Respondents will be given reasonable notice, with full details of the allegations and the evidence, and an opportunity to answer to the allegations made against them.
- 11.5 Respondents have the right to have the decision made by an impartial decision-maker who is fair and free from bias.
- 11.6 An individual who Reports Sexual Violence and Misconduct has a right to withdraw their Report at any stage of the process. However, Columbia College may still continue to investigate a Report in order to comply with its obligation under this Policy and/or legal obligations. Columbia College may also continue to investigate a Report when there is a threat to the safety of members of the Columbia College Community.
- 11.7 It is contrary to this Policy for any individual to retaliate, engage in reprisals, or threaten to retaliate against a Complainant or other individual due to:
 - a) having pursued their rights under this Policy including making a Disclosure or Report;
 - b) having participated or cooperated in an investigation under this Policy; or
 - c) having been associated with someone who has pursued their rights under this Policy.
- 11.8 Any individual engaged in retaliatory conduct may be subject to disciplinary actions.
- 11.9 If a person, in good faith, Discloses a Report of Sexual Violence and Misconduct that is not supported by evidence gathered during an investigation, that Report will be dismissed.
- 11.10 Reports that are found, following an investigation, to be frivolous, vexatious or bad faith Reports (made to purposely annoy, embarrass, or cause harm) may result in disciplinary actions against the Complainant.

12. Confidentiality and Privacy:

- 12.1 Confidentiality is extremely important to those who have disclosed or reported Sexual Violence and Misconduct. Columbia College does its best to respect the confidentiality of all individuals, including the Complainant, Respondent, and witnesses.
- 12.2 Columbia College will act in compliance with the *Personal Information Protection Act*, S.B.C. 2003, c. 63 ("PIPA") and in accordance with Columbia College Policies on the Collection of Personal Information and the Columbia College Calendar, as updated and amended annually.
- 12.3 Confidentiality cannot be assured if:
- a) an individual is at imminent risk of self-harm;
 - b) an individual is at imminent risk of harming another person; or
 - c) there are reasonable grounds to believe that members of Columbia College Community or the wider community may be at risk of harm.
- 12.4 Where Columbia College becomes aware of an allegation of Sexual Violence and Misconduct by a member of the Columbia College Community against another member of the Columbia College Community, Columbia College may also have an obligation to take steps to ensure that the matter is dealt with in order to comply with Columbia College's legal obligations and/or its policies to investigate such allegations. In such cases, certain Columbia College administrators will be informed about the Reported incident on a "need to know" and confidential basis.
- 12.5 Columbia College will keep confidential all information including personal information provided in, or arising from or in connection with a Disclosure or Report, except where this Policy or PIPA expressly provides otherwise.
- 12.6 Columbia College may disclose confidential information including personal information about an individual without the consent of the individual in any of the following circumstances:
- a) it is reasonable to expect that the use with the consent of the individual would compromise an investigation or proceeding and the use is reasonable for purposes related to an investigation or proceeding;
 - b) the personal information is available to the public;
 - c) the use is required or authorized by law;
 - d) the use is necessary to respond to an emergency that threatens the life, health or safety of an individual; or
 - e) preparing or obtaining legal advice for Columbia College.

13. Interim Measures

- 13.1 On a case by case basis, when requested by the Complainant or Columbia College deems it necessary to protect the safety, security or well-being of Columbia College Community

members', Columbia College may impose interim measures before an investigation of a Report is concluded.

- 13.2 Interim measures are for the safety of all parties involved and Columbia College Community members as well as to protect the integrity of the investigation. Interim measures can remain in effect pending the outcome of the investigation.
- 13.3 The decision whether to impose interim measures will be made by the Principal and the Director of Student Services in the case of a Report involving a student, and by the Human Resources Manager in the case of a Report involving employees.
- 13.4 Interim measures are non-disciplinary and do not constitute discipline against the Complainant or Respondent.
- 13.5 Individuals affected by interim measures may request a review of such measures in writing to the Director of Student Services, Principal or Human Resources Manager, as applicable.

14. Procedure for Columbia College Investigation of Report:

- 14.1 If the Report involves students, the investigation of the Report will be coordinated by the Principal and the Director of Student Services.
- 14.2 Columbia College may, at its sole discretion, choose to appoint either an external investigator with training in the area of Sexual Violence and Misconduct investigations to conduct a formal investigation within 5 business days of receipt of the Report.
- 14.3 If the Report involves Columbia College Community members, other than students, and including employees (staff and faculty), the Report will be handled by the Human Resources Manager of the Columbia College Human Resources Department in accordance with the Employee Handbook, any employee policies, the Respondent's employment agreement or contract and any applicable employment law or legislation.
- 14.4 The Principal, Director of Student Services, Human Resources Manager or investigator are hereinafter the "Investigating Party".
- 14.5 The timeline for Columbia College's investigation responding to a Report is 30 business days, subject to extenuating circumstances.
- 14.6 The principal must inform the Complainant, Respondent and the Response Advisor if an extension is necessary.
- 14.7 The Investigating Party will meet with the Respondent within 3 business days to:
 - a) provide the Respondent with a copy of the Report and Sexual Violence and Misconduct Policy;

- b) advise the Respondent about the format (in writing and signed) and time frame of the written response (7 business days); and
 - c) answer any questions the Respondent may have about the Sexual Violence and Misconduct Policy and its procedures, and resources available to them at Columbia College and in the community (for example, the Respondent is entitled to receive support from a Response Advisor).
- 14.8 The Respondent's written response shall be submitted to the Investigating Party, as applicable within 7 business days of the meeting referred to in section 15.1
- 14.9 The Investigating Party will provide a copy of the signed, written response to the Complainant within 3 business days of receipt by the Investigating Party (in person).
- 14.10 If further investigation is required to resolve the Report, the Investigating Party may:
- a) collect and review evidence and information relevant to the Report;
 - b) conduct additional interviews of the Respondent, Complainant or witnesses;
 - c) consult with relevant resources (Columbia College may decide to use an external investigator or legal counsel when appropriate); and
 - d) take any other steps consistent with Columbia College policies and protocols.
- 14.11 Any individual interviewed by the Investigating Party may be accompanied by a support person for the purposes of advice and/or comfort during the interview, including a legal representative.
- 14.12 Any individual involved in the investigation process , including witnesses, have the right to:
- a) have the investigative process explained to them;
 - b) ask questions about the process;
 - c) receive information about available support options; and
 - d) be accompanied to interviews by a support person, including a legal representative, for the purposes of advice and/or comfort during the interview.
- 14.13 The Investigating Party will have regard for Columbia College policies, including this Policy and any applicable policies, procedures, protocols and law throughout the investigation.

15. Investigating Party's Decision and Findings

- 15.1 After concluding their investigation, the Investigating Party will collect and compile all evidence into an investigative report.
- 15.2 The investigative report will include:
- a) information that was considered;
 - b) any findings of credibility;
 - c) any findings of fact;

- d) the investigative findings as to any violation of the Sexual Violence and Misconduct Policy; and
 - e) reasons for the investigative findings.
- 15.3 The investigative report should state the burden of proof (balance of probabilities) and whether the burden was met.
- 15.4 The Investigating Party will make their findings using the balance of probabilities standard of proof. This means that the information must show that it is more likely than not that the Respondent violated the Sexual Violence and Misconduct Policy in order for a finding that the Respondent has violated said Policy.
- 15.5 The Investigating Party may conclude that:
- a) the information does not show, on a balance of probabilities, that the Respondent violated the Sexual Violence and Misconduct Policy;
 - b) the information shows, on a balance of probabilities, that the Respondent's conduct constituted Sexual Violence and Misconduct and the Respondent thereby violated the Policy; or
 - c) based on the information assessed, a determination that the Sexual Violence and Misconduct Policy was violated could not be reached.
- 15.6 A copy of the investigative report will be provided to the Complainant and Respondent.
- 15.7 If, based on the investigative report, the Investigating Party determines disciplinary actions or other sanctions are justified, the Respondent will be notified in writing of the specific disciplinary actions/sanctions being imposed and the appeal process.
- 15.8 The possible disciplinary actions/sanctions are set out in the Disciplinary Action section of the Columbia College Calendar and the Employee Handbook.
- 15.9 Disciplinary actions/sanctions may include but are not limited to one or more of the following:
- a) verbal warning or reprimand;
 - b) a no-contact order prohibiting a person from contacting and being in the same area as a specified individual. This may involve restrictions on entering all or part of Columbia College at specified times;
 - c) written apology;
 - d) participation in an alternative dispute resolution process such as mediation with the consent of the Complainant; or
 - e) suspension or expulsion.
- 15.10 Disciplinary actions for employees may include written warnings, suspension or termination of employment for cause.

- 15.11 The Complainant will not be notified of the specific disciplinary action/sanction for the Respondent unless the sharing of these details are necessary for the protection of the Complainant's health or safety.
- 15.12 Any disciplinary action/sanction taken will remain confidential between the Investigating Party, and the appeals panel of the Board of Governors, where applicable, and the Complainant subject to clause 15.10 and the Respondent.
- 15.13 If a Report is found not to be supported by evidence during an investigation, the Report will be dismissed. If a Report is found to be frivolous, vexatious or a bad faith Report, this may result in disciplinary actions (disciplinary actions are outlined in the Disciplinary Action section of Columbia College Code of Conduct, see Columbia College Calendar) against the Complainant.
- 15.14 All parties involved in the investigation may access ongoing support from community support resources.

16. Appeal of Investigation Outcome

- 16.1 A Respondent who wishes to appeal the disciplinary action/sanction or the decision in the investigative report that led to the sanction, must submit their appeal to the Chair of the Board of Governors who will convene an appeals panel.
- 16.2 Appeals will be heard by a panel of 3 members of the Columbia College Board of Governors.
- 16.3 The disciplinary action/sanction will not be stayed by the appeal and will remain in force until the appeal is decided.
- 16.4 An appeal is not a re-hearing. The appeals panel will review the information and evidence available to the decision maker but will not hear new evidence.
- 16.5 Grounds for Appeal. A Respondent may appeal a disciplinary action/sanction or Columbia College's handling of an investigation if one or more of the following applies:
 - a) The Respondent is a student;
 - b) There was a serious procedural error, which prejudiced one of the parties or may have substantially affected the decision in the investigative report; or
 - c) The disciplinary action/sanction was unreasonable or unsupportable and will have the effect of de-registration, removal, suspension or restricted access to Columbia College.
- 16.6 The appeals panel can refuse to hear an appeal that does not fall under section 16.5.
- 16.7 A Respondent who wishes to appeal a disciplinary action/sanction must file a written statement of appeal with the Chair of the Board of Governors that includes:
 - a) a statement of grounds for appeal;
 - b) a statement of facts relevant to the grounds for appeal;

- c) a statement of the remedy or relief sought;
 - d) copies of relevant documents that support the appeal that were available to the decision maker; and
 - e) statements from any witnesses relevant to the appeal that were available to the decision maker.
- 16.8 The appeals panel will decide an appeal on the basis of written materials alone. However, it may exercise its discretion to hear evidence from the Respondent if requested.
- 16.9 The Respondent may be accompanied by a support person. Where the Respondent intends to be represented by legal counsel, the Respondent must provide the appeals panel with a minimum of 3 business days' notice in advance of the meeting. The appeals panel may request that internal or external legal counsel be present to observe or provide advice as required.
- 16.10 The appeals panel will review the appeal and decide the appeal within 15 business days after receiving all written submissions.
- 16.11 The appeals panel may, after reviewing the relevant information:
- a) uphold the original decision in the investigative report and/or the disciplinary action/sanction;
 - b) reverse the decision in the investigative report and/or disciplinary action/sanction;
 - c) modify the disciplinary action/sanction; or
 - d) determine that a procedural error occurred and refer the matter back to the Investigating Party for re-investigation.

APPENDIX A**17. Related Columbia College Policies and Processes:**

- Harassment and Discrimination Policy, as updated and amended.
- Columbia College Calendar, as updated and amended annually.
- Harassment Protocol Involving Students (November 2010), as updated and amended.
- 2017 Columbia College Policies on the Collection of Personal Information, as updated and amended.
- Harassment and Discrimination Policy set out in the Student Safety: Policies and Practices (2017), as updated and amended.
- Employee Handbook – January 2018, as updated and amended.