



# Sexual Misconduct Policy and Procedure

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## 1 PURPOSE

- 1.1 The purpose of this policy is to create a safe, respectful, and supportive environment at CNIB, free from sexual misconduct, harassment, and discrimination. CNIB is committed to:
  - 1.1.1 Preventing and responding to sexual misconduct.
  - 1.1.2 Providing clear procedures for reporting and responding to incidents.
  - 1.1.3 Ensuring confidentiality, procedural fairness, and trauma-informed responses.
  - 1.1.4 Complying with the EQA Policy and Procedures Manual 2025 and British Columbia's legislative requirements.

## 2 SCOPE

- 2.1 This policy applies to:
  - 2.1.1 All students, faculty, staff, contractors, and visitors of CNIB, whether on or off-campus.
  - 2.1.2 All learning environments, including in-person, online, and off-site activities related to CNIB.
  - 2.1.3 All forms of sexual misconduct, regardless of the gender, sexual orientation, or identity of those involved.

## 3 DEFINITIONS

Key definitions have been updated to reflect EQA compliance and British Columbia laws.

- 3.1 Sexual Misconduct Includes but is not limited to:
  - 3.1.1 Sexual assault: Any unwanted sexual act, including forced sexual contact.
  - 3.1.2 Sexual harassment: Unwanted conduct of a sexual nature that creates an intimidating, hostile, or offensive environment.
  - 3.1.3 Stalking: Repeated behaviors that cause fear, such as surveillance, unwanted messages, or threats.
  - 3.1.4 Voyeurism: Secretly observing or recording someone in a private setting for sexual purposes.
  - 3.1.5 Sexual exploitation: Taking advantage of someone sexually for personal gain.
  - 3.1.6 Non-consensual sharing of intimate images: Distributing intimate content without consent.
- 3.2 Consent must be:
  - 3.2.1 Active: Freely given with clear communication.
  - 3.2.2 Ongoing: Can be withdrawn at any time.
  - 3.2.3 Not given when: An individual is intoxicated, unconscious, coerced, threatened, or under pressure.
- 3.3 Disclosure vs. Formal Report
  - 3.3.1 **Disclosure:** A confidential sharing of information with CNIB staff without initiating an investigation.
  - 3.3.2 **Formal Report:** A documented complaint requesting an investigation and potential action.
- 3.4 See Appendix A for Additional Definitions



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## 4 PREVENTION AND AWARENESS

- 4.1 CNIB is committed to preventing sexual misconduct by:
  - 4.1.1 Conducting mandatory training for students, faculty, and staff on consent, bystander intervention, and reporting.
  - 4.1.2 Promoting awareness campaigns about student rights and available resources.
  - 4.1.3 Ensuring policies are accessible and publicly available on CNIB's website and student handbooks.

## 5 Procedures for Reporting Sexual Misconduct

### 5.1 Immediate Response to Sexual Misconduct

Students and staff who have experienced sexual misconduct are encouraged to:

- 5.1.1 Seek emergency support: Call 911 or visit the nearest hospital if urgent medical assistance is required.
- 5.1.2 Preserve evidence: If possible, avoid washing, changing clothes, or deleting messages that may serve as evidence.
- 5.1.3 Contact CNIB's Sexual Misconduct Support Team: Confidential assistance will be provided.

### 5.2 Making a Disclosure

- 5.2.1 A disclosure can be made to:
  - 5.2.2 Campus Director (Email: [compliance@cnibbc.ca](mailto:compliance@cnibbc.ca))
  - 5.2.3 Student Support Office (Email: [support@cnibbc.ca](mailto:support@cnibbc.ca))
  - 5.2.4 Faculty Member or Administrator

A disclosure does not trigger an investigation unless requested by the survivor or required by law.

### 5.3 Filing a Formal Report

5.3.1 A formal report must be submitted in writing to the Campus Director. The report must include:

- 5.3.1.1 Date, time, and location of the incident.
- 5.3.1.2 Names of individuals involved.
- 5.3.1.3 Description of what happened.
- 5.3.1.4 Any available evidence (messages, photos, witnesses, etc.).

5.3.2 Timeline for Action:

- 5.3.2.1 Report Acknowledgment: Within 2 business days.
- 5.3.2.2 Preliminary Review: Within 5 business days.
- 5.3.2.3 Investigation (if applicable): Completed within 30 business days unless exceptional circumstances require an extension.

### 5.4 Responding to Reports

CNIB will ensure:

- 5.4.1 Trauma-informed support is provided to survivors.
- 5.4.2 Fair and impartial investigations are conducted.



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5.4.3 Protection from retaliation for all parties involved.

### 5.5 Mandatory Institutional Reporting

5.5.1 In some cases, CNIB must report incidents to law enforcement or other agencies, including when:

5.5.1.1 A student or staff member is in immediate danger.

5.5.1.2 The survivor is a minor or part of a vulnerable group.

5.5.1.3 The incident presents a serious risk to the community.

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## 6 Rights and Protections

### 6.1 Rights of Survivors

6.1.1 Right to be treated with dignity and respect.

6.1.2 Right to choose whether to report an incident.

6.1.3 Right to academic and workplace accommodations.

6.1.4 Right to confidentiality (except where disclosure is required by law).

### 6.2 Rights of Respondents

6.2.1 Right to be informed of allegations in a fair and timely manner.

6.2.2 Right to respond to allegations.

6.2.3 Right to confidentiality and due process.

### 6.3 Academic and Workplace Accommodations

6.4 CNIB will provide survivors with accommodations such as:

6.4.1 Extensions on assignments/exams

6.4.2 Course withdrawals without penalty

6.4.3 Class schedule changes

6.4.4 No-contact orders between the survivor and respondent

## 7 Disciplinary Action

7.1 If a respondent is found responsible, disciplinary actions may include:

7.1.1 Students: Warnings, suspension, expulsion.

7.1.2 Employees: Reprimands, termination, legal action.

7.1.3 Third Parties: Removal from campus, contract termination.

7.2 Sanctions will be proportionate to the severity of the misconduct.

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## 8 Confidentiality and Record Keeping

8.1 CNIB ensures strict confidentiality in all sexual misconduct cases.

8.2 Records of disclosures and reports will be retained securely for a minimum of 7 years.

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## 9 Annual Review and Compliance with EQA Standards

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9.1 This policy will be reviewed every two years to ensure compliance with EQA standards and BC regulations.

9.2 CNIB will provide annual training and awareness programs for students and staff.

### 10 10. Related Policies and Documents

10.1 Code of Student Conduct

10.2 Workplace Violence Prevention Policy

10.3 Dispute Resolution Policy

10.4 EQA Policy and Procedures Manual 2025

### 11 FEEDBACK

11.1 CNIB staff and students may provide feedback about this document by emailing [compliance@cnibbc.ca](mailto:compliance@cnibbc.ca)

### 12 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Director
Administrator	Senior Education Administrator

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## 13 Appendix A

### Additional Definitions

#### **SEXUAL ASSAULT:**

Sexual Assault is a form of Sexual Violence and is a criminal offence under the Criminal Code of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of that person and involves a range of behaviors from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviors that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.

#### **SEXUAL VIOLENCE:**

A broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual abuse and sexual assault. Acts of sexual violence include: unwanted sexual comments or advances; coercion of another person's sexuality by physical or psychological intimidation; and/or the denial of another person's sexual decision-making rights. Anyone, regardless of age, gender or sexual orientation can fall victim to sexual violence. Sexual violence can profoundly impact physical and mental wellbeing of individuals and communities.

#### **SEXUAL HARASSMENT:**

Is prohibited by the British Columbia Human Rights Code and may be based on gender (including transgendered persons) or may involve the use of overt sexual language or sexual innuendo which makes an individual feel uncomfortable. Sexual harassment includes, but is not limited to, the following:

- Any deliberate and unsolicited sexual comment, suggestion or physical contact that creates an uncomfortable learning/working environment for the recipient and is made by a person who knows or ought reasonably to know that such action is unwelcome;
- A sexual advance or solicitation made by a person where the person making the advance or solicitation knows or ought reasonably to know that it is unwelcome;
- A reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person;
- Unwelcome remarks, jokes, sexual innuendoes or taunting about a person's body, attire, sex, personal or social life;
- Practical jokes of a sexual nature which cause awkwardness or embarrassment;
- Displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, either through printed copy or personal computer;
- Leering (suggestive staring) or other gestures;
- Unnecessary physical contact such as touching, patting or pinching;
- Expressions of gender bias which may include remarks that are discriminatory, degrading or derogatory and create a poisoned work environment;
- Requests for sexual favours; and/or
- Sexual assault.

#### **CONSENT:**

The voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behavior, and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words, which indicates a willingness to participate in mutually agreed upon sexual activity. It is also imperative that everyone understands the following:

- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.
- A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.

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- A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- A person who is drugged is unable to consent.
- A person is usually unable to give consent when under the influence of alcohol and/or drugs.
- A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts.
- The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.
- A person can withdraw consent at any time during the course of a sexual encounter.
- A person is incapable of giving consent to a person in a position of trust, power or authority, such as, a faculty member initiating a relationship with a student who they teach, an administrator in a relationship with anyone who reports to that position.
- Consent cannot be given on behalf of another person.

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.

### NOTE:

For information purposes only, the Criminal Code uses the following definition of "consent":

### CONSENT:

The voluntary agreement to engage in the sexual activity in question. No consent is obtained, where:

- a) the agreement is expressed by the words or conduct of a person other than the complainant;
- b) the complainant is incapable of consenting to the activity;
- c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;
- d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
- e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

### ACQUAINTANCE SEXUAL ASSAULT:

Sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance.

### AGE OF CONSENT FOR SEXUAL ACTIVITY:

The age at which a person can legally consent to sexual activity. In Canada, children under 12 can never legally consent to sexual acts. Sixteen is the legal age of consent for sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. Twelve- and 13-year-olds can consent to have sex with other youth who are less than 2 years older than themselves. Youth who are 14 and 15 years old may consent to sexual involvement that is mutual with a person who is less than 5 years older. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

### COERCION:

In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment, to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts.

### DRUG-FACILITATED SEXUAL ASSAULT:

The use of alcohol and/or drugs (prescription or non-prescription) by a perpetrator to control, overpower or subdue a victim for purposes of sexual assault.

### RAPE:

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This policy refers to the offence of sexual assault to align with the current offence contained in the Criminal Code. The word “rape” is no longer used in criminal statutes in Canada. The term was replaced many years ago to acknowledge that sexual violence is not about sex but is about acts of psychological and physical violence. The term “sexual assault” provides a much broader definition and criminalizes unwanted behavior such as touching and kissing as well as unwanted oral sex and vaginal and anal intercourse. Although the term no longer has a legal meaning in Canada, the term rape is still commonly used.

### **STALKING:**

A form of criminal harassment prohibited by the Criminal Code of Canada. It involves behaviors that occur on more than one occasion, and which collectively instill fear or threaten the target's safety or mental health. Stalking can also include threats of harm to the target's friends and/or family. These behaviors include, but are not limited to non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; cyber-stalking; and uttering threats.

### **SURVIVOR:**

Some who have experienced sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term “victim”. We use the term survivor throughout this policy where relevant because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.