



SAE Institute
Institution: 03881

Sexual Misconduct Policy

Policy Statement	SAE Institute Vancouver (the “Institute”) is committed to ensuring that its learning environment promotes the respectful and fair treatment of all students.
Purpose	This policy outlines SAE’s tenets of respectful and fair treatment for students as well as institutional, staff and student responsibilities in upholding these tenants
Scope	This policy applies to students of SAE Institute Inc. operating as SAE Institute Inc. DBA: SAE Institute Vancouver, SAE Vancouver. “Student” means a person who is presently enrolled at, and if applicable, including students participating in work experience placements.
Associated Policies & Procedures	Respectful & Fair Treatment of Students Policy Student Dismissal & Code of Conduct Policy Student Dispute Resolution Policy
Associated Documents	Private Training Act Private Training Regulation

Policy

1. Overview:

- a. SAE Institute is committed to the prevention of and appropriate response to sexual misconduct. Sexual misconduct refers to a spectrum of non-consensual sexual contact and behaviour including the following:
 - i. sexual assault;
 - ii. sexual exploitation;
 - iii. sexual harassment;
 - iv. stalking;
 - v. indecent exposure;
 - vi. voyeurism;
 - vii. 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;
 - viii. the attempt to commit an act of sexual misconduct; and
 - ix. the threat to commit an act of sexual misconduct.
- b. A complaint of sexual misconduct is different than a report of sexual misconduct. A person may choose to disclose or complain of sexual misconduct without making a formal report. A report

is a formal notification of an incident of sexual misconduct to someone at the institution accompanied by a request for action.

- c. It is contrary to this policy for the institution to retaliate, engage in reprisals or threaten to retaliate in relation to a Complaint or a Report.
- d. Any processes undertaken pursuant to this policy will be based on the principles of administrative fairness. All parties involved will be treated with dignity and respect.

2. Confidentiality

- a. All information related to a complaint or report is confidential and will not be shared without the written consent of the parties, subject to the following exceptions:
 - i. If an individual is at imminent risk of severe or life-threatening self-harm.
 - ii. If an individual is at imminent risk of harming another.
 - iii. There are reasonable grounds to believe that others in the institutional community may be at significant risk of harm based on the information provided.
 - iv. Where reporting is required by law.
 - v. Where it is necessary to ensure procedural fairness in an investigation or other response to a Complaint or Report.

3. Initiating a Complaint

- a. A student making a Complaint will be provided with resolution options, appropriate accommodations, and will not be required or pressured to make a Report.
- b. Students are encouraged to report any incident of Sexual Misconduct to the Campus Director directly in-person or by the following:
 - i. Brian Watson, Email: b.watson@sae.edu, Phone: 604.980.2882
 - ii. In the circumstance where the Campus Director is absent and/or named in the complaint, the student is then directed to contact the Student Services Manager directly in-person or by the following:
 - iii. Charlotte Duggan, Email: c.duggan@sae.edu, Phone: 604.980.2882
- c. Upon receipt of a complaint the institution will proceed with immediate safety first, to ensure the ongoing safety of the complainant such as providing emergency numbers, law enforcement contacts, medical assistance, mental health services, and other services as required/appropriate.
- d. If required the institution will identify and help provide contact information for qualified on and/or off campus counsellors/victim services support providers who can offer an immediate confidential response.
- e. If a report is made verbally, the institution will request a written statement by the student.

4. Commencing an Investigation

- a. The institution will provide a timely and thorough investigation. Barring exigent circumstances, cases of sexual misconduct will generally be resolved within a 60 day period once the incident has been reported. An extension of time may be necessary if witnesses are unavailable or uncooperative or due to other extenuating circumstances beyond the control of the investigator.

5. Initial Response

- a. Once the institution is put on notice of possible sexual misconduct, the Complainant will be offered appropriate confidential support, academic accommodations, and other resources and will be notified of applicable policies and procedures. Academic accommodations include the ability to change academic schedules, to withdraw from/retake a class without penalty, and access additional academic support. The Respondent also will be offered appropriate resources and notified of applicable policies and procedures.

6. Interim Intervention

- a. Pending a final determination and resolution of the matter, in order to protect the safety and well-being of not only the Complainant and Respondent, including members of the campus community at large; the Campus Director and/or Student Services Manager may take appropriate interim measures. These measures may include attempting to create no-contact

between the two parties when on Campus by means of academic accommodations (as stated above), limiting access by either party to certain campus facilities and/or activities; in addition the institution may also impose an Interim Suspension on the Respondent pending the resolution of an alleged violation.

7. Decision to Proceed with Investigation

- a. If the Complainant is willing to participate in the review and investigation process, the institution will proceed as described below.
- b. If the Complainant requests a confidential investigation, the institution will seek to protect the privacy and confidentiality of the Complainant to the extent possible in accordance Government of British Columbia's Sexual Violence and Misconduct Policy Act and Provincial and Federal law. The Campus Director, will evaluate any request for confidentiality in the context of the institution's responsibility to provide a safe and nondiscriminatory environment to all members of its community.
- c. If a confidential investigation is requested and agreed to, the institution will investigate without revealing the name of the Complainant in any interview or email and will not ask questions that inadvertently or reasonably could reveal the identity of the Complainant.
- d. If the Complainant asks that the report of sexual misconduct not be pursued, the institution will consider the interests of the Complainant, the campus community, law enforcement, and/or other appropriate interests under the circumstances. The Campus Director, will make a final decision on whether and to what extent it will conduct an investigation, and notify the Complainant promptly.

8. Investigation Procedure

- a. During the course of an investigation, the institution will remain neutral and not function as an advocate for either Complainants or Respondents. However, the institution will identify advocacy and support resources for either Complainants or Respondents.
- b. The Respondent will receive written notice of the report and the nature of the alleged misconduct. He/She will be advised in writing of the investigation process and opportunity to provide any relevant evidence.
- c. The investigation will generally be conducted by the Campus Director (or any other individual appointed by the Campus Director) if the Respondent is a student. If the Respondent is a faculty or staff member, appropriate executive leadership will also participate in the investigation.
- d. Both Complainant and Respondent will be interviewed separately; both parties will be able to provide evidence and suggest other witnesses to be interviewed. The Campus Director will interview other relevant witnesses and review any other available relevant evidence. Both the Complainant and Respondent can have another individual, including legal counsel present during their own respective interviews.

9. Determinations

- a. For cases where the Respondent is a student.
 - i. The Campus Director will gather and weigh the evidence presented and decide whether additional evidence is necessary for consideration. Ultimately, the The Campus Director will make a determination of whether a violation of the Sexual Misconduct & Relationship Violence Policy or any other policy has occurred
 - ii. In its course to come to a fair and just resolution, the institution reserves the right to convene an additional determination panel to review any evidence.
- b. For cases where the Respondent is a Faculty or Staff Member.
 - i. In all cases under the Sexual Misconduct policy, the Campus Director (or designee) by review of the evidence gathered will determine if a violation of policy has occurred.

10. Potential Sanctions

- a. If a violation of policy has been found, the Campus Director (or designee) will impose appropriate sanctions, as follows:
- b. In the case of Students (including but not limited to):

- i. Coaching/Training
 - ii. Academic Suspension
 - iii. Dismissal/Expulsion
 - iv. Involvement of local RCMP/Police authorities
- c. In the case of Staff, Faculty, Employees (including but not limited to):
- i. Coaching/Training
 - ii. Written Warning
 - iii. Termination of Employment
 - iv. Involvement of local RCMP/Police authorities

11. Outcome Notifications

- a. Both the Complainant and Respondent will be notified in writing of the outcome of the investigation and of the sanctions imposed, if any.

12. Appeals

- a. If the Complainant or Respondent is a student, he or she may appeal the outcome determination by written appeal to the General Manager & Chief Operating Officer, SAE Institute North America within 15 business days of notification of the outcome. Appeals are to be directed to:
- i. Jake Elson, General Manager & Chief Operating Officer, SAE Institute North America. Email: j.elson@sae.edu
- b. An appeal may be made based only on one or more of the following reasons:
- i. New and significant evidence appeared that could not have been discovered by a properly diligent charged student or complainant before or during the original investigation and that could have changed the outcome.
 - ii. The Finding is Arbitrary and Capricious: Reading all evidence in the favor of the non-appealing party, the finding was not supported by reasonable grounds or adequate consideration of the circumstances. In deciding appeals, the General Manager & Chief Operating Officer is allowed to make all logical inferences in benefit of the non-appealing party.
 - iii. Disproportionate Sanctions: The sanctions were disproportionate to the findings.
- c. The appeal shall consist of a written statement requesting review of the conduct decision or sanction and explaining in detail the basis for the appeal. The institution will notify the non-appealing party of the request for an appeal. Within five business days of receipt of the notice, the non-appealing party may submit a written statement to be included in the case file. The appeal may proceed without the non-appealing party's written statement if it is not submitted within the designated time limit.
- d. The General Manager & Chief Operating Officer will endeavor to make a determination of the appeal within 15 business days of receipt and the appeal decision remains final.

Version Control	
Date	Summary of Changes
21-Aug-2021	Initial version, created to reflect regulation