



Name of Institution DIVESAFE INTERNATIONAL

Bullying, Sexual Violence and Misconduct Policy for students and at Student Housing & Report and Complaint Procedures

January 21, 2017

Name of Policy

Implementation Date

Educational Administrator, Responsible for Administering this Policy: HR

June 19 2020

Position(s) Responsible

Date of Last Revision

Policy:

DIVESAFE INTERNATIONAL is committed to creating and maintaining a learning and working environment characterized by mutual respect, safety, civility and free inquiry. Safety at DIVESAFE is a priority and any form of sexual misconduct will not be tolerated. This policy applies to all training locations and all student accommodations owned by DIVESAFE International.

Purpose: to clearly state the commitment to addressing sexual misconduct through:

- a) Creating an atmosphere in which sexual misconduct is not tolerated.
- b) Assisting those who have experienced sexual misconduct by providing information and support, including provision of and/or referral to counseling and medical care.
- c) Providing assistance and/or referral for other accommodations.
- d) Using clear, appropriate and fair processes for handling complaints of sexual misconduct.

Sexual Misconduct includes sexual violence and means any sexual act or act targeting a person’s sexuality, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the persons consent and included without limitation:

- a) Sexual assault
- b) Sexual harassment

- c) Stalking
- d) Indecent exposure
- e) Voyeurism
- f) Sexual exploitation
- g) Nonconsensual posting of sexually explicit pictures or video with the intent to distress

Reference to a person applied regardless of gender, sexual orientation, or gender identity.

Sexual misconduct can include, but is not limited to:

- a) **Sexual assault**- means any form of sexual contact without consent from all parties and includes:
 - a. Acquaintance sexual assault: sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance
 - b. Drug facilitated sexual assault: the use of alcohol and/or drugs by a person to control , overpower or subdue a person for purposes of sexual assault
- b) **Sexual Harassment** means a course of unwanted remarks, behaviors, or communications of a sexually oriented nature and/or a course of unwanted remarks, behaviors' or communications based on gender – where the person responsible for the remarks, behaviors or communications knows or ought reasonably to know that these are unwanted. It includes, but is not limited to:
 - a. Sexual solicitations, advances, remarks, suggestive comments and gestures
 - b. The inappropriate display of sexually suggestive pictures, posters, objects or graffiti
 - c. Nonconsensual posting of sexually explicit pictures or video with the intent to distress the person in the picture or video, aggressive comments and slurs on any form of social media
 - d. Physical contact of a sexual nature
 - e. Sexual conduct that interferes with an individual's dignity or privacy such as voyeurism and exhibitionism.
- c) **Stalking** is a form of criminal harassment involving behaviors that occur on more than one occasion and which collectively instill fear in a person or threaten a person's safety or mental health. Stalking can also include threats of harm to a person's friends and/or family. These behaviors include, but are not limited to nonconsensual communications (face to face, phone, email, and social media) threatening or obscene gestures, surveillance, sending unsolicited gifts, creeping via social media/cyberstalking and uttering threats.

Student means any person enrolled as a student at the College.

Procedures: for Report or Complaint

A. Procedure for Student Report

1. When a concern arises, the student should address the concern with the staff member they are most comfortable with. and express their desire to make a report
2. The staff member will receive the report within 5 days. The report will need to...

- 2.1.1. Be in writing
- 2.1.2. Be signed and dated by the student
- 2.1.3. Clearly explain and describe the concern including others involved.
3. The report will be brought to the attention of the Senior Educational Administrator and a meeting will be arranged with the student within 5 days.(If the student approves a meeting).
4. Following the meeting with the student, the Senior Educational Administrator will conduct whatever enquiries and/or investigations are necessary and appropriate to determine whether the student's concerns are substantiated in whole or in part. Those inquiries may involve further discussion(s) with the student either individually or with appropriate DIVESAFE INTERNATIONAL personnel and/or students.
5. The necessary enquiries and / or investigations shall be completed no later than 45 days following the receipt of the student's written report. The Senior Educational Administrator will do one of the following within this time period.
 - 5.1. Determine that the student's concerns are not substantiated; or
 - 5.2. Determine that the student's concerns are substantiated in whole or in part;
 - 5.3. Determine that the student's concerns are frivolous and vexatious.
 - 5.4. The student and the institution's personnel involved shall receive a written summary of the above determination. A copy of all documentation relating to every student's report should be signed by all parties. A copy shall be given to the student, a copy will be placed in the school's Student Conduct File, and the original will be placed in the student file.
6. If it has been determined that the Student's concerns are substantiated in whole or in part the Senior Educational Administrator shall include a proposed resolution of the substantiated concern(s).

B. Procedure for Student Complaint

1. When a concern arises, and the student desires to submit a complaint, the student should address the concern with the staff member they are most comfortable with. And the student will need to submit a formal complaint. This complaint will need to
 - 1.1. Be in writing
 - 1.2. Be signed and dated by the student
 - 1.3. Clearly explain and describe the complaint including others involved.
2. The contact person will acknowledge receiving the complaint by
 - 2.1. signing the complaint
 - 2.2. dating the complaint
3. The complaint will immediately be submitted to the Senior Educational Administrator.
4. The Senior Education Administrator will review the complaint and schedule a meeting with the student within 5 days of receiving the complaint.
5. The Senior Educational Administrator will discuss the concern and desired resolution with the student. Other staff members may be present.
6. Following the meeting with the student, the Senior Educational Administrator will conduct whatever enquiries and/or investigations are necessary and appropriate to

determine whether the student's concerns are substantiated in whole or in part. Those inquiries may involve further discussion(s) with the student either individually or with appropriate DIVESAFE INTERNATIONAL personnel and/or students.

7. The necessary enquiries and / or investigations shall be completed no later than 45 days following the receipt of the student's written complaint. The Senior Educational Administrator will do one of the following within this time period.
 - 7.1. Determine that the student's concerns are not substantiated; or
 - 7.2. Determine that the student's concerns are substantiated in whole or in part;
 - 7.3. Determine that the student's concerns are frivolous and vexatious.
 - 7.4. The student and the institution's personnel involved shall receive a written summary of the above determination. A copy of all documentation relating to every student's complaint should be signed by all parties. A copy shall be given to the student, a copy will be placed in the school's Student Conduct File, and the original will be placed in the student file.
8. If it has been determined that the Student's complaints are substantiated in whole or in part the Senior Educational Administrator shall include a proposed resolution of the substantiated concern(s).
9. If the student is not satisfied with the determination of the Senior Educational Administrator, the student must advise the Senior Educational Administrator within 48 hours of being informed of the determination. The Senior Educational Administrator will immediately refer the matter to the Owner of the Institution. The Owner of the institution will review the matter and meet with the student within 5 school days.
10. The Owner of the institution shall either confirm or vary the determination of the Senior Educational Administrator. At this point the School's Dispute Resolution Process will be considered exhausted.
11. If the issue is of a serious nature the Owner of the School may, in his/her sole discretion and cost, engage the services of a third party mediator, legal or medical services.