

IH Career College – Policy on Sexual Misconduct

A. Statement of purpose and intent of this policy

This policy addresses sexual misconduct, including prevention and responses to sexual misconduct. Furthermore it outlines the procedures for:

- Making a disclosure/complaint or report of sexual misconduct
- Responding to a disclosure/complaint or report of sexual misconduct

IH Career College is committed to providing a safe and secure environment for students of all genders and does not tolerate any form of sexual misconduct.

IH Career College takes allegations and reports of sexual misconduct seriously and is committed to providing a clear and structured procedure on how to address the issue and support the victim/survivor.

IH Career College makes efforts to educate and train staff members to prevent sexual misconduct and to respond to all disclosures/reports according to the procedures outlined in this policy. Responsible for training and raising awareness among IH staff are the Managing Partner and Chief Operating Officer.

IH Career College respects the privacy and procedural fairness rights of victims/survivors and alleged perpetrators.

B. Strategies for Prevention of Sexual Misconduct

International House Vancouver endeavors, to the best of its abilities and as far as is reasonable, to prevent sexual misconduct on all IH premise including official outings. The following steps have been or are being implemented as a means of risk reduction.

Adoption and distribution of a Sexual Harassment Policy and preventative measures that:

- Clearly define what constitutes sexual misconduct in keeping with all Federal, Provincial, and civic guidelines and laws and as defined by the criminal code of Canada.
- Clearly state that IH Career College has zero tolerance for sexual harassment and misconduct from any individual who at any time is on IH Career College premises or official outing.

- Clearly state that any employee, student or contracted worker who is found to have engaged in such conduct will be disciplined and or removed from school premises immediately.
- Set out a clear procedure for filing disclosure of sexual misconduct
- Undertakes to investigate all allegations of sexual misconduct.
- Ensure all students and staff are aware of and have access to the official IH Policy on Sexual Misconduct.
- Ensure all supervisors and managers are aware of and have access to The official IH Policy.
- Ensure adequate supervision of all IH premises and digital media and to monitor the posting of offensive materials or offensive conduct.

C. Scope and Application

What is sexual misconduct?

According to the Sexual Violence and Misconduct Policy Act, sexual misconduct includes:

- 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 people
- The attempt to commit an act of sexual misconduct
- The threat to commit an act of sexual misconduct

This policy addresses sexual misconduct involving students at IH, as required by the Sexual Violence and Misconduct Policy Act.

This policy is applied to sexual misconduct between:

- Student and student
- Staff and student
- Visitors and student
- Any other person and student

Sexual misconduct under this policy is not limited to the IH campus or the student residences offered by IH Career College but can include events, excursions or any out of class activities.

This policy is applied in combination with the Respectful and Fair Treatment of Students Policy, the Dispute Policy and the Student Dismissal Policy.

D. Definitions

a) Consent

An agreement to engage in a sexual activity. It must be fully voluntary, clearly communicated and ongoing. All sexual activities that are engaged in must be consented to: if there is consent given for a particular sexual activity, this consent does not automatically extend to other sexual activities. Consent can be withdrawn at any time, including during a sexual activity that had previously been consented to.*

*Source: Ending Violence Association of BC

b) Sexual Assault

Sexual assault is defined as any form of sexual contact without both parties' voluntary consent. Sexual assault is not limited to non-consensual intercourse, it can also include non-consensual fondling, touching, or kissing.

Section 265 of the Criminal Code of Canada ("Criminal Code") outlines the offences of assault and sexual assault as follows:

A person commits an "assault" when:

- without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- he attempts or threatens, by an act or gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
- while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.*

*source: <https://zvulony.ca/2010/articles/criminal-law/sex-assault/>

c) Sexual Exploitation

Every person commits an offence who is in a position of trust or authority towards a young person, who is a person with whom the young person is in a relationship of dependency or who is in a relationship with a young person that is exploitative of the young person, and who

- for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person; or

- for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person.

*source: <http://yourlaws.ca/criminal-code-canada/153-sexual-exploitation>

d) Sexual harassment

Unwanted communications or actions that are sexual in nature and are offensive, intimidating or humiliating. It can include verbal, written or visual communication. Sexual harassment includes unwanted touching, offensive jokes, sexual request, and verbal abuse. Sexual harassment is a type of sexual discrimination and falls under the Human Rights Law. *

*Source: Ending Violence Association of BC

e) Stalking

Criminal harassment, more commonly known as stalking, can be defined as harassing behaviour including repeatedly following, communicating with or watching over one's dwelling home. This sort of behaviour is against the law. It is not a sign of love; it is about power and abuse.*

*source: http://www.bowvalleyvictimsservices.org/sites/default/files/bp_attachments/Criminal%20harassment.pdf

f) Indecent exposure

The deliberate exposure in public or in view of the general public by a person of a portion or portions of his or her body, in circumstances where the exposure is contrary to local moral or other standards of appropriate behavior.

g) Voyeurism

The observation – including by mechanical or electronic means – or visual recording (including photographs and film recording) of a person who is in circumstance that gives rise to reasonable expectation of privacy.

h) The distribution of sexually explicit photograph or video of a person to one or more people 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.

E. Responding to Disclosure/Complaints and Reports of Sexual Misconduct

IH Career College is committed to acting in accordance with the principles of procedural fairness in dealing with allegations of sexual misconduct. We make efforts to provide immediate action and

take reasonable steps to ensure the safety of our students on campus, in our student residences and on school related events and field trips.

Our staff is instructed to report any sexual misconduct to the Managing Partner or Chief Operating Officer as soon as they gain knowledge of it (unless otherwise agreed on with the victim).

The student can expect actions to be taken within 24 hours. These actions, depending on the student's personal situation and expressed wish, can include:

- Reporting to the Managing Partner or Chief Operating Officer
- Protective measures (e.g. moving the student to a different accommodation, change class, ensure there is no contact between the victim and the alleged perpetrator)
- Investigation of the alleged sexual misconduct
- Reporting to the police
- Advice and assistance in seeking medical care or a support centre
- Confidential support and counseling service from an IH staff member
- Referral to a professional for support and counseling

a) Disclosure of sexual misconduct

The victim may choose not to officially report the incidence but to informally disclose sexual misconduct to a staff member of his choice (e.g. teacher, student counselor). IH staff is instructed to encourage the victim to report the incidence so a formal investigation may take place and necessary actions (including legal actions) can be taken. If a victim chooses not to officially file a report this will be respected by the IH staff member and protective measures (e.g. moving the student to a different accommodation, change class, ensure there is no contact between the victim and the alleged perpetrator) will be taken.

If the victim does not want to report the incidence to authorities but wishes further investigation by IH the staff member will inform the Managing Partner or Chief Operating Officer. Together with the victim it will be decided on how the investigation should take place and if other people who may have witnessed any misbehavior by the alleged perpetrator can be interviewed or if there is any other evidence that proves that sexual misconduct took place.

During the investigation IH is committed to:

- Receiving full details of the allegations.
- Giving the alleged perpetrator the opportunity to respond.
- Treating all parties involved with dignity and respect.
- Acting fair and in accordance with procedural fairness.
- Ensuring safety of the victim to avoid further harm.

Once the investigation has concluded that sexual misconduct took place the perpetrator will be dismissed from the program according to the Dismissal Policy.

b) Reporting of sexual misconduct

If the victim discloses sexual misconduct to an IH staff member and wishes to formally report the incidence to the police the staff member will immediately inform the Managing Partner or Chief Operating Officer. The student will receive assistance in contacting authorities and reporting the incidence. If necessary an IH staff member will help with translations (in case none of the staff members speaks the student's native language an external interpreter may be hired) throughout the reporting and investigation.

During the investigation IH will take protective measures (e.g. moving the student to a different accommodation, change class, ensure there is no contact between the victim and the alleged perpetrator) and as soon as sexual misconduct is confirmed IH will dismiss the perpetrator from the program according to the Dismissal Policy.

c) Procedure:

The procedure can vary so the response and actions can be tailored to the circumstances, the victim's personal preferences and the nature of the incidence. Generally IH staff is instructed to follow the steps as described below:

1. An incidence of sexual misconduct is disclosed to an IH staff member. The staff member listens carefully and explains possible actions including: immediate protective measures to avoid further incidences, internal investigation followed by actions against the alleged perpetrator (dismissal from the program) or reporting to the police. The victim will receive information about the procedure and about who should be informed about the incidence depending on further actions to be taken. The procedure is flexible in order to respect a victim's wish about who should or shouldn't be involved in the following steps.

The staff member will also assist in getting medical care and/or professional counseling if necessary and provide the victim with contact details for immediate support.

2. If the victim wishes further investigation the Managing Partner or Chief Operating Officer will be informed immediately and further steps will be discussed with the victim. The time frame of the investigation will depend on the nature of the incidence and the already given evidence. In any case IH is committed to conduct investigation and take actions without any delays.
3. If the victim does not want to file an official report but would like actions to be taken against the alleged perpetrator (e.g. dismissal from the program) IH will have to conduct internal investigations. IH does not have a mandate to conduct criminal investigations but has responsibility to provide a safe environment for our students. For this reason IH will conduct fact-finding investigations before acting. Again the time frame for this process depends on the nature

of the incidence, on the existing evidence and on how many people will have to be involved to confirm that sexual misconduct has taken place, but investigations will be carried out as quickly as possible.

4. If the victim would like to report the incidence to the police IH will help the student to contact authorities on the same day of the disclosure and help to meet with a police officer. Assistance with translation will be offered to the student (if an outside interpreter is required this can be arranged at the victim's expense).
5. Once internal or police investigations confirm that a sexual misconduct has taken place the Dismissal Policy will be applied immediately. According to the Dismissal Policy a student can be dismissed from the program without a warning letter and with immediate effect for sexual misconduct.
6. If legal actions will be taken against the perpetrator IH continues to offer assistance in getting legal advice.

d) Roles and Responsibilities

In case of dealing with reports on sexual misconduct the roles and responsibilities are flexible as a victim may choose to whom they want to disclose the incidence and should under no circumstance be forced to speak to a certain person. Any staff member at IH (student counselor, teacher, activity coordinator, housing coordinator etc.) may be the first person to gain knowledge of sexual misconduct. If further action is required the Managing Partner or Chief Operating Officer should be informed and depending on the incidence other people may be involved but the victim can decide who should or should not be informed.

F. Confidentiality and Information Sharing

IH Career College recognizes the importance of confidentiality for both to those who have made a disclosure or filed a report and to the alleged perpetrator.

How much information is shared with how many people will depend on each individual case. The IH staff member who receives the first disclosure of the incidence will discuss the disclosure or

reporting options as described in section D and explain which information will be disclosed to whom if the victim wishes further investigation. If the victim decides not to report the incidence and further investigation should not be taken, IH staff members are instructed to respect full confidentiality and not to share any information. Protective measurements to avoid further incidences can still be taken without disclosing the reason to other staff members.

If further investigation or a report to the police is desired the victim will be informed about who will have to be informed about the incidence. At any time the victim can change their mind and stop the investigation/reporting.

Under no circumstances should information be shared with staff members or students if not absolutely necessary for the investigation.

G. Related Documents and Legislation

- a) IH Policies related to this subject:
- Respectful and Fair Treatment of Students Policy
 - Dispute Policy
 - Student Dismissal Policy

(see board or policy handbook https://www.ihvancouver.com/Downloads/ihv_policy.pdf)

- b) Legislations
- Sexual Violence and Misconduct Policy Act
 - Criminal Code of Canada
 - BC Human Rights Code

E. Useful contact information

- Vancouver Police Department (VDP) – Sexual Crime Unit: call 9-1-1 to report a sexual crime
- Sexual Assault Nurse Examiner Program:
In order to collect valuable evidence, the VPD works with Vancouver General Hospital (VGH).
Tel 604 736 2033

- AMS Sexual Assault Support Centre: <http://amssasc.ca/>, Tel: (604) 822-3475, email: ashleybentley@ams.ubc.ca
- BC Society for Male Survivors of Sexual Abuse: <http://bc-malesurvivors.com/>, Tel: (604) 682-6482, email: victimservices@bc-malesurvivors.com
- Victimsinfo.ca: online resource for victims & witnesses of sexual crime in BC
<http://www.victimsinfo.ca/>
 - Vancouver Rape Relief and Women's Shelter , Tel. 604-872-8212, email: info@rapereliefshelter.bc.ca, <https://www.rapereliefshelter.bc.ca>