Sexual Misconduct Policy

1. ISS Language and Career College of BC (LCC) is committed to the prevention of and appropriate response to sexual misconduct and strives to provide and maintain a safe and secure learning and working environment.

2. “Sexual misconduct” includes a wide range of acts including:

* SEXUAL ASSAULT (unwanted sexual activity, such as unwanted sexual grabbing, kissing, and fondling as well as rape. **Sexual activity is only legal when both parties consent**).
* SEXUAL EXPLOITATION (abusing a position of power, authority, or trust to use another person’s sexuality for the abuser’s own purposes).
* SEXUAL HARASSMENT (unwelcome and inappropriate sexual remarks or physical advances)
* STALKING (repeatedly and willfully contacting, following, or tracking another person)
* INDECENT EXPOSURE (revealing genitals in a public place to offend others)
* VOYEURISM (observing or recording people unclothed or in sexual situations which they expect to be private)
* DISTRIBUTION OR POSTING ONLINE OF SEXUALLY EXPLICIT PHOTOS OR VIDEOS without the consent of the people in the photos or videos
* SEXUAL GRAFFITI or other sexual defacement of LCC property
* THE ATTEMPT TO COMMIT any kind of SEXUAL MISCONDUCT.
* THE THREAT TO COMMIT any kind of SEXUAL MISCONDUCT.

3. 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.

4. A student making a **Complaint**will be provided with resolution options and, if appropriate, accommodation, and will not be required or pressured to make a **Report**.

5. The process for making a **Complaint** about sexual misconduct involving a student is as follows:

* the Complainant may email or talk to the Instructional Coordinator, Ms. Paivi Kehler (paivi.kehler@issbc.org) or the Senior Manager, Ms. Arina Tanase (arina.tanase@issbc.org).

6. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:

* LCC will acknowledge receipt of the Complaint within 3 business days.
* The Instructional Coordinator or Senior Manager will talk with both Complainant and Respondent, interview witnesses if any, secure written statements, and finally decide possible sanctions if the Respondent is found to have committed sexual misconduct, or if the complaint itself is found to be frivolous or vindictive.
* All aspects of the complaint are confidential. Staff members receiving or handling the complaint cannot discuss it with persons not involved in the matter, post about it on social media or answer questions by the press.

LCC respects privacy and ensures fairness and human rights for both Complainants and Respondents in alleged cases of sexual misconduct.  Please refer to LCC’s ‘Respectful and Fair Treatment’ and ‘Dispute Resolution’ Policies.

LCC is a division of ISSofBC, which has a Bullying and Harassment Policy that includes sexual harassment.  It is a staff responsibility to report to management if they observe or experience bullying or harassment at ISSofBC, including sexual misconduct. An Occupational Health and Safety Committee meets regularly to identify, discuss, and resolve health and safety issues at our location.

7. The process for making a **Report** of sexual misconduct involving a student is as follows:

* a written report may be sent to the Senior Manager, Ms. Arina Tanase (arina.tanase@issbc.org) or the Division Manager, Ms. Bonnie So (bonnie.so@lcc.issbc.org)
* **If there is a threat to person or property, call 911 immediately.**
* Human Resources or the Director may ask to meet with the complainant to clarify information, to assess the situation to determine if additional actions should be taken or to make appropriate referrals to other individuals or groups, eg. Health and Safety Committee.
* Referrals will not be made without the complainant’s agreement and cooperation

The Manager will treat the matter as urgent and confidential.  They will complete a Critical Incident Report, and keep a record of incidents, dates, times, locations, comments made, behaviour exhibited, witnesses present and responses. ([**\*Please see Appendix A for details about the Critical Incident Report**](https://lcc.issbc.org/wp-content/uploads/2021/08/Sexual-Misconduct-Policy.pdf)).

* The Complainant may choose to withdraw a report, although depending on the circumstances, LCC may continue to act on the matter.

8. The process for responding to a **Report** of sexual misconduct involving a student is as follows:

* LCC will review the Report within 5 business days and confirm next steps in writing.
* All aspects of the complaint are confidential. Staff members receiving or handling the complaint cannot discuss it with persons not involved in the matter, post about it on social media or answer questions by the press.
* If the Respondent did engage in sexual misconduct, disciplinary action will be taken.
* **In the case of a Respondent who is an ISSofBC employee**, the Division Manager has the option of advising the Director of Language and Career Services, the Chief Executive Officer of ISSofBC, or the Director of Human Resources. LCC employees may refer to Section 3.3 of the ISSofBC Policies and Procedures Manual, “Bullying and Harassment” for further details.

9. It is contrary to this policy for an institution to retaliate, engage in reprisals or threaten to retaliate in relation to a Complaint or a Report.

10. 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.

11. 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:

* If an individual is at imminent risk of severe or life-threatening self-harm.
* If an individual is at imminent risk of harming another.
* There are reasonable grounds to believe that others in the institutional community may be at significant risk of harm based on the information provided.
* Where reporting is required by law.
* Where it is necessary to ensure procedural fairness in an investigation or other response to a Complaint or Report.

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| This institution is certified by the Private Training Institutions Branch (PTIB). Certified institutions must comply with regulatory requirements, including the requirement to have a Sexual Misconduct policy. For more information about PTIB, go to [www.privatetraininginstitutions.gov.bc.ca](http://www.privatetraininginstitutions.gov.bc.ca/). |

[**Appendix A - Critical Incident Report**](https://lcc.issbc.org/wp-content/uploads/2021/08/Sexual-Misconduct-Policy.pdf)