

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, e.g 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).

- 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. In all instances LCC will:
- Ensure the safety of the victim/survivor.
 - As appropriate, provide emergency numbers for on and off campus security (if applicable), law enforcement, medical assistance, mental health services, and other services.
 - Respect the right of the individual to choose the services they consider most appropriate.
10. 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.
11. 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.
12. 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.

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.

Appendix A



CRITICAL INCIDENT REPORT

ISS is committed to providing and maintaining a safe and healthy environment for its staff, volunteers, and clients. Unfortunately, from time to time an incident may occur which may cause an injury, may threaten a person's personal safety, or may make a person feel unsafe.

Should such an incident occur, ISS wishes to ensure the situation is responded to in a timely and appropriate manner. Additionally, should there be a requirement for involvement from an outside agency - e.g., Police, Insurance Carrier, Workers Compensation, etc. - documentation of the issue is essential.

If there is a threat to person or property, call 911 immediately. This serves two purposes: it protects the person or property immediately and it is the first step into the criminal justice system. A Peace Bond may be obtained by the complainant, by ISS through the Executive Director on behalf of an employee or by the police.

If a Peace Bond is obtained, the accused may be arrested and must have the opportunity to respond. If the accused person is a client, ISS must advise the person, in writing and with notice of service - e.g., courier receipt, registered letter receipt - that they are not to enter any ISS premises. ISS may then issue an advisory notice to all staff advising them to contact the police if that person is seen on any ISS property.

1. When a critical incident is reported to any person in a supervisory capacity, a **CRITICAL INCIDENT REPORT must be completed** by the complainant or, if necessary, by the immediate supervisor **within five (5) working days**.
2. A copy of the report must be forwarded to the Human Resources Department and to the appropriate Director.
3. 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 e.g. Health and Safety Committee.
4. Referrals will not be made without the complainant's agreement and cooperation.

Please describe the incident in detail (*use additional sheets if necessary*):

2. Action Taken

3. If an assault occurred, please complete the following section

Assailant is: <input type="checkbox"/> Client <input type="checkbox"/> Delivery person <input type="checkbox"/> Ex-employee <input type="checkbox"/> Student <input type="checkbox"/> Visitor <input type="checkbox"/> Volunteer <input type="checkbox"/> Other (<i>please specify</i>): _____ _____			
Description: <input type="checkbox"/> Male <input type="checkbox"/> Female			
Age:	Complexion:	Height:	Weight:
Name (<i>if known</i>): _____			
Has a warning advisory been circulated to all staff? <input type="checkbox"/> Yes <input type="checkbox"/> No (<i>If Yes, please indicate by whom</i>): _____ Date sent: _____		If a threat to a person, has a Peace Bond been obtained? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Has a letter been sent to assailant *(if appropriate)*?

Yes No

(If Yes, please indicate the method used, date and name)

Method: *(e.g. courier, registered mail, etc.)*: _____

Date sent: _____

Sent by: _____

4. Please provide the following information

Medical attention/first aid obtained?

Yes No

Ambulance First Aid Hospital

Name of medical attendant:

WCB forms completed?

Yes No

Date sent: _____

Completed by: _____

Investigation conducted?

Yes No

Name of person investigating:

Advised of right to consult doctor?

Yes No

Please provide doctor's name *(if known)*:

<p>Reported to supervisor?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Name of supervisor:</p> <p>_____</p> <p>Date reported: _____</p>	<p>Police called?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Officer's Name:</p> <p>_____</p> <p>Case No: _____</p>
<p>Are there any witnesses? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>(If Yes, please provide name, address and telephone number)</i></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>Other action taken: <i>(please specify)</i>:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	

5. Follow-up Action Required

Report to WCB	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date sent: _____
Report to Safety Committee	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date sent: _____
Report to Board of Directors	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date sent: _____
Other action required: _____			

6. Reports

Report submitted by: _____
Date: _____
Report submitted to:
Chief Executive Officer: <input type="checkbox"/>
Director: <input type="checkbox"/>
Office Manager: <input type="checkbox"/>
Human Resources: <input type="checkbox"/>
Date: _____