

SEXUAL HARRASMENT & VIOLENCE POLICY

The Language Arts Institute is committed to the prevention and appropriate response to sexual misconduct as outlined in the respectful and fair treatment policy.

Sexual misconduct refers to a spectrum of non-consensual sexual contact and behaviour, including, but not limited, to the following:

- 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 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;
- the attempt to commit an act of sexual misconduct; and
- the threat to commit an act of sexual misconduct.

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.

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**.

The process for making a **Complaint** about sexual misconduct involving a student are as follows:

1. Those with concerns relating to matters of Discrimination or Harassment are strongly encouraged to consult with the appropriate office as set out in the *Respectful and Fair Treatment Policy* prior to taking any other action under these procedures. However, if the person with the concern believes that it was not satisfactorily addressed through consultation or believes that consultation is not appropriate in the circumstances, that person may initiate a complaint to the administration office (admin@languagearts.institute), or if the Complainant feels more comfortable, may initiate a complaint with their instructor.
2. Complaints made to the Complainant's instructor will be brought to the Senior Education Administrator and follow a similar process as if the complaint was brought to the administration office.
3. Complaints made to the administration office relating to matters of discrimination or harassment pertaining to the Institution's work, studies, or participation in life on the

premises may be lodged by any member of the Institute against other members of the Institute and/or the Institute.

4. Non-members of the Language Arts Institute who have been or are directly affected by the conduct of, or comments by, a member of the Institute and/or the Institute and are using that as the basis of their complaint may lodge a complaint against any member of the Institute and/or the Institute at the discretion of the Senior Education Administrator.
5. Complaint proceedings may also be initiated by the administration office based on information that has been given to the administration office, or that the administration office becomes aware of, if the administration office determines that it is appropriate to do so given the circumstances. In such cases, the administration office will act as the complainant.
6. Complaints must be made within one calendar year of the date that the conduct or comment that forms the basis of the complaint occurred, or, in the case of a series of events, within one calendar year of the date that the last event in the series occurred. The Senior Education Administrator has the discretion in exceptional circumstances to extend this one-year time limit.
7. Complaints must be made in writing, although the administration office has the discretion in exceptional circumstances to waive or defer this requirement.
8. An administrative office staff member who initiates a complaint will act as the complainant. In such cases, the person directly affected by the conduct or comment that forms the basis of the complaint, and/or the person who is the subject of the complaint, may be called upon as witnesses in any subsequent proceedings.
9. Complainants may withdraw from the complaint proceedings at any time. However, the Institute's responsibility to provide an environment free from discrimination and harassment may obligate the Institute to proceed, regardless of the complainant's withdrawal.
10. At any time, the Senior Education Administrator may take any action deemed appropriate given the circumstances, including staying or terminating the proceedings, or taking interim measures to preserve safety or efficiency while a complaint is being investigated or resolved.
11. When a written complaint is received by the administration office and it is determined that the Policy applies, the Senior Education Administrator will review the written complaint and may do any one or more of the following:
 - a. refer to all or part of the complaint to the lead instructors involved in the internal investigation and resolution, including a referral to the appropriate Administrative Office representative; or
 - b. dismiss or decline to proceed with the complaint.
12. If it is determined that the Policy does not apply, the complaint will not be accepted by the administration office and no further action will be taken under these procedures.

The process for responding to a complaint of sexual misconduct involving a student is as follows:

- When a Complaint is received, the Institution will acknowledge receipt of the complaint by email within 3 business days and provide the complainant with their options, including making a **Report**, should further action be required or requested.

- If the administration office decides to address the complaint, the relevant Administrative Staff will be notified and a copy of the complaint will be provided to the respondent, who will be invited to respond to the allegations contained in the complaint.
- The administration office may manage the complaint using any means deemed appropriate given the circumstances – these means are subject to the principles of procedural fairness in the context of an academic institution. Such means may include, but are not limited to, the following:
 - interviewing or requesting written submissions from the complainant and/or the respondent and/or any other parties with information that may be useful;
 - consulting with other Institute employees;
 - gathering documents relevant to the complaint; and/or
 - referring the matter for internal/external investigation or mediation.
- Both the complainant and the respondent are expected to participate in the complaint management process outlined above in a timely manner. In cases where the complainant and/or the respondent fails to participate within a reasonable time without appropriate justification, the process may proceed without their participation and an adverse inference may be drawn because of their failure to participate.

The process for making a **Report** of sexual misconduct involving a student are as follows:

1. A **Report** of sexual misconduct is a written statement and request for action. All **Reports** are to be submitted to the Senior Education Administrator (SEA) by email (Ms. Winnie Cho, SEA, languagearts.institute.bc@gmail.com). Should the SEA be unavailable or named in the Report, the Report will be forwarded to the administration team to manage.
2. The entire process from when the **Report** has been made will be documented and filed confidentially in the administration office. Regardless of the outcome, the Report will remain within the confidential files of the people named in the Report. This Report will not be disclosed to anyone outside of the Institution unless otherwise ordered (see last paragraph describing exceptions to confidential).

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

- All **Reports** filed to the SEA will be taken seriously and a response can be expected by the Institution within 3 business days. The response will outline the next steps and request cooperation from the complainant.
- If the SEA or administration office addresses the request for action, as requested in the Report by the complainant, all communication will be document and recorded as a part of records of the Report.
- The process for making and responding to a **Report** will follow the same process as making a **Complaint**. The difference between filing a Report and Complaint, is that the entire Report process will be documented and filed in a confidential file associated with the complainant and person(s) named in the complaint or report. A complaint will still be documented but the records will not remain with the person(s) named until the complaint is moved to being a Report. The complainant will never be pressured into moving their

complaint to a report, unless they request the institution to act, at which case, the institute must document the process for such a request.

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.

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.

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