

Sexual Misconduct Policy

Purpose Statement:

The EJTC is committed to providing a safe and secure learning environment, both on campus and in an online environment. The EJTC will not tolerate any form of sexual misconduct and will investigate and respond appropriately to any reported incidents.

Scope:

This sexual misconduct policy is to be referred to and used when dealing with any complaints and/or reports of sexual misconduct. This policy is consistent with the EJTC's *Dispute Resolution Policy* and the EJTC's *Respectful Conduct and Fair Treatment Policy*.

1. **Sexual misconduct** refers to a spectrum of non-consensual sexual contact and behaviour including the following:
 - sexual harassment which can include:
 - i. sexual propositions, demanding sexual favours, or sexual solicitation;
 - ii. unwelcome invitations to engage in sexual activity or contact of a sexual nature;
 - iii. leering or using suggestive behavior;
 - iv. display of material of a sexual nature;
 - v. derogatory or degrading remarks directed towards members of one sex or one sexual orientation;
 - vi. vexatious comments or conduct against a person because of sex, sexual orientation, gender identity or gender expression, where the comment or conduct is known or ought reasonably to be known to be unwelcome;
 - vii. unwelcome inquiries or comments that are sexual in nature
 - viii. persistent unwanted contact or attention after the end of a consensual relationship;
 - ix. other conduct which may engage one of the Protected Grounds under applicable human rights laws.
 - sexual assault;
 - sexual exploitation;
 - 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.
2. If any person reasonably believes that they have experienced an incident of Sexual Misconduct, they should advise the EJTC immediately with a **Complaint** or a **Report**.

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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.
4. **Complainant(s)** means the person(s) who is making the Complaint/Report under this Policy. **Respondent(s)** means the person(s) against which a Complaint/Report is made under this Policy.
5. When a **Complaint** is made, the Complainant is disclosing an incident(s) of sexual misconduct to the EJTC for documentation and a supportive response. Complaints are not requests for action. However, if the Complaint is made by a minor, confidentiality may be limited and the EJTC can use its discretion to notify their guardian(s).
6. When a **Report** is made, the Complainant is making a formal notification of an incident(s) of sexual misconduct to the EJTC for documentation and investigation. A Report is a request for action as a response. If a Report is made by a minor, confidentiality may be limited where reporting is required by law under the *Child, Family and Community Services Act*.
7. 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**.
8. The process for making a **Complaint** about sexual misconduct involving a student will include:
 - Ensuring the safety of the student. Provide help if they need outside emergency services.
 - To listen without judgement and recognize that disclosing can be traumatic.
 - To respect the choice by the individual about how much they disclose of their experience and respect their confidentiality and anonymity.
 - Providing a compassionate and supportive response, depending on the severity of the complaint.
 - Follow up procedures that may be tailored to the nature of the incident that has been disclosed or reported.
9. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:
 - The person who is hearing the complaint for the first time – i.e. EJTC instructor or other EJTC staff – will listen while ensuring the student is in a safe space to report the incident.
 - Any Sexual Misconduct complaints should be recorded in writing with details; either by the student or by notes made by the EJTC at the time the incident is being disclosed or reported.
 - Following the ‘EJTC Student Respectful Conduct and Fair Treatment Policy’, the details of the complaint should contain the following information:
 - Date(s); time(s); location(s); names of individual(s) involved; names of witness(es), if any; a detailed description of the conduct involved; a detailed description of the Complainant’s response to the alleged conduct; any additional supporting information.
 - The incident should be immediately reported to the Managing Director, Phil Davis, (pdavis@ejtc.org) who is responsible for making determinations in respect to complaints. Alternatively, if the Managing Director is not available or is named in the complaint, then the Sexual Misconduct complaint will be forwarded to Rosa Riordan (rriordan@ejtc.org).

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- A meeting with the Managing Director or the alternate EJTC representative and the Complainant should be a priority to ensure their safety and to provide an appropriate and supportive response.
 - At this time, if the Complainant is not wanting to make an official Report and if the EJTC does not think there are serious safety risks - whereas the institution would have a legal obligation to act - the EJTC will seek to provide a compassionate and supportive response that is mutually acceptable to the Complainant.
 - This response will be given within three (3) business days of receiving the Complaint, depending on the severity of the complaint and could include providing minor accommodations as needed and as mutually agreed to by the Complainant.
10. The process for making a **Report** of sexual misconduct involving a student is as follows:
- Ensure the safety of the student. Provide help if they need outside emergency services.
 - To listen without judgement and recognize that disclosing can be traumatic.
 - Once a detailed written statement by the Complainant has been submitted, this Report of Sexual Misconduct requires that the EJTC begins a detailed investigation into the incident(s).
 - The EJTC will ensure the student(s) are supported and treated with compassion and will assist in providing temporary accommodations, both on or off campus depending on the severity of the complaint, while the Report is being investigated.
 - The EJTC will provide reasonable notice and full details of the allegations brought against the Respondent and allow them space to answer to the allegations.
 - The EJTC respects the privacy and procedural fairness rights of both the Complainant and the Respondent.
 - Once a thorough and comprehensive investigation is completed, the EJTC is committed to taking immediate action by those with the authority to act.
 - Follow up procedures may be tailored to the nature of the incident that has been disclosed or reported.
11. The process for responding to a **Report** of sexual misconduct involving a student is as follows:
- The person who is hearing the complaint for the first time – i.e. EJTC instructor or other EJTC staff – will listen while ensuring the student is in a safe space to report the incident.
 - Any Sexual Misconduct incident in which a student wants to formally Report to the EJTC, should be immediately brought to the attention of the Managing Director, Phil Davis (pdavis@ejtc.org). Alternatively, if the Managing Director is not available or is named in the complaint, then the Sexual Misconduct Report will be forwarded to Rosa Riordan (rriordan@ejtc.org)
 - The Sexual Misconduct incident Report will be recorded in writing with details; either by the Complainant or by the EJTC Managing Director (or alternate) at the time the incident is being disclosed or reported, in a safe and confidential space.
 - Following the 'EJTC Student Respectful Conduct and Fair Treatment Policy', the details of the Report should contain the following information:
 - Date(s); time(s); location(s); names of individual(s) involved; names of witness(es), if any; detailed description of the conduct involved; detailed description of the Complainant's response to the alleged conduct; any additional supporting information.

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- Once the Complainant's Report and details have been collected, the EJTC will advise the Respondent of the allegations being made against them and will provide them with the opportunity to respond with their recollection.
 - Following the 'EJTC Student Respectful Conduct and Fair Treatment Policy', the Respondent will provide their details as above:
 - Date(s); time(s); location(s); names of individual(s) involved; names of witness(es), if any; a detailed description of the conduct involved; a detailed description of the Respondent's recollection of the alleged conduct; any additional supporting information.
 - Within three (3) business days of receiving the Sexual Misconduct Report from a Complainant and after a comprehensive investigation, if the EJTC does not believe that the incident(s) should be reported to law enforcement, the EJTC will report the outcome of the investigation to both the Complainant and the Respondent.
 - If it is determined that the allegation(s) against the Respondent is substantiated, following the 'EJTC Student Respectful Conduct and Fair Treatment Policy', the EJTC will determine the appropriate action to be taken, at its discretion. Such action can include written warning, suspension and/or dismissal.
 - Follow up procedures may be tailored to the nature of the incident that has been reported.
12. Any investigation and adjudicative 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.
13. All information related to a Complaint or Report is **confidential** and will not be shared without the consent of the parties, subject to the following exceptions:
- If a person is at imminent risk of severe or life-threatening self-harm.
 - If a person 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 (this can include in the case where a minor is involved)
 - 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.