

## Student Residence - Sexual Misconduct Policy

Residence Life at inlingua Victoria requires a commitment to an atmosphere of reciprocal respect among all members of the residence community. Sexual violence, including sexual harassment and sexual assault, undermines the full and free participation of all members of the community by negatively impacting individuals and/or creating intimidating, hostile, or unsafe living, learning and working environments.

### 1. Definitions

- **Sexualized Violence:** act of violence and/or aggression characterized by an attempt to threaten, intimidate or engage in any unwanted behavior of a sexual nature. Sexual violence includes, but is not limited to, creating and/or sharing sexualized images non-consensually, sexual harassment, stalking or voyeurism, and sexual assault.
- **Sexual Harassment:** is bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors.
- **Sexual Assault:** any form of sexual activity, including kissing, fondling, touching, intercourse or other forms of sexual penetration, that is forced onto the complainant without their consent; or any attempts or threatens, by an act or a gesture.
- **Stalking:** is unwanted or obsessive attention by an individual or group towards another person. Stalking may include following the victim in person or monitoring them.
- **Consent:** the active, direct, affirmative and voluntary agreement to engage in the sexual activity in question.
- **Trauma:** an approach that takes into consideration the profound and complex physical, psychological, and social (biopsychosocial) impacts of sexual violence.
- **Disclosure:** the act of telling a member of the school community of an experience of sexual violence, separate from any choice

- **Respondent:** the party against whom a petition is filed.
- **Complainant:** is the party who has an issue and is making a charge

## 2. Prevention

- inlingua Victoria staff are equipped to provide consultation and advice, as well as to develop awareness for sexual violence prevention; the school is also accountable for the development and distribution of this Sexual Misconduct Policy.
- The Student Counselors at inlingua Victoria are responsible for implementing relevant school policies and procedures in response to complaints of sexual violence.
- Students can call at 778-817-1083 or drop in the school to make an appointment with a counselor Mon-Fri 8:30 am – 4:30 pm to learn more.

## 3. Response

- inlingua Victoria community members who receive a disclosure of sexual assault are encouraged to immediately contact the Student Counselor for guidance on how to appropriately provide support and referral.

inlingua Victoria will strive to balance commitments to its core values and principles by providing sexual assault response and support that is: confidential; respectful of the dignity and privacy of individuals; non-judgmental, empathic and compassionate; Timely and accessible to a diversity of individuals; respectful of the rights of all parties; and adherent to principles of due process and procedural fairness.

- Where there is a disclosure or complaint of sexual assault and the circumstances may pose a threat to the safety and well-being of the individuals involved or the community, the appropriate Homestay and Student Residence Coordinator will convene a Sexual Assault Response Team, at his/her discretion. The team will be conformed by the Director of Operations, the Homestay and Student Residence Coordinator and one of the School Counselors.

- A student may seek and receive help from a teacher or staff member without making a complaint. inlingua Victoria make every effort to respect the privacy of students who seek help and/or report misconduct. The school will weigh requests for no action with its responsibility to protect the community.
- Regardless of whether the student files a formal complaint or requests action, the school will conduct a prompt, impartial, and thorough investigation to determine what happened and take appropriate steps to resolve the situation

#### **4. Making a Complaint and Report**

- inlingua Victoria takes all incidents of sexual misconduct, domestic violence, and/or stalking very seriously. There are two options for students to make a complaint and report a sexual misconduct. A student may pursue either or both options:
  1. A student can make a complaint about sexual misconduct, domestic violence, and/or stalking by contacting inlingua Victoria at 778-817-1083, or in person at the inlingua school campus at 910 Government Street; If there is an emergency, students should call 911 immediately.
  2. A student can make a criminal complaint about sexual misconduct, domestic violence, and/or stalking to the appropriate law enforcement authorities, which would be the Victoria Police Station (250-995-7654) or the Oak Bay Police Station (250) 592-2424. Law enforcement authorities can assist a student in determining whether the conduct experienced was criminal in nature and warrants a criminal complaint; the report is not a commitment to prosecute.
- Students are strongly encouraged to report incidents of, or share information about, sexual misconduct as soon as possible after the incident occurred to the school or police authorities, or both; a Sexual Complaint Form can be found on the inlingua Victoria Website at <http://www.inlinguavictoria.com/download/>

- If a student reports an incident of sexual misconduct to inlingua Victoria staff or teacher, the staff is obligated to report the incident to the Director of Operations who will be responsible for overseeing investigations of sexual misconduct.
- Although the teacher or staff member must notify the Director of Operations, he/she will try to respond to the report, consistent with a request for confidentiality. However, students should know that a request for confidentiality may limit the school's ability to investigate the matter and, in certain circumstances, it may not be possible to maintain confidentiality
- inlingua Victoria may ultimately be unable to adequately investigate if too much time has passed or if an accused individual has left the school. Other factors that could negatively affect the school's ability to investigate include the loss of physical evidence, the potential departure of witnesses, or loss of memory.

## **5. Responding to a complaint and Report**

- When an individual requests action in the form of a complaint and the complaint process is initiated, the respondent will have a right to receive information about the nature and source of the complaint, as well as to respond to the complaint. All parties to the complaint are required to maintain confidentiality.
- Upon receipt of a complaint, the school will conduct an initial assessment to determine whether it falls within the scope of the Sexual Misconduct Policy, and whether it rises to the level of an allegation of sexual misconduct. The initial assessment will include informing complainants regarding the nature of allegations and explanation of this policy and procedures.
- If a complaint raises allegations that are outside the scope of this Sexual Misconduct Policy, but may violate other school policy(ies), the complaint will be referred to the appropriate school department.

- In the event the school determines not to pursue an investigation under this Policy, that decision may be appealed by either party, requesting a review of the decision not to proceed in an investigation.

### **Investigation**

- In the event the school determines to pursue an investigation after a written report/complaint of the sexual harassment, the school will immediately initiate an adequate, reliable and impartial investigation, to determine what, if any, interim measures are necessary during the investigation of the complaint and notify the complainant in writing that the school has initiated an investigation.
- When an investigation is initiated, the school will conduct fact-finding as to the allegations made against the student. The investigation may include, but is not limited to, interviews with the complainant, the respondent, and other witnesses identified as having information relevant to the allegations made. The Investigator (Homestay and Student Residence Coordinator) shall ensure that the respondent is informed of all allegations raised and is provided the opportunity to respond.
- inlingua Victoria will document each interview and the complainant and alleged harasser will be interviewed separately and members of the school are required to cooperate fully with the investigative process.
- To make a finding that sexual harassment has occurred, the school must find, based on all the information collected, that it is more likely to be true than not that the harassment occurred.

### **Finding and Decision**

- Upon receiving the investigator's report, the school may consult with the Investigator concerning his or her recommendations. If the school wishes further consultation with the parties, the Investigator will facilitate consultations to ensure equal opportunities for the parties to meet with the school.
- The school will issue one of the following findings, using a preponderance of the evidence standard:

1. Finding of “**No Violation**” of the school’s Sexual Misconduct Policy: If there is a determination that the behavior alleged and investigated did not violate the Sexual Misconduct Policy, the parties will be so informed of the finding.
  2. Finding of a “**Violation**” of the school’s Sexual Misconduct Policy: If there is a determination that the behavior alleged and investigated was in violation of the Sexual Misconduct Policy, the school shall issue the finding and sanction(s) (expulsion and/or deported) and notify all parties. The parties will receive a summary of the information considered during the investigation.
- In appropriate cases, the school may pursue informal resolution with the consent of all parties at any point in the investigation process. Informal resolution options may include, but are not limited to, mediation, development action plans, and voluntary resolutions. Under informal resolution, the complainant will not be required to resolve the problem directly with the respondent, unless desired by the complainant.
- 6. Confidentiality**
- inlingua Victoria will take all reasonable and legal steps to investigate and respond to the complaint in a manner which preserves the confidentiality of the individuals involved. However, the school must consider its responsibility to provide a safe and nondiscriminatory environment for all students. If, for example, a student insists that his or her name not be disclosed to the harasser, the school’s ability to respond to the complaint may be limited. Finally, the school may be legally required to report certain incidents or claims of harassment to the police.