

## Sexual Misconduct Policy - Corporate Training

<b>Kitimaat Valley Education Society (KVI Campus)</b>		<b>ID-03114</b>
Name of Institution		Institution Number
<b>Sexual Misconduct Policy -Corporate Training</b>	<b>October 25, 2021</b>	<b>April 3, 2023</b>
Name of Policy	Effective Date	Revision Date

1. **Kitimaat Valley Education Society (KVES)** and **KVI Campus** are committed to the prevention of and providing appropriate response to sexual misconduct, in a sensitive and timely manner.
2. 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
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, written statement* of an incident of sexual misconduct to someone at the institution (*KVI Campus*) accompanied by a *request for action*.
4. An individual making a **Complaint** will be provided with *resolution options* and, if appropriate, *accommodations*, and **will not** be required or pressured to make a **Report**.
5. The process and responsibilities for making a **Complaint** regarding sexual misconduct involving a participant are as follows:

### Participants

- If an individual feels that he or she is being subjected to sexual harassment he or she *may* immediately inform the harasser that the conduct is unwelcome and needs to stop. If the inappropriate conduct does not cease, or if the individual is unable to or uncomfortable with addressing the alleged harasser directly, he or she should report the incident to the *Corporate Training Manager or Human Resources Manager (or designate)*. It is helpful, *but not required*, to provide a *written record* of the *date, time, nature of the incident(s)* and the *names of any witnesses*.
- It is important to report **all concerns** of sexual harassment or inappropriate sexual conduct to the *Corporate Training Manager* or the *HR Manager (or designate)* as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

### ***Managers***

Managers *must* deal in a timely manner and without bias when they have any knowledge of misconduct or harassment within the KVI Campus or Virtual Training, *whether or not* there has been a written or formal complaint.

They must:

- Take all complaints or concerns of alleged or possible harassment seriously no matter how minor or who is involved
- Report all incidents to the HR Department immediately so that a prompt investigation can occur
- Take any appropriate action to *prevent retaliation or prohibited conduct from recurring* during and after any investigations or complaints, such as making accommodations for the complainant while an investigation is being conducted

Managers who knowingly allow or tolerate sexual harassment or retaliation, including the failure to immediately report such misconduct to the HR Department, are in violation of this policy and are subject to discipline, up to and including termination.

### ***Human Resources***

HR Department Staff are responsible for:

- Ensuring that both the individual filing the complaint (**complainant**) and the accused individual (**respondent**) are aware of the **seriousness** of a sexual harassment complaint
- Explaining Kitamaat Valley Education Society's Sexual Misconduct Policy and investigation procedures to all parties involved

- Exploring informal means of resolving sexual harassment complaints
  - Notifying the police if criminal activities are alleged
  - Arranging for an investigation of the alleged harassment and the preparation of a written report
  - Submitting a written report summarizing the results of the investigation and making recommendations
  - Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions
6. The process for *responding* to a **Complaint** of sexual misconduct involving a participant is as follows:
- Once a **Complaint** of Sexual Misconduct has been brought to the attention of the HR Department or Corporate Training Manager, an investigation will begin promptly *within 24 hours* of receiving the complaint
  - **Complaints** should be submitted *as soon as possible* after an incident has occurred, preferably in writing. The HR Department may assist the complainant in completing a *written statement* or, in the event a participant *refuses* to provide information in writing, the HR Department will dictate and document the verbal complaint
  - To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide *as much* of the following information as possible:
    - The *name, department and position (if known & applicable)* of the person or persons allegedly committing harassment
    - A description of the *incident(s)*, including the *date(s)*, *location(s)* and the *presence of any witnesses*
    - The *effect* of the incident(s) on the complainant's ability to continue on with training or instruction, or on other terms or conditions of his or her enrollment or participation.
    - The *names of other individuals* who might have been subject to the same or similar harassment
    - What, if any, *steps* the complainant has taken to try to *stop* the harassment
    - *Any other information* the complainant believes to be relevant to the harassment complaint
7. The process for making a **Report** of sexual misconduct involving a Participant is as follows:

### Reports of Sexual Misconduct

Discrimination and harassment as related to any of the prohibited grounds contained in the **Human Rights Code** violate the fundamental rights, dignity and integrity of an individual. Where discrimination or harassment is found to have occurred, KVES may implement corrective action.

A participant who files a *written complaint* which would be seen by a reasonable person to be *frivolous, vindictive or knowingly exaggerated* may be subject to disciplinary action, up to and including dismissal from training or instruction.

For the purposes of this document, a **Report** is a **formal, written statement** of an incident of sexual misconduct submitted to someone at the KVI Campus, accompanied by a *request for action*.

The individual filing a report to the Corporate Training Manager or HR Department *may withdraw the report any time*, although depending on the circumstances, KVES *may* continue to act on the matter in cases where the authorities *must* be notified.

### Formal Process

Upon receipt of a *written statement*, and completion of an *internal investigation* into the alleged misconduct, the *Corporate Training Manager* along with the *HR Department* will propose a resolution *in writing* that is acceptable to all parties.

If the resolution proposed as a result of the management review is *not acceptable*, the complainant may propose *alternative means of resolution, in writing*, to the HR Department within 30 days of receiving the Manager's or HR Department's written response or when the response was due.

The written complaint will specify the details of the allegation including:

- *name, title and department* of the respondent (*if applicable & known*);
- a description of the *action, conduct, events or circumstances* involved in the complaint
- the *specific remedy* sought to satisfy the complaint
- *dates* of incidents
- *names of witnesses* (if any); and
- *prior attempts* to resolve (if any)
- The HR Department will *provide a written copy* of the complaint to the respondent

The HR Department will acknowledge, *in writing*, receipt of the written complaint, have the matter investigated and take such steps as may be required to resolve the matter.

The participant will be advised *in writing* of the proposed resolution within 30 days from the date the HR Department received the written complaint or a later mutually agreed upon date.

A report of sexual misconduct may be filed under this policy by anyone attending training with KVES either at the KVI campus premises or via Virtual platforms.

It is contrary to this policy for anyone to *retaliate, engage in reprisals, or threaten to retaliate* in relation to a formal filed report.

KVES and the KVI Campus take these matters **very** seriously and have a responsibility to protect the rights of all training participants visiting the KVI Campus or attending training virtually. As such, the rights of an *alleged perpetrator* are as follows:

- Investigation and adjudicative processes will be conducted in a fair, unbiased manner and in accordance with *procedural fairness*.

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*The concept of **procedural fairness** evolved from two common law principles: that a decision-maker should not judge their own case or have an interest in the outcome, and that a decision-maker should listen to both sides of a case before making a decision*

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- Reasonable *notice* and *full details* of the allegations against them
  - The opportunity to *respond* to the allegations
  - **All parties involved** will be *treated with dignity and respect*
  - While the alleged perpetrator must be accorded procedural fairness, KVES **must** pay attention to the circumstances and safety of the victim/survivor where making the perpetrator aware of the disclosure, complaint or report could result in further harm – particularly when no police report is filed
8. It is contrary to this policy for **any** member of KVES or KVI Campus to *retaliate, engage in reprisals or threaten to retaliate* in relation to a **Complaint** or a **Report**.
9. 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.

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*Administrative fairness refers to the rules that ensure the principles of natural justice are upheld. The principles of natural justice help to ensure that the decision maker followed the **proper procedure** in arriving at their decision.*

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10. All information related to a Complaint or Report is **confidential** and will **not** be shared without the *written consent* of all 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 at the KVI Campus or attending virtual training 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**.

**Participant Acknowledgement:**

I acknowledge that I have read and been informed about the content, requirements, and expectations of the Sexual Misconduct Policy for Participants at KVES & the KVI Campus. I have received access to the policy and agree to review and abide by the policy guidelines as a condition of my enrollment and my continuing training at Kitamaat Valley Education Society (KVI Campus/Virtual Training).

I understand that if I have questions, *at any time*, regarding the Sexual Misconduct Policy, I will consult with the Corporate Training Manager or a member of Human Resources Department staff.

*Please read the Sexual Misconduct Policy carefully to ensure that you understand the policy before attending training or instruction with KVES at the KVI Campus or virtually.*

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).

**Document Control Sheet**

<b>Document Title</b>	P225 – Sexual Misconduct Policy Corporate Training
<b>Author(s)</b>	Darlene Campbell
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**Document Amendment History:**

Version #	Date	Author(s) Name(s)	Approver	Description
1	25-Oct-21	Darlene Campbell	Executive Director	<ul style="list-style-type: none"> <li>• Policy was created</li> </ul>



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2	26-Oct-21	Darlene Campbell	Executive Director	<ul style="list-style-type: none"> <li>Removed signature lines from Participant Acknowledgement section</li> <li>Changed last sentence in Participant Acknowledgement Statement</li> </ul>
3	10-Nov-21	Darlene Campbell	Executive Director	<ul style="list-style-type: none"> <li>Removed resolved comments as per Carrie McKay’s recommendations</li> <li>Adjusted margins of Document Control Sheet as per Mike Hannon’s recommendation</li> <li>Added auto update field to “Revision Date” section in the Title Table at the top of doc</li> <li>Saved as Rev3</li> </ul>
4	14-Jul-22	Darlene Campbell	Executive Director	<ul style="list-style-type: none"> <li>Updated HR Coordinator’s title to HR Manager</li> <li>Removed Kailee Gardiner’s name from “Approver” column on Doc Control Sheet. Executive Director TBD.</li> </ul>
5	3-Apr-23	Darlene Campbell	Executive Director	<ul style="list-style-type: none"> <li>Annual Review; changed document# to CTP020</li> </ul>