

SEXUAL MISCONDUCT AND HARASSMENT POLICY

Responsibility

All employees, contractors, and students

Policy

Sexual harassment is discrimination and is against the law. Story Institute will not tolerate sexual misconduct or harassment, of or by, employees, contractors or students.

Definition of Sexual Harassment

1. Sexual harassment in the workplace is an abuse of power.
2. Sexual harassment is unwelcome comment or conduct of a sexual nature that may lead to adverse, job related consequences for the person who is being harassed.
3. Sexual misconduct and/or harassment includes but is not limited to:
 - a. Sexual assault
 - b. Sexual exploitation
 - c. Sexual harassment
 - d. Stalking
 - e. Indecent Exposure
 - f. Voyeurism
 - g. 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;
 - h. the attempt to commit an act of sexual misconduct
 - i. Unwanted physical contact
 - j. Sexual advances
 - k. Requests for sexual favours
 - l. Displays of pornographic, sexist, or other offensive material (e.g. graffiti or pictures)
 - m. Practical jokes that result in embarrassment or insult
 - n. Suggestive or offensive comments or gestures, including leering and offensive staring, emphasizing sexuality, sexual identity or sexual orientation.
 - o. the threat to commit an act of sexual misconduct.

4. Any sexually-oriented conduct – verbal, physical, or by innuendo – constitutes sexual harassment when:
 - a. Submission to such conduct becomes either explicitly or implicitly a term or condition of employment.
 - b. Submission to or rejection of such conduct is used as a basis for employment decisions.
 - c. Such conduct has the purpose or effect of interfering with work performance.
 - d. Such conduct creates an intimidating, hostile or offensive working environment.
5. Sexual harassment is not limited to men harassing women, but also covers women harassing men, and harassment between men and harassment between women.
6. The intent of Story Institute’s sexual misconduct policy is to protect all its students, employees, and contractors and not to constrain the normal social interaction between people.
7. Sexual misconduct may be perpetrated by a person in authority such as a supervisor, by a co-worker, or by a non-instructor, non-administrator or non-support worker such as a client, a student, or a contractor of Story Institute or by members of the public.
8. Story Institute’s sexual misconduct policy applies not only during work hours and on Story Institute’s premises, but also to work-related settings such as conventions, shows and business social events outside of normal working hours. It also applies to unwelcome telephone calls or visits to a person’s home, if the harasser is in some way connected to Story Institute.

Complaint Procedures

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:

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

1. Arrange a private meeting with either, or a combination of, the Senior Educational Administrator, Michael Coleman, michaelcoleman@storyinstitute.ca and/ or the Student Experience Coordinator, Mariella Costanzi, mariellcostanzi@storyinstitute.ca to reveal the concern or issue.

2. The Senior Educational Administrator and or Student Experience Coordinator will arrange to meet with the student(s) to discuss the concern and desired resolution within 10 school days of receiving the written concern and the desired resolution.
3. A follow up meeting will be scheduled with the student and the administrative roles involved within 10 days of the first meeting to ensure the desired resolution has occurred and to review the possible need for a formal complaint process should the goal not have been met. Other informal solutions may also be explored if the student does not wish to file a formal complaint, and the process and timelines will be identical the those of the first meeting.
4. Approach employees if something is suspected. Symptoms of misconduct or discrimination may include: reduced productivity, changes in behaviour, rumours, increased sick leave, increased resignations, or sudden change in performance evaluations.
5. Discuss the situation with the alleged harasser. They may be unaware that their behaviour is offensive. Even if the allegations are denied, the discussion should be treated as a warning that inappropriate behaviour will not be tolerated.
6. Keep confidential record in Incident Form of all discussions with the victim and alleged harasser. A copy will be placed in the school's Incident Form File, and the original will be placed in the Student File.
7. All employees, contractors, and students, have the right to file a formal complaint as outlined below. Also, all employees, contractors, and students, have the right to contact the British Columbia Council of Human Rights and file a formal complaint of discrimination.

Formal Complaint Procedures

1. If informal attempts at resolving the problem are not appropriate or prove ineffective, a formal complaint and investigation might be required.
2. Right to Complain: Anyone has the right to complain about a situation that they believe to be harassment; there will be no reprisals for doing so. Disciplinary action, up to and including immediate dismissal for cause, shall be taken against any employee who retaliates or attempts to retaliate against a complaint.
3. Who May Complain: Generally, in most situations, complaints will be filed by the victim who alleges harassment or discrimination. However, complaints may also be made by a group of people who may have been subjected to the same offensive treatment, by co-workers who witnessed the incident(s), or by a third party complaining on behalf of the victim.

4. Reporting a Complaint: Any complaint regarding harassment will be made immediately in writing to the Senior Educational Administrator, Michael Coleman, michaelcoleman@storyinstitute.ca (unless the complaint is against the Senior Educational Administrator), in which case the complaint should be made in writing to the Student Experience Coordinator, Mariella Costanzi, mariellacostanzi@storyinstitute.ca. If the complainant feels uncomfortable approaching either the President or Senior Educational Administrator they may make their complaint to any other Director. The complaint will be kept in strict confidence. If, after an investigation of the complaint it is determined that harassment has occurred, disciplinary action, up and to and including immediate dismissal for cause, will be taken.

Investigator's Responsibilities

1. The Investigator will be appointed by the Senior Educational Administrator (unless the complaint is against the Senior Educational Administrator, in which case the Investigator will be appointed by the President). It is the role of the investigator to seek the truth and make a judgment in a discreet and impartial manner. If the complainant specifically requests that a female member of staff be included in the investigation process, then the Investigator and the complainant shall designate a mutually agreed-upon female employee to be Co-Investigator. If anyone at a Director level or higher on the org chart is being investigated they have the right to request an independent third party investigation and this will be at the expense of the institution.
2. The investigation will be carried out with strict confidentiality. However, it must be stressed that confidentiality does not equate to anonymity. Anonymous complaints cannot be investigated. An alleged harasser has the right to know who has charged him/her with harassment. During the course of the investigation, it may be necessary to confide to persons interviewed the name(s) of the alleged harasser and/or the victim.
3. The Investigator will conduct interviews to validate or invalidate the alleged harassment, with the complainant, the alleged harasser, with the complainant, the alleged harasser, co-workers, supervisory personnel or other persons, as he or she deems necessary.
4. The investigator will report his or her findings to the Senior Educational Administrator via the Incident Form. If the investigator finds that the harassment has taken place the Senior Educational Administrator will take such disciplinary action as they deem appropriate to the degree of harassment and the consequences of such harassment that have occurred; such disciplinary action may include any remedy up to and including immediate dismissal for cause.

5. If the Investigator finds that harassment has not taken place, he/she shall advise the complainant, the alleged harasser, and the Senior Educational Administrator of Story Institute accordingly.
6. 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:
 7.
 - 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.

Pursuance of Other Remedies

1. Once all internal avenues of complaint and investigation have been exhausted, should the complainant be dissatisfied with the outcome of the investigation, he/she has the right to file a complaint with the BC Human Rights Commission (604.660.6811).
2. A private, non-profit group, the BC Human Rights Coalition, exists to ensure that citizens of B.C. get the protection against discrimination to which they are entitled. They may be reached at (604.689.8474). This organization can provide information and referrals, emotional assistance, accompaniment to interviews with the employer and/or the B.C. Council of Human Rights and any hearings that may follow, and decision-making assistance.
3. A complainant may file a complaint to the B.C. Human Rights Commission while the harassment is taking place or within six months of the date he/she has resigned or has been dismissed. This can be done by submitting a written complaint or by going in person to the B.C. Human Rights Commission.

Based on the evidence and how strong the case is, a human rights investigator will try to negotiate a settlement with the employer. This could involve reinstatement, a formal apology or a cash settlement to cover lost wages and/or emotional costs. If the Employer denies the accusation and the case is strong, it will proceed to a formal hearing. The Commission may provide the complainant with legal assistance.