

# Sexual Misconduct Policy

BC Medical Spa Ltd		4675
Name of Institution		Institution Number
<b>Sexual Misconduct Policy</b>	<b>2021-09-06</b>	<b>2022-09-14</b>
Name of Policy	Effective Date	Revision Date

1. **BC Medical Spa Ltd** is committed to the prevention of and appropriate response to sexual misconduct and will not tolerate any form of sexual misconduct.
2. Sexual misconduct refers to a spectrum of non-consensual sexual contact and behaviour including 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 notification of an incident of sexual misconduct to someone at the institution accompanied by a request for action.
4. 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**.
5. The process for making a **Complaint** about sexual misconduct involving a student is as follows:
  - In order for the institution to effectively enforce this policy and take prompt corrective measures, it is essential that all complainants of sexual misconduct make a complaint immediately.
  - The student must provide the name, title and contact information of the individual to whom the Complaint may be directed and an alternate contact in circumstances where the primary individual is absent and/or named in the Complaint.

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- The institution will designate, their SEA to be in charge in sexual misconduct complaints. In addition, the Administration & Management member will be a second designated person within this policy so that individuals who believe that they have been subjected to sexual misconduct will have a second avenue of complaint, if the alleged accuser is the SEA.
  - Victims of sexual harassment are urged to come forward and to make reports of such sexual misconduct to the SEA or Administrator & Manager without fear of retaliation or intimidation. Due to the sensitive and serious nature of these complaints, investigations or allegations of sexual harassment will be conducted with due regard for confidentiality. It is the institutions policy to respect the privacy of all parties and witnesses to complaints of sexual misconduct.
  - In order to assist investigators, complainants should document the sexual misconduct as soon as it occurs and with as much detail as possible including: the nature of the sexual misconduct, dates, times, places it has occurred; name of accuser(s); witnesses to the sexual misconduct; and the complainant's response to the sexual harassment.
6. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:
- The institution will acknowledge receipt of the Complaint within 30 days of receiving the complaint and the investigator should consider the following factors below:
    - 1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's working environment.
    - 2. the type, frequency and duration of the conduct.
    - 3. the identity of and relationship between the alleged harasser and the subject of the harassment.
    - 4. the number of individuals involved.
    - 5. the age and sex of the alleged harasser and the subject of the harassment.
    - 6. the location of the incidents and context in which they occurred.
    - 7. other incidents at the school.

The investigator will begin their investigation of the complaint according to the following steps:

- 1. Interview the complainant and document the conversation. Instruct the complainant to have no contact or communication regarding the complaint with the alleged accuser. Ask the complainant specifically what action they want taken in order to resolve the complaint. Refer the complainant as appropriate, to support resources.
- 2. Review any written documentation of the harassment prepared by the complainant. If the complainant has not prepared written documentation, instruct the complainant to do so, providing alternative formats for individuals with disabilities and youth, who have difficulty writing and need accommodation.

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- 3. Interview the alleged accuser regarding the complaint and inform the alleged accuser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged accuser an opportunity to respond to the allegations in writing.
  - 4. Instruct the alleged accuser to have no contact or communication regarding the complaint with the complainant and to not retaliate against them. Warn the alleged accuser that if they make contact with or retaliates against the complainant, they will be subject to immediate disciplinary action.
  - 5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential.
7. The process for making a **Report** of sexual misconduct involving a student is as follows:
- The student making the report must provide a written statement that is dated and signed, and request for action to be taken.
  - The student should provide as much detail as possible including: the nature of the sexual misconduct, dates, times, places it has occurred; name of accuser(s); witnesses to the sexual misconduct.
  - The student should submit their completed report to the designated Senior Educational Administrator (SEA), Manouchehr Okhovat, by email at [info@bcmedicalspa.com](mailto:info@bcmedicalspa.com), in-person, or by mail to 1214-2929 Barnet Highway, Coquitlam, BC, V3B5R5. In circumstances where the SEA is absent and/or named in the Report, the Administration & Management appointee, Dana Metcalfe, will be the alternate contact and can be reached by email at [admin@bcmedicalspa.com](mailto:admin@bcmedicalspa.com).
8. The process for responding to a **Report** of sexual misconduct involving a student is as follows:
- The institution will notify the alleged accused of the Report made against them within 30 days of receiving the report.
  - The institution will acknowledge receipt of the Report within 30 days of receiving the report and will confirm the next steps to be taken in writing to the complainant according to the following factors below:
    - 1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's working environment.
    - 2. the type, frequency and duration of the conduct.
    - 3. the identity of and relationship between the alleged harasser and the subject of the harassment.
    - 4. the number of individuals involved.
    - 5. the subject of the harassment.
    - 6. the location of the incidents and context in which they occurred.
    - 7. other incidents at the school.

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The investigator will begin their formal investigation of the Report according to the following steps:

- 1. Interview the complainant and document the conversation. Instruct the complainant to have no contact or communication regarding the report with the alleged accuser. Ask the complainant specifically what action they want taken in order to resolve the report. Refer the complainant as appropriate, to support resources.
  - 2. Review all written documentation and evidence of the sexual misconduct prepared by the complainant.
  - 3. Interview the alleged accuser regarding the report and inform the alleged accused that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged accuser an opportunity to respond to the allegations in writing.
  - 4. Instruct the alleged accuser to have no contact or communication regarding the complaint with the complainant and to not retaliate against them. Warn the alleged accuser that if they make contact with or retaliates against the complainant, they will be subject to immediate disciplinary action.
  - 5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential.
  - 6. Review all documentation and information relevant to the complaint.
  - 7. Where appropriate, the investigator will suggest mediation as a potential means of resolving this report. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
    - a. discussion with the accused, informing them of the institutions policies and indicating that the behaviour must stop.
    - b. suggesting counseling and/or sensitivity training.
    - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behaviour.
    - d. requesting a letter of apology to the complainant.
    - e. writing letters of caution or dismissal; and/or
    - f. separating the parties.
9. 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.
10. 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.
11. 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.

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- 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.

12. A student who makes a **False Complaint or False Report** with malicious intentions may will result in corrective or disciplinary action taken against the complainant.

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).