

## **Sexual Misconduct Policy**

### **Statement:**

Sexual Misconduct will not be tolerated by LAB VANCOUVER.

This Policy provides information regarding how a student, can make a report of Sexual Misconduct and how the school will proceed once it is made aware of any such report.

### **The Policy:**

LAB VANCOUVER values civility, dignity, diversity, education, honesty, and safety and is firmly committed to maintaining a school environment free from all forms of sex discrimination, sexual harassment, and sexual assault. Sexual Misconduct, defined more specifically below, are inconsistent with these values, violate institutional policy, and will not be tolerated at LAB VANCOUVER and are expressly prohibited.

## **I. Preliminary Issues & Important Definitions**

### **A. What is “Sexual Misconduct”?**

Sexual misconduct includes any unwanted act or behaviour – physical, verbal, or psychological carried out through sexual means or by targeting sexuality. It can include sexual assault, sexual exploitation, sexual harassment, stalking, indecent exposure, voyeurism, the distribution of sexually explicit photographs or video, and the attempt or threat to commit any of the above acts. video or audio-taping of sexual activity; allowing others to observe a personal consensual sexual act without the knowledge or Consent of all involved parties; and knowingly transmitting or exposing another person to a sexually transmitted infection without the person’s knowledge.

Sexual Misconduct can be committed by anyone, including third parties, and can occur between people of the same sex or different sexes and regardless of one’s biological sex or transgendered sex. This policy applies to Sexual Misconduct that is committed against a student when that Sexual Misconduct occurs: (i) on campus; (ii) off-campus if in connection with a School-sponsored program or activity or in student housing; or (iii) off-campus if allegedly perpetrated by a fellow student, faculty member, staff member, or third party when the victim/reporting student reasonably believes that the off-campus conduct has created a hostile educational environment.

### **B. Reporting & Confidentiality**

We encourage victims of Sexual Misconduct to talk to somebody about what happened – so they can get the support they need, and so the School can respond appropriately.

**CONFIDENTIAL REPORTING:** Some individuals are required to maintain near complete confidentiality. These include professional counselors such as those provided by Talk One2One counselling services. These individuals can provide resources and generally talk to a victim without

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revealing any personally identifying information about an incident to the School. A victim can seek assistance and support from these individuals without triggering a School investigation.

**NON-CONFIDENTIAL REPORTING.** Other than professional counsellors defined above, most other employees and contractors are required to report all the details of an incident to Responsible employees. A report to these employees (called “responsible employees”) constitutes a report to the School and generally obligates the School to investigate the incident and take appropriate steps to address the situation.

The School will seek to protect the privacy and confidentiality of the individuals involved in any report of alleged Sexual Misconduct to the extent possible and allowed by law.

The School will complete any publicly available record-keeping, without the inclusion of identifying information about the alleged victim. It will also maintain as confidential any interim measures or remedies provided to the alleged victim to the extent that maintaining confidentiality will not impair its ability to provide the interim measures or remedies.

In addition to internal reporting, the School strongly encourages anyone who believes they have experienced a sexual assault (or any other crime) to make a report to local law enforcement. Collection and preservation of evidence relating to the reported sexual assault is essential for law enforcement investigations, so prompt reporting of the incident to law enforcement is especially critical. Designated staff will, upon request, assist an individual in making a report to law enforcement as necessary and appropriate.

Although we strongly encourage students to report to local law enforcement, such a report is not a prerequisite to the School’s review and investigation of any complaint covered by this Policy. The School will honor a Student’s request not to report the matter to local law enforcement UNLESS we have a reasonable basis to believe that the safety and security of the campus community is at risk. In this event, the School will endeavor to notify a Student or Reporter of the institution’s intent to report the matter to law enforcement in advance of any such report.

## **II. Response Procedure**

Students are encouraged to report any incident of Sexual Misconduct or Relationship Violence to the Campus Director. If a report is made verbally, the School will request a written statement by the student. Upon receipt of a report, the School will generally proceed as described below.

### **A. Investigation Commencement**

The School will provide a timely and thorough investigation.

### **B. Initial Response**

Once the School is put on notice of possible Sexual Misconduct, the Student will be offered appropriate confidential support, accommodations, and other resources and will be notified of applicable policies and procedures. Accommodations include the ability to move to different housing, to alter academic schedules, to withdraw from/retake a class without penalty, and to access academic support. The Student also will be offered appropriate resources and notified of applicable policies and procedures.

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### **C. Interim Intervention**

Pending a final determination, the school will take appropriate interim measures. These measures may include, but are not limited to, the imposition of a no-contact order and/or employment, transportation, residence, and academic modifications. School staff may limit a student or organization's access to certain School facilities or activities pending resolution of the matter. The School may impose an Interim Suspension on the Student pending the resolution of an alleged violation when the School determines, in its sole discretion, that it is necessary in order to protect the safety and well-being of members of the school.

### **D. Decision to Proceed to Investigation**

If the Student is willing to participate in the review and investigation process, the School will proceed as described below. If the Student requests a confidential investigation, the School will seek to protect the privacy and confidentiality of the Student to the extent possible and allowed by law. The Campus Director will evaluate any request for confidentiality in the context of the School's responsibility to provide a safe and nondiscriminatory environment to all members of its community.

If a confidential investigation is requested and agreed to, the School will investigate without revealing the name of the Student in any interview or email and will not ask questions that inadvertently or reasonably could reveal the identity of the Student.

If the Student asks that the report of sexual misconduct not be pursued, the School will consider the interests of the Student, the campus community, law enforcement, and/or other appropriate interests under the circumstances. The School, will make a final decision on whether and to what extent it will conduct an investigation.

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