

PACIFIC DANCEARTS

Sexual Misconduct Policy

Pacific DanceArts		03974
Name of Institution		Institution Number
Sexual Misconduct Policy	September 1, 2021	August 18, 2021
Name of Policy	Effective Date	Revision Date

1. **Pacific DanceArts** is committed to the prevention of and appropriate response to 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 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:

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- A person who has experienced Sexual Violence and Misconduct may choose to disclose this information to anyone.
 - Anyone who has experienced Sexual Violence and Misconduct is encouraged to consider the following steps immediately:
 - Seek help.
 - Go to a safe place such as a shelter or a trusted friend's house and/or call 911
 - If you are on Pacific DanceArts' campus contact the School Director and/or the Artistic Director and they can provide assistance
 - Consider seeking medical attention from a physician, or a local hospital as soon as possible. The following hospital locations have specialized staff trained to provide Complainant centered and confidential care. Treatment is offered free of charge and a Care Card/BC Services Card is not required. Hospital treatment can be received regardless of intent to file a police report.
 - **Vancouver General Hospital Emergency Department Sexual Assault Service** at 604-875-2881
 - **Surrey Memorial Hospital Emergency Department** at 604-581-2211
 - **Abbotsford Regional Hospital Emergency Department** at 604-851-4700
 - Consider options for reporting (see below "The process for making a **Report** of sexual misconduct...")
6. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:
- The response to a Complaint can play a critical role in how the Complainant seeks support and resources. If a Pacific DanceArts' member receives a Complaint, a supportive response includes:
 - Listening without judgement;

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- Communicating that Sexual Violence and Misconduct is not the fault of the person who has experienced it;
- Helping the individual to identify and/or access available on-or-off campus services, including emergency medical care and counseling;
- Respecting the individual's right to choose the services they feel are the most appropriate, and to decide whether to Report to Pacific DanceArts or report to the police;
- Recognizing that disclosing can be traumatic, and an individual's ability to recall the events may be limited;
- Making every effort to respect confidentiality and anonymity; and
- Referring to the individual in a manner that is consistent with how they wish to identify themselves, for example "survivor" or "victim."
- If a student seeks support (such as counselling, medical attention, financial) or academic accommodation (such as extensions, missing class, or other changes to expectations), the Pacific DanceArts' member should work with the **School Director** to ensure the student receives all the necessary academic and other accommodations, maintaining confidentiality, to the extent possible.

If the **School Director** is absent or named in the report the **School Director** will be replaced by the **Artistic Director**.

7. The process for making a **Report** of sexual misconduct involving a student is as follows:
- A person who has experienced Sexual Violence and Misconduct may choose to make a formal report requesting a call to action.
 - Reports of Sexual Violence and Misconduct should be submitted in writing to the **School Director**.
 - Please include a specific call to action as well as any relevant evidence in your report.

If the **School Director** is absent or named in the report the **School Director** will be replaced by the **Artistic Director**.

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8. The process for responding to a **Report** of sexual misconduct involving a student is as follows:
- Once a report is submitted, the **School Director** will initiate an investigation. In complex or sensitive situations, an external investigator might be hired. The School Director will conduct the investigation and to provide a written report with conclusions.
 - Investigations will be undertaken promptly and diligently and will be as thorough as necessary given the circumstances of each case. Investigations will be fair and impartial, providing both the complainant and the person accused of engaging in sexual misconduct with equal treatment in evaluating the allegations. All information received in the course of an investigation will be treated in a confidential manner. An investigation is focused on finding facts and evidence. The investigator will incorporate, where appropriate, any need or request from the concerned parties for assistance during the investigation process.
 - Investigations will include interviews with all concerned parties and potential witnesses in order to determine the nature of the incident(s). All persons are expected to cooperate with the investigator and provide any details of incidents they have experienced or witnessed. The investigator will also review any evidence, such as emails, handwritten notes, or photographs/videos.
 - Once an investigation is complete, the **School Director** will advise the concerned parties of the investigation findings. The response must specify that the person(s) named in the report will have five school days to appeal the decision. The **School Director** will review and revise procedures to discourage any future incidents. Appropriate corrective actions will be taken within a reasonable time frame.
 - If a person(s) named in the report is not satisfied with the determination of the **School Director** the person must advise the **School Director** as soon as possible but within five school days of being informed of the determination. The **School Director** will immediately refer the matter to the **Artistic Director**.
 - The **Artistic Director** will review the matter and if necessary, may meet with the parties as soon as possible but within five school days of receipt of the appeal.

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- The original decision will either be confirmed or varied by the **Artistic Director** in writing within five school days after receipt of the appeal or, if a meeting with the parties occurred, within five days of that meeting.

We ask that you keep written accounts of incidents to submit with any complaints. The School Director will keep a written record of investigations, including the findings and follow-up action taken.

If the **School Director** is absent or named in the complaint the **School Director** will be replaced by the **Artistic Director** and the **Artistic Director** will be replaced by the **Senior Education Administrator** in sections 8 above.

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.
 - 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.

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.

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