

Vancouver Film School is committed to creating and enhancing a safe and healthy environment, and a culture of consent and respect, where everyone can study and work free from sexual misconduct and sexualized violence. This policy aims to articulate the commitment to support all members of the VFS community affected by sexual misconduct, provide information regarding the resources and options available to those affected, and to outline how the school will address sexual violence including responding and investigating allegations of sexual misconduct.

### **Guiding Principles**

1. We will continually strive to ensure a safe and supportive learning and working environment for all members of the community.
2. VFS will not tolerate any form of sexual misconduct or violence, and VFS will endeavor to create an environment where all members of the school community feel safe to report possible violations of this policy.
3. We acknowledge that sexual violence is a systemic issue that impacts all members of society, including members of the VFS community.
4. We recognize that sexual violence impacts people differently, and that social groups who experience intersecting forms of discrimination (on the basis of nationality, ethnicity, race, class, identity, gender identity or expression, sex, sexual orientation/expression, dis/ability or religion) may experience higher rates of sexual violence.
5. We are committed to creating a culture of consent and countering rape culture, which is a term that describes broader social attitudes about gender, sex, and sexuality that normalize sexual misconduct and undermine equality.
6. We are committed to providing agency, choice and options to members of the VFS community impacted by sexual violence, and that those impacted by sexual violence will be treated with dignity, respect and compassion and provided with accessible, timely and confidential support. This includes support for witnesses, bystanders and people that have caused harm.
7. VFS values procedural fairness and will respond in a timely manner to disclosures, complaints, and reports of sexual violence and misconduct.

### **Definitions**

“Accommodation” is the process or action by which reasonable arrangements are made to support the academic, employment, health, well-being and safety needs of a member of the school community impacted by sexual violence

“Appeal” means the request by a student for the school to reconsider a decision that has been made regarding the outcome of an investigation. Students may appeal decisions for a variety of reasons.

“Confidential Information” means all information provided when a survivor discloses or reports and all information related to an investigation or outcome under this policy and its associated procedures.

“Consent” means an active, direct, voluntary, and conscious choice and agreement between adults to engage in physical or sexual activity. It is the responsibility of the person initiating or pursuing physical or sexual activity to obtain consent at all stages of physical or sexual engagement.

- Consent cannot be implied or assumed; it must be freely and affirmatively given. Silence and inaction do not constitute consent
- Consent cannot be given if individuals are asleep or unconscious, unable to consent due to ingesting alcohol or drugs, or are under the legal age of consent in Canada
- The one who initiates sexual activity must obtain consent for every sexual activity
- Consent can be withdrawn at any time and for any reason
- Even though consent was given at a certain time for one instance, it does not mean that consent is always given; consent given only applies to a specific instance and sexual activity
- A mistaken belief that consent was given due to impairment of alcohol and drugs is not a defense against allegations of sexual misconduct
- An individual's past history of sexual activity or reputation is not acceptable as evidence of them submitting consent
- The nature of the relationship between individuals is relevant and in the event that there is a power imbalance, a relationship of authority or trust, these are important factors in determining if consent was given.

“Member of the VFS Community” means employees, faculty, instructors, students, models, volunteers, crew members, contractors, and subcontractors.

“Respondent” means a member of the VFS community against whom a report of sexual violence has been made under this policy and its associated procedures.

“Sexual Assault” is any form of unwanted sexual contact that occurs without ongoing and freely given consent, including the suggestion or threat of sexual contact without consent. Sexual assault can include any form of unwanted touching, kissing, groping, fondling, forced sexual activity and attempted forced sexual intercourse. Sexual assault can be perpetrated by a stranger, someone known to the survivor, by an intimate partner or others. Anyone can perpetrate sexual assault, and anyone can be a survivor of sexual assault. Sexual assault is the legal term used in Canada and it is a crime.

“Sexual Harassment” is a comment, conduct or representations of a sexual nature, including sexual advances, requests for sexual favours, suggestive comments or gestures, or physical contact by a person who knows, or ought reasonably to know, that the conduct or comment is unwanted or unwelcome. The behavior interferes with another person's participation in a VFS-related activity; or leads to or implies employment or academically-related consequences for the person harassed; or creates an intimidating, humiliating or hostile environment.

“Sexual Violence” is a term that encompasses a broad range of sexual behaviour, whether physical or psychological, that is committed, threatened or attempted against a person without the person's consent. It takes many forms including, but not limited to: sexual assault, sexual exploitation, sexual harassment, stalking, indecent exposure, voyeurism, distribution of sexual images or video of a person(s) without their consent, stealthing, and online activity including online harassment or online stalking of a sexual nature.

### **Investigational Jurisdiction**

The ability for VFS to investigate allegations is determined by the Head of Student & Regulatory Affairs and may be limited:

- The alleged incident must meet the definition of Sexual Misconduct (see Definitions in this policy).
- The alleged misconduct must have a substantial connection to VFS. Students and staff need to conduct themselves professionally at all times, not only while attending VFS-related instructional experiences, but also off-campus at non-VFS related activities, where there is a potential for a real and substantial impact to the ongoing educational experience of fellow VFS community members. Examples of a substantial connection to VFS include, but are not limited to:
  - All on-campus activities and off-campus activities related to instructional delivery
  - Any off-campus, non-VFS related activity where misconduct will directly impact ongoing instructional delivery and the overall experience for VFS community member(s), including activities after school hours on evenings, weekends, and holidays, such as extra-curricular projects, project wrap parties, and student get-togethers/parties.

Members of the VFS community affected by sexual misconduct may choose to seek help from outside agencies such as Women Against Violence Against Women (WAVAW), Vancouver Rape Relief & Women's Shelter (VRRWS) and Male Survivors of Sexual Abuse (MSSA).

### **Reporting**

Anyone directly impacted by sexual misconduct can file a report against a VFS community member under this policy.

Reports must be submitted in writing, by email or letter, to Dan Dickson, MEd, Head of Student & Regulatory Affairs at [daniel@vfs.com](mailto:daniel@vfs.com) who is responsible for investigating student complaints. In the event that the Head of Student & Regulatory Affairs is out of the office or named in the allegation, reports should be submitted to Anthony Grieco, MA, Head of Curriculum & Instructional Delivery at [agrieco@vfs.com](mailto:agrieco@vfs.com). In the event that there is a real or substantial conflict of interest with respect to report and the investigators, the above named individuals will discontinue their involvement in the investigation and an alternate investigator(s) will be assigned by the VFS Managing Director.

Reports must include all relevant details including dates, times, locations, any witnesses, copies of emails, texts, social media communications or any other form of written or visual communication.

Individuals may submit a report to VFS, in addition to submitting report(s) to alternative resolution agencies such as police, or initiating civil action in accordance with the BC Human Rights Code.

### **Anonymous Reporting**

Individuals, including those who wish to remain anonymous, other than the person directly impacted by sexual misconduct may submit a report noting alleged incidents.

VFS may not be able to take action or proceed with an investigation based on reports that are made verbally, anonymously, or lacking evidence, as this may constitute a violation of procedural fairness.

If VFS is unable to proceed with an investigation due to an anonymous report or lack of evidence, Educational Administration will retain the report on file and keep it strictly confidential, and the investigator will provide reasons to the individual making a complaint why VFS will not be able to commence an investigation.

### **Review**

After reviewing the report the investigator will determine if VFS has the jurisdiction to commence an investigation. In the event that an investigation is not possible, the investigator will provide reasons to the individual making the complaint why VFS cannot commence an investigation and will offer community resources and alternative agencies through which the individual may pursue a complaint.

If the investigator determines the report involves a VFS staff member, or if a VFS staff member is named as the individual whose alleged actions constitute sexual misconduct, the VFS Human Resources (HR) department will be notified and the Director of HR will join the investigation as an investigator.

If the investigator determines that VFS has the authority to commence the investigation the investigator will notify the individual making the complaint (the Complainant) that the investigation has commenced. The investigator will schedule an in-person, or online, meeting with the Complainant to discuss the report, and the Complainant will be advised that they have the right to have a support person, friend, family member or community resource member present during the investigation process.

After conducting the meeting with the Complainant, the investigator will notify the individual (the Respondent) against which the report has been filed, that an investigation has commenced. The investigator will provide the Respondent with a copy of the report. The Respondent will be advised that they have the right to have a support person, friend, family member or community resource member present during the investigation process.

The Respondent has the right to be fully informed of the allegations in the report and will be given an opportunity to respond to the allegations.

After the investigation has commenced, both the Complainant and the Respondent will be instructed to cease any and all communication between each other for the duration of the investigation. In order to ensure procedural fairness, they will also be instructed to maintain confidentiality and not discuss the ongoing investigation with individuals other than their support person(s), friend(s), family member(s) or community resource member(s).

### **The Investigation**

VFS is committed to due process, and as such the investigation will normally conclude within 30-60 days from the point at which the report is filed. However, the investigator may need to extend the investigation if it is determined that the 60-day investigation timeline cannot be met. In these instances the Complainant and Respondent will be notified and reasons for a delay in the investigation will be provided.

### **Outcomes**

After the investigation has concluded, both the Complainant and the Respondent will be provided with written copies of any findings of the investigation. In accordance with the VFS privacy policy and the Freedom of Information and Protection of Privacy Act (FIPPA) VFS may be required to remove any personal, or third party information that is not relevant to the investigation. In the event there are multiple Complainants and Respondents, the individuals will only receive portions of the investigation findings that directly relevant to them.

In the event that disciplinary measures are required, and the Respondent will receive disciplinary measures, the investigator will schedule a meeting with the Respondent to discuss the results of the investigation and inform the Respondent of the specific disciplinary measures that will be taken. In the event student disciplinary measure are mandatory, VFS typically utilizes one of the four following disciplinary actions:

- Verbal warning
- Written warning noting Disciplinary Probation
- Suspension from the program and VFS
- Dismissal from the program and VFS

Depending on the nature of sexual misconduct the Respondent may receive a verbal warning, a letter noting they have been placed on Disciplinary Probation, or they may be suspended from the program for six or more months, or the Respondent may be dismissed from the program.

Regardless of the disciplinary action, the Respondent will be provided with policy support, community resources and agencies through which the Respondent may seek additional support services and information.

### **Appeal**

Respondents have the right to appeal any disciplinary action taken against them as a result of the investigation process. Appeals must be issued in writing to the Dan Dickson, MEd, Head of Student & Regulatory Affairs at [daniel@vfs.com](mailto:daniel@vfs.com) and/or Anthony Grieco, MA, Head of Curriculum & Instructional Delivery at [agrieco@vfs.com](mailto:agrieco@vfs.com) no later than 60 days after VFS has issued the results of the investigation to the Respondent.