



InFocus Film School

Harassment, Violence, and Sexual Misconduct Policy

InFocus Film School is committed to providing a learning and working environment that is safe, accepting, and free from harassment and violence of any form, whether physical, psychological, sexual or otherwise. This commitment involves education and other preventative measures to ensure misconduct does not occur, and action to follow-through on all incidents that are reported.

SCOPE AND APPLICATION

InFocus Film School is committed to maintaining a safe, inclusive, diverse, and dignified learning environment that extends beyond the InFocus campus. This policy applies to conduct on campus and off campus where there is a reasonable possibility that the conduct may create a hostile learning or working environment for any student, instructor, contractor, or staff member.

This policy has been developed in accordance with the Sexual Violence and Misconduct Policy Act of BC. All students, staff, faculty, volunteers, contractors, guests, and visitors of InFocus Film School or the InFocus Film School campus are required to follow the rules and procedures set forth in this document.

This policy is to be applied in conjunction with the InFocus Film School Code of Conduct and, if applicable, the Dismissal Policy.

DEFINITIONS

Harassment

Harassment is any form of unwanted, alarming, abusive, offensive, or threatening communication or contact with another person. Harassment may be direct or indirect and includes any form of discrimination or disparagement on the basis of any protected classification, including, but not limited to race, sex, gender, colour, religion, sexual orientation, gender identity or expression, age, national origin, disability, medical condition, marital status, veteran status, or genetic marker.

For this policy, “Harassment” includes any form of sexual harassment, such as unwelcome sexual advances, requests for sexual favours, or other unwanted physical or verbal conduct of a sexual nature. Criminal harassment as defined by the Canadian Criminal Code also applies.

Violence

For this policy, “Violence” refers to any attempt or commission of abusive, threatening or harmful actions by a person or persons. Violence may be directed at another person, group of people, or at another’s possessions or property. Violence may be physical or psychological in nature, and includes any form of intimidation or actions that are intended to cause psychological harm to another person.



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Sexual Misconduct

Sexual Misconduct includes the threat, attempt, or commission of sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, or distribution of any sexually explicit media (i.e. photographs, videos, recordings, drawings, written materials, etc.) to others without the consent of all persons in the media, regardless of whether or not the distribution was malicious or intended to distress the person(s) in the media.

Sexual Misconduct also includes the threat, attempt, or commission of sexual exploitation. Sexual exploitation is any act attempted or committed through the abuse or exploitation of another person's sexuality. Examples include, but are not limited to prostitution; inducing sexual intercourse, sexual contact, or other sexual activity through coercion or duress; non-consensual recording of sexual activity; or allowing others to observe a sexual act without the knowledge or consent of all involved parties.

Complainants and Respondents

For the purposes of this policy, the "Complainant" will refer without judgment to the person or persons reporting Harassment, Violence, or Sexual Misconduct. The "Respondent" will refer to the person or persons alleged to have committed the Harassment, Violence, or Sexual Misconduct.

PRELIMINARY ISSUES

Harassment, Violence, and Sexual Misconduct are serious incidents that will not be tolerated at InFocus Film School. These actions are expressly prohibited in all circumstances, regardless of when or where the action occurs. Such actions are unprofessional, unproductive, counter to the culture of InFocus, and, in many cases, illegal. Such acts committed knowingly and/or with malicious intent are grounds for immediate dismissal from InFocus Film School.

Retaliation of any form for a Complainant reporting an incident is also expressly prohibited and is grounds for disciplinary action that may include dismissal.

Any person that has a complaint or is witness to actions that this policy prohibits should follow the procedures detailed below.

PROCEDURE

InFocus Film School encourages victims and witnesses of Harassment, Violence, and/or Sexual Misconduct to report the incident(s) as soon as possible. This is both so that the Complainant is able to seek support or counseling, and so that InFocus may respond appropriately. We understand that it is not always easy or even possible for people to come forward immediately, so there is no time limit on when past conduct can be reported, however delaying the report may compromise the ability of InFocus Film School to investigate and act on the alleged action.



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InFocus Film School also encourages any person who believes they have experienced sexual assault, illegal sexual misconduct, physical assault or any other crime to report the incident to law enforcement. Again, prompt reporting is strongly encouraged as collection of evidence critical for police investigations may be time sensitive. However, InFocus will respect a complainant's request not to notify law enforcement of a reported incident, unless there is a reasonable belief that the safety or security of other individuals is at risk. In this case, the complainant will be advised before law enforcement is notified.

To report incidents of Harassment, Violence, or Sexual Misconduct, speak or write to any InFocus staff member. The staff member must forward the report to the Executive Director, and, upon receiving a report, the Executive Director must immediately initiate an investigation into the alleged incident, following these steps:

1. Upon receiving a complaint, the Executive Director will meet with the Complainant as soon as reasonably possible to clarify the details of the incident and provide access to support resources if needed.
2. The Executive Director will then meet with the Respondent within 5 business days to discuss the allegations. The Executive Director will provide to the Respondent a written report of the alleged conduct and notice of the pending investigation. At the Executive Director's discretion, the Respondent may be suspended from InFocus Film School while this investigation takes place.
3. Following delivery of the written notice to the Respondent, the Executive Director will investigate the incident(s). This investigation will include:
 - a. Separate interviews with both the Complainant and Respondent, where both parties may present evidence and suggest witnesses.
 - b. Interviews with witnesses and third parties
 - c. Any further inquiry that is necessary to determine whether the report is substantiated.
4. All investigations will be completed within 21 days of the Executive Director receiving the complaint. This time limit may be extended in the case of unavailable or uncooperative witnesses, but should always be completed in a reasonable and timely manner.
5. The Executive Director will examine and weigh all evidence to determine the substance of the allegations.
 - a. If it is determined that it is more likely than not that the alleged conduct took place, the report will be deemed to be substantiated.
 - b. If it is determined that it is more likely that the alleged conduct did not take place, the report will be deemed to be unsubstantiated.
6. The Executive Director will notify the Complainant and Respondent of the outcomes of the investigation in writing.
7. If the report is substantiated and the Respondent is a student, disciplinary and/or dismissal procedures as outlined in the Student Dismissal policy will apply. If the



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Respondent is an InFocus employee, instructor, or contractor, disciplinary measures including but not limited to demotion, suspension, or termination will apply.

8. If the report is unsubstantiated, both the Complainant and Respondent may return to their normal classes/duties at InFocus. Certain measures such as no- or limited-contact orders may be put in place to maintain a civil and comfortable environment.
9. The Complainant or Respondent may make an appeal to the outcome of the investigation by asking for review from the InFocus Film School Board of Directors. Appeals must be made in writing and within 14 days of receiving the written outcome from the Executive Director. Appeals may be made for the following reasons:
 - a. New and significant evidence is available or substantial evidence was overlooked in the original investigation that could reasonably affect the outcome.
 - b. Disproportionate disciplinary action was prescribed that is unreasonable given the findings of the investigation.
 - c. The findings of the investigation were capricious or unfounded, and not supported by reasonable grounds or circumstances.

The Board will provide a written notice of the appeal to the non-appealing party. The Board will review the investigation and at their discretion may uphold or amend the Executive Director's findings. They will complete their review within 7 days, and provide written notice of their decision to both parties. The Board's decision will be final.

InFocus will respect the privacy of the Complainant, Respondent, and all witnesses both during and after the investigation. Reports and records of information will, to the extent possible and permitted by law, seek to protect the confidentiality of all individuals involved and, if requested, maintain the anonymity of witnesses or third parties.

Students should not be discouraged from reporting Harassment, Violence or Sexual Misconduct due to their own violations of the Code of Conduct. InFocus will exercise discretion and may not pursue other violations of the Code of Conduct for incidents reported in the context of this policy.

InFocus will never discipline, punish, or retaliate against any Complainant for submitting a report in good faith, even if the report is determined to be false or unsubstantiated.