



## **GENDER-BASED AND SEXUAL VIOLENCE PROCEDURES**

**Effective April 4, 2017**

### **1.0 PURPOSE:**

- 1.1** This document outlines certain procedures that have been adopted pursuant to the Gender-Based and Sexual Violence Policy and should be read in conjunction with that policy. Terms not otherwise defined herein have the meaning set out in the Gender-Based and Sexual Violence Policy.

### **2.0 RESPONDING TO FORMAL REPORTS:**

- 2.1** A Formal Report can be filed by any person and must be made in writing. Filing a Formal Report does not prohibit and/or constitute reporting under other reporting regimes.
- 2.2** To conduct a timely and effective investigation, the University strongly encourages Complainants and other applicable persons to file a Formal Report as soon as possible following the occurrence of the alleged Gender-Based or Sexual Violence. Delaying the filing of a Formal Report may impede the University's ability to conduct an investigation and/or take appropriate action.
- 2.3** Where a student of the University is involved, the most senior officer in Student Life will lead the response and if an employee of the University is involved, the most senior officer in Human Resources will lead the response. If both a student and employee are involved, both senior officers will co-lead the response.
- 2.4** The Senior Officer will handle the matter in accordance with the Gender-Based and Sexual Violence Policy and this procedure as well as i) the Student Policies and ii) the Employee Policies.
- 2.5** The Senior Officer will refer the Complainant to the police and/or other support services as appropriate. The Respondent will also be referred to support services as appropriate.
- 2.6** The Senior Officer will either be the primary contact for the Complainant(s), Respondent(s) and other persons involved in the Formal Report review and investigation processes or will appoint another person to be the primary contact. The primary contact will provide information to such persons, facilitate access to resources and services, coordinate and respond to communications from and to the University and external entities (including without limiting, police, academic areas and health care providers), and conduct other work for the participants as required under the Gender-Based and Sexual Violence Policy and this procedure.

### **3.0 FORMAL REPORT REVIEW AND INVESTIGATIONS:**

- 3.1** The Senior Officer, in consultation with at least one other member of the Gender-Based and Sexual Violence Response Team, will determine whether the matters described in the Formal Report should be investigated. In determining whether or not a Formal Report will be investigated, the Senior Officer will consider whether, if the allegations are true, it would be a violation of the Gender-Based and Sexual Violence Policy. The Senior Officer will consider each situation individually.



- 3.2** An investigation may not be conducted into a Formal Report if:
- the Formal Report was made in bad faith; or
  - the Formal Report does not provide sufficient information to permit an investigation.
- 3.3** If, after assessing the information with respect to a Formal Report, the Senior Officer determines that an investigation will not be pursued, the Senior Officer will document and will advise the Complainant and the Respondent of the rationale for not initiating an investigation.
- 3.4** In the event an investigation of a Formal Report is required, the Senior Officer will appoint a qualified investigator(s) within ten (10) business days of receipt of the Formal Report. The investigator(s) may be an employee of the University or an external person.
- 3.5** Internal Investigators will typically be chosen from the roster of trained investigators maintained by the Gender-Based and Sexual Violence Response Team. The investigation team will consist of at least one male and one female where possible. An external investigator may be hired and can work individually. Where the Employee Policies apply, the composition of the investigators should follow those policies as well but at no point should more than two investigators take part in an interview.
- 3.6** The Senior Officer, in consultation with at least one other member of the Gender-Based and Sexual Violence Response Team, will consider all relevant factors in the circumstances when determining the investigator(s), including without limiting:
- the nature of the Formal Report;
  - the ability for objectivity and lack of bias in the investigation (i.e. no investigation team members with conflicts of interest or biases);
  - the ability to maintain the confidentiality of all information;
  - knowledge of legal and compliance requirements of the core nature/subject matter of the allegation;
  - potential investigation team member's ability to identify and access the appropriate resources to conduct the investigation in a timely manner;
  - the need to balance the functional skills, operational knowledge, and seniority of the individuals;
  - the need to retain external investigators, lawyers or other experts in highly sensitive, specialized or confidential matters; and
  - the need to protect an investigation with legal privilege.
  - to carry out the investigation in a timely manner.
- 3.7** The Senior Officer and the investigators may at any time directly or indirectly collect, use and disclose personal information, individually identifying information and any other information from any Member of the University Community that is reasonably necessary to manage and investigate Formal Reports. The Senior Officer and the investigators (after first consulting with the Senior Officer) may seek legal counsel as to specific aspects of the investigation.
- 3.8** The investigation will be completed as expeditiously as possible, in most cases within thirty (30) calendar days of the date the Formal Report was filed. Complainants and Respondents will be informed of any changes or delays which may impact the timeliness of the investigation.
- 3.9** Investigations will be conducted in a systematic, orderly and discreet manner and



confidentiality will be maintained wherever possible. The objectives of an investigation will be to:

- compile information relating to the Formal Report as quickly as possible (including, if applicable, taking steps to protect or preserve documents, materials and equipment);
- consider the information collected and draw conclusions objectively and impartially; and
- maintain procedural fairness in the treatment of witnesses, the Complainant and the Respondent.

**3.10** The investigators may, where required by the circumstances, assess and make determinations as to the credibility of the Complainant, the Respondent and all other witnesses.

**3.11** The Complainant and the Respondent will be notified when the investigation is complete.

#### **4.0 CRIMINAL INVESTIGATION:**

**4.1** A criminal report may be pursued by a Complainant at any time even if non-criminal options are also being pursued. Criminal investigations may be initiated following the making of a report to a law enforcement agency. The Senior Officer can assist a Complainant to contact the police if the Complainant would like to pursue criminal charges.

#### **5.0 OUTCOMES:**

**5.1** Subject to any limitations regarding the need to maintain confidentiality or privacy in accordance with the Gender-Based and Sexual Violence Policy, this procedure or applicable laws, following the conclusion of an investigation, the findings and outcomes from the investigation will be shared with the Complainant and the Respondent.

**5.2** The investigators will provide the Senior Officer with a written investigation report. The report will include but is not limited to:

- All relevant statements and evidence;
- Assessment of the scope of the investigation, any exclusions, investigative time frame(s), and any other responsibility of the investigating officer(s);
- All relevant evidence including witness statements, electronic evidence, exhibit seizures, and any other notable details;
- Assessment of witness credibility and other evidence and, where appropriate, conclusions as to the related evidence;
- Assessment of whether violations of the Gender-Based and Sexual Violence Policy, other University policies or the law have occurred; and
- Recommendations as to a range of appropriate corrective measures or disciplinary action where violations have been found.

**5.3** The Senior Officer (and the President of Ambrose University if the Employee Policies apply) will review the investigation report and determine what corrective measures and/or disciplinary action is or is not required. Where the proposed decisions of the Senior Officer (and the President of Ambrose University if the Employee Policies apply) differ materially from the conclusions and recommendations in the investigation report, these should be reviewed with at least two other members of the Gender-Based and Sexual Violence Response Team. Where the proposed decisions continue to differ materially from the conclusions and recommendations in the investigation report, the rationale for the decisions must be documented. The Senior Officer (and



the President of Ambrose University if the Employee Policies apply) in all cases retain discretion to determine final corrective measure and/or disciplinary action.

- 5.4 The Senior Officer may issue directives to responsible offices regarding corrective actions, discipline and/or sanctions. Special care and possibly additional consultation should be taken with respect to directives concerning the results of investigations and corrective actions being included on student academic records and/or employee personnel files.

## **6.0 CONFIDENTIALITY:**

- 6.1 To the extent possible, the confidentiality and privacy of all persons involved in a report of Gender-Based or Sexual Violence must be strictly observed from the outset of a Formal Report being received through to the end of the resolution process and outcome. In order to enhance confidentiality, as few people as are reasonably required will handle Formal Reports.
- 6.2 With respect to the use or collection of personal information pursuant to section 7.3.4 of the Gender-Based and Sexual Violence Policy, such use and collection shall be as limited in its application, as reasonable in terms of amount of information shared and kept as confidential as is reasonably possible while still completing a thorough investigation.
- 6.3 The details and results of investigations will not be disclosed or discussed with any person other than those University employees, contractors or advisors who have a legitimate need to know such results in order to perform their duties and responsibilities. However, the Senior Officer may at any time disclose information in relation to any Formal Report, investigation or investigation outcome to members of the Gender-Based and Sexual Violence Response Team, senior administration, the University Board of Governors, University solicitors and/or law enforcement agencies, if deemed appropriate, or as otherwise required or permitted by law. Where such disclosures are made, including consultations by the Senior Officer with members of the Gender-Based and Sexual Violence Response Team in accordance with these Procedures, as little identifying information as possible should be given.
- 6.4 Notwithstanding sections 6.2 and 6.3, results of investigations and corrective actions taken may be included on Respondents' student academic records and/or employee personnel files in accordance with these procedures.

## **7.0 REPORTING:**

- 7.1 On an annual basis the Senior Officers will prepare a summary report of all investigations held during the relevant time period for review by the Cabinet of Ambrose University, such summary report to exclude identifying information where appropriate.
- 7.2 On an annual basis, the Gender-Based and Sexual Violence Response Team shall report on the information maintained pursuant to section 8.2 of the Gender-Based and Sexual Violence Policy to the Cabinet of Ambrose University.
- 7.3 The Student Life office maintains confidential records of all Complaints, decisions, sanctions, and Interim Measures. Records will be shared only in accordance with this procedure.
- 7.4 If a Student has a documented history of any allegation of Student Non-Academic Misconduct which has not been addressed under this procedure, an indicator may be placed on their Student Record that will notify viewers to request further information from the Student Life office if the Student attempts to register for a course or program of study at the University or applies for re-admission to the University. Students will be notified whenever such an indicator is placed on their file.



## **8.0 MODIFICATIONS:**

- 8.1** Students who feel they are in need of academic modification due to Gender-Based or Sexual Violence or involvement with a Formal Report (i.e., assignment extension, exam deferral, class scheduling, or withdrawal from a class) can request assistance from the Senior Officer in Student Life, with the help of a Community Advocate if preferred. The Accessibility Coordinator (students) may be assigned the point of contact to preserve confidentiality for the Complainant and Respondent. The least amount of information necessary will be given to access this service.
- 8.2** University employees who feel they are in need of workplace modification due to Gender-Based or Sexual Violence or involvement with a Formal Report can request assistance from the Senior Officer in Human Resources, with the help of a Community Advocate if preferred.

## **9.0 SUPPORTS AND RESOURCES:**

- 9.1** The webpage for Gender-Based and Sexual Violence resources shall include at minimum: policy, procedures, on and off-campus resources, summary of disclosure and response protocols, contact information for the members of the Gender-Based Sexual Violence Response Team, List of Community Advocates and educational offerings (workshops and training).
- 9.2** The University is committed to providing all Members of the University Community, including Respondents, Complainants and others that witness or are subject to Gender-Based Sexual Violence, with the following supports:
  - Counselling and related support through Counselling Services, Human Resources or community agencies partnering with the University;
  - Reasonable modification options through Student Life, Academic Affairs, the Senior Officer or Human Resources, as appropriate;
  - Information regarding available medical services through Alberta Health Services with initial care, follow-up, and/or referral;
  - Reporting options through the designated Senior Officer and/or the Health, Safety, and Security Manager
  - Education and training on matters including Gender-Based and Sexual Violence reporting, prevention and general awareness.

## **10.0 EDUCATION AND TRAINING:**

- 10.1** All Members of the University Community are to be encouraged to participate in Gender-Based and Sexual Violence educational programs and initiatives offered by the University.
- 10.2** The Gender-Based and Sexual Violence Response Team will review educational programs and initiatives on an annual basis,
- 10.3** Key Staff, full-time faculty and student leaders shall be required to attend initial training on receiving Disclosures and responding to Gender-Based and Sexual Violence. Regular additional training, upon recommendation of the Advisory Committee as determined by the Gender-Based and Sexual Violence Response Team. Recertified on a regular basis.
- 10.4** The Gender-Based and Sexual Violence Response Team will seek to maintain a roster of two trained investigators. Gender balance is required. The Gender-Based and Sexual Violence Response Team will determine the level of training required for these on-campus



investigators.

- 10.5** The Gender-Based and Sexual Violence Response Team will seek to maintain a roster of at least four Community Advocates. A minimum of two Community Advocates should be female and a minimum of two should be male though the exact balance should be determined by usage. The Gender-Based Sexual Violence Response Team will determine the level of training required for these Community Advocates, recognizing that ideal Community Advocates may already be appropriately equipped.
- 10.6** All Members of the University Community can assist with maintaining an educational and working environment free from Gender-Based and Sexual Violence by:
- Modelling healthy and respectful behavior in all relationships at the University;
  - Speaking out against conduct that may encourage or condone violence of any kind;
  - Speaking out against behaviour that discourages reporting of Gender-Based or Sexual Violence.

**Approved by the President's Cabinet of Ambrose University on April 4, 2017**

**Amended by the President's Cabinet of Ambrose University on November 28, 2018**

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**Amended by the President's Cabinet of Ambrose University on November 21, 2022**