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| APPROVAL AUTHORITY Board of Governors | APPROVAL DATE November 30, 2022 |
| SPONSOR President and CEO | EFFECTIVE DATE December 1, 2022 |
| POLICY ADMINISTRATOR VP People & Engagement Dean Student Affairs | LAST REVISION August 11, 2023 |

GENDER-BASED AND SEXUAL VIOLENCE POLICY

PURPOSE

The purpose of this policy is to communicate how Lethbridge College will:

- respond to and investigate Gender-Based and Sexual Violence Complaints;
- reduce the risks associated with the negative impacts of Gender-Based and Sexual Violence and Campus Rape Culture to Members of the College Community in the College’s Work, Learning and Living Environments through education and prevention; and
- support Members of the College Community that have been affected by or subjected to Gender-Based and Sexual Violence.

SCOPE / LIMITS

This policy applies to all risks, threats, and incidents of Gender-Based and Sexual Violence that impact the Work, Learning and Living Environments at Lethbridge College.

All Members of the College Community are required to comply with this policy.

Notes on the Scope and Application of this Policy

1. Any action taken under this policy is separate from Gender-Based and Sexual Violence Reporting options outside of Lethbridge College. This policy is not meant to influence, impact or stop

individuals from exercising any legal right available to them for example, reporting to law enforcement or making a complaint to the Alberta Human Rights Commission.

2. Lethbridge College can only impose sanctions on individuals under its authority. This means that when Lethbridge College does not have the authority to regulate the behaviour of the Respondent(s) to a Gender-Based and Sexual Violence Complaint (e.g. the Respondent(s) are not a Student, Employee, Volunteer or Visitor) the College's role is limited to supporting the Complainant according to their wishes and conducting administrative reviews (e.g. safety and hazard assessments, policy and procedure reviews).

POLICY STATEMENTS

1. Lethbridge College recognizes that Gender-Based and Sexual Violence and Campus Rape Culture negatively impacts all Members of the College Community.
2. Lethbridge College will not tolerate Gender-Based and Sexual Violence. Members of the College Community that commit or help another Member of the College Community to commit an act of Gender-Based and Sexual Violence will be held accountable for their actions.
3. Lethbridge College recognizes its duty to ensure safe and healthy Work, Learning and Living Environments and that all Members of the College Community share this responsibility.
4. The College's response to Gender-Based and Sexual Violence will:
 - be Trauma-Informed;
 - respect individual autonomy and the choices of those subjected to Gender-Based and Sexual Violence;
 - protect individual rights to Privacy, Confidentiality and Procedural Fairness;
 - address the impacts that bias, Equity and Intersectionality have on Gender-Based and Sexual Violence; and
 - make education and training available to Members of the College Community to address and prevent the negative consequences of Gender-Based and Sexual Violence and Campus Rape Culture in its Work, Learning and Living Environments.
5. The College will establish a Gender-Based and Sexual Violence framework that is focused on preventing and responding to Gender-Based and Sexual Violence in its Work, Learning and Living Environments.

POLICY STANDARD OPERATING PROCEDURES (SOPS)

Employee Gender-Based and Sexual Violence Complaints

Gender-Based and Sexual Violence Administrative Process for Students

RELATED BOARD OF GOVERNORS POLICY

EL-1 Treatment of Students

EL-2 Treatment of Staff

RELATED LETHBRIDGE COLLEGE POLICIES

Academic Accommodation for Students with Disabilities Policy

Academic Freedom Policy

Confidentiality Policy

Health and Safety Policy

Records Management Policy

Respectful Campus Policy

Safe Disclosure Policy

Student Rights and Code of Conduct Policy

Workplace Relationships Policy (6.31)

RELATED LEGISLATION

Alberta Human Rights Act, RSA 2000, c A-25.5

Freedom of Information and Protection of Privacy Act, RSA 2000, c F-25

Health Information Act, RSA 2000, c H-5

Occupational Health and Safety Act, SA 2020, c O-2.2

Post-Secondary Learning Act, SA 2003, c P-19.5

OTHER REFERENCES

Courage to Act Addressing & Preventing Gender-Based and Sexual Violence at Post-Secondary Institutions in Canada ([link](#))

POLICY HISTORY

| VERSION | APPROVAL DATE | APPROVAL AUTHORITY | EFFECTIVE DATE | DESCRIPTION |
|---------|-------------------|--------------------|------------------|--|
| v1 | March 28, 2017 | Board of Governors | April 1, 2017 | New policy established |
| v2 | June 11, 2019 | Board of Governors | July 1, 2019 | Major revision |
| v3 | November 29, 2022 | Board of Governors | December 1, 2022 | Policy review requested by the Minister of Advanced Education, Policy title changed from "Sexual Misconduct Prevention & Response Policy" to "Gender-Based and Sexual Violence Policy" |

APPENDIX A

1. ROLES AND RESPONSIBILITIES

1.1. All Members of the College Community are responsible to:

- contribute to Work, Learning and Living Environments that are free from Gender-Based and Sexual Violence;
- understand what to do if they receive a Disclosure of Gender-Based and Sexual Violence or suspect an incident of Gender-Based and Sexual Violence happened;
- respect the right to Privacy, Confidentiality and Procedural Fairness of the parties to an incident of Gender-Based and Sexual Violence; and
- know how Members of the College Community can access support when they have been subjected to Gender-Based and Sexual Violence.

1.2. Conduct Officers and Human Resources are responsible to:

- receive Complaints of Gender-Based and Sexual Violence for the College;
- manage Interim Measures;
- maintain lists of qualified investigators, including their areas of expertise; and
- conduct investigations unless an external Investigator is appointed by the appropriate Policy Administrator.

1.3. Policy Administrators are responsible to:

- create and maintain a Gender-Based and Sexual Violence framework that enables the successful implementation of this policy;
- oversee the appointment of an external Investigator; and
- ensure procedures for adequate recordkeeping and reporting are in place.

1.4. Senior Administration is responsible to ensure that appropriate resources are available to support the prevention and education efforts detailed in the Gender-Based and Sexual Violence framework.

2. GENDER-BASED AND SEXUAL VIOLENCE DISCLOSURES

- 2.1. Any Member of the College Community can make a Disclosure or share information about being subjected to Gender-Based and Sexual Violence to another Member of the College Community at any time. A Disclosure of Gender-Based and Sexual Violence will not start an Administrative Process at Lethbridge College unless the College is required or allowed to act by law.
- 2.2. Employees that receive a Disclosure will provide the Discloser with information about how to make a Complaint to the College and law enforcement and about resources and supports available to them at Lethbridge College and within the community. The decision to act on the information and when to act will be decided by the Discloser.
- 2.3. Disclosures of Gender-Based and Sexual Violence made to Employees will be recorded to allow the College to monitor and report on campus safety to Senior Administration.

3. PRIVACY AND CONFIDENTIALITY

- 3.1. The collection, use and disclosure of personal information and records related to Disclosures and the College's Administrative Process will uphold the rights and principles of the *Alberta Freedom of Information and Privacy (FOIP) Act*, the Confidentiality Policy and the Records Management Policy.
- 3.2. The Complainant's identity will be disclosed to the Respondent(s) to maintain Procedural Fairness. The Respondent will be informed of their responsibility to keep the identity of the Complainant, and any other information related to the Complaint, confidential. The College will take reasonable steps to prevent and address Reprisal against any Member of the College Community that has made or is a bystander to a Gender-Based and Sexual Violence Disclosure or Complaint by implementing Interim Measures and preventing face-to-face encounters between the Complainant and Respondent during the Administrative Process.
- 3.3. There are situations when the College may be allowed or required by law to act on a Disclosure or Complaint. In these situations, the College will balance the autonomy and wishes of the Discloser or Complainant with all Members of the College Community's right to safe and healthy Work, Learning and Living Environments. When the Complainant, Discloser or Respondent does not participate in the Administrative Process, the College will continue to provide them with updates about the progress and outcome of the process (e.g. they will be notified about the status, findings and outcome of the Administrative Process).

4. GENDER-BASED AND SEXUAL VIOLENCE COMPLAINTS

- 4.1. Any Member of the College Community can make a Gender-Based and Sexual Violence Complaint to a Conduct Officer or Human Resources at any time. While there is no time

limit for making a Complaint, however, the College's ability to address an incident of Gender-Based and Sexual Violence may be affected by a significant time delay.

- 4.2. Any method of communication is acceptable for initiating a Complaint however, Complaints must be documented in writing and signed by the Complainant to establish the facts of the Complaint.
- 4.3. The College can only investigate Complaints when the Complainant is a Member of the College Community at the time of the alleged incident and the Respondent is a Member of the College Community at the time of the alleged incident and when the Complaint is filed.
- 4.4. When a Complaint does not meet the criteria in 4.3 the College will conduct a health and safety and/or security assessment to see if existing policies, procedures and practices are being followed correctly or if changes are recommended.
- 4.5. Lethbridge College will accept the following kinds of Gender-Based and Sexual Violence Complaints:
 - first-hand Complaints, where the Gender-Based and Sexual Violence is Reported by the person subjected to Gender-Based and Sexual Violence;
 - Third-Party Complaints, where the Gender-Based and Sexual Violence is reported by someone other than the Complainant (e.g., a friend or third-party witness); and
 - Anonymous Complaints, where the College does not know who Reported the incident of Gender-Based and Sexual Violence.

NOTE: Anonymous Complaints will be accepted and reviewed by Lethbridge College however, the College's ability to take action to address the Complaint or resolve the Complainant's concerns may be limited.

- 4.6. The College may choose to conduct a single investigation when there are multiple incidents of Gender-Based and Sexual Violence based on the same facts and circumstances or the Respondent is affiliated with the College in more than one way.
- 4.7. If the Complainant or Respondent reasonably believes that any individual participating in the Administrative Process has a real or perceived conflict of interest, they must notify the Conduct Officer (for students) or the Director, Human Resources immediately.
- 4.8. The College will not take disciplinary action against a Complainant or Discloser for violating College policies related to the consumption of drugs and alcohol when their use was during or near the time of the incident they are reporting.
- 4.9. If the Respondent refuses to participate in any part of the Administrative Process, or voluntarily leaves the College at any time after the Complaint has been received the College will continue its Administrative Process and will evaluate the Complaint based on the available facts.

5. GENDER-BASED AND SEXUAL VIOLENCE COMPLAINTS AND DISCLOSURES OUTSIDE OF LETHBRIDGE COLLEGE

- 5.1. Lethbridge College's policies, Administrative Processes, and discipline systems are independent of the federal, provincial or municipal legal systems. This policy is not intended to limit or restrict a Complainant's right to pursue a Complainant under the authority of any relevant regulatory body or the civil or criminal legal system. Examples of external Complaint or Disclosure options include but are not limited to:
- seeking medical attention or reporting to a medical facility;
 - seeking counselling and support through Wellness Services or community organizations; or
 - reporting the incident to the police agency in the jurisdiction where the incident occurred, e.g., Lethbridge Police Service or the Royal Canadian Mounted Police (RCMP).
- 5.2. Lethbridge College will comply with requests from the police, courts or correctional services to delay, suspend or stop its Administrative Process. A written notification of the change in the status of the Administrative Process will be provided to the Complainant, Respondent and any other parties to the Complaint that are impacted.

6. POLICY VIOLATIONS

- 6.1. A violation of the policy will be considered misconduct. When an investigation has determined that there has been a violation of this policy, imposing disciplinary action and appeals will follow the procedures of the relevant conduct policy (Student Rights and Code of Conduct Policy for students, Respectful Campus Policy for Employees and all other Members of the College Community).

7. PREVENTION, EDUCATION AND REPORTING

- 7.1. Ongoing Gender-Based and Sexual Violence training and education will take place to promote safe and secure Work, Learning and Living Environments at Lethbridge College and to reduce barriers to making a Complaint or Disclosure.
- 7.2. All Employees with a defined role in the Administrative Process (e.g. Conduct Officers, Investigators) must have appropriate training before participating in the Administrative Process. Training should be repeated as often as needed to ensure the effective implementation of this policy.
- 7.3. A report will be provided to Senior Administration and the Board of Governors annually. The report must not include any personally identifiable information. The reporting period will follow the College's fiscal year (July 1 to June 30) and will contain the following information:
- Disclosures reported;

- Complaints received;
- investigations conducted, including if the policy was or was not found to be breached; and
- a summary of the current reporting period and next reporting period education and training initiatives carried out during the reporting period plan

RECORDKEEPING

- 7.4. Gender-Based and Sexual Violence Complaint records will be held separately from other files (e.g. Employee records, Student records, vendor records).
- 7.5. All records related to Complaints of Gender-Based and Sexual Violence about a Student will be held in a secure location under the custody of Student Affairs for the length of time prescribed by the Records Management Policy.
- 7.6. All records related to Complaints of Gender-Based and Sexual Violence that involve a non-Student Member of the College Community will be held in a secure location under the custody of Human Resources for the length of time prescribed by the Records Management Policy.

DEFINITIONS

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| Administrative Process | means the non-judicial process used to determine if the College's policies and procedures have been breached and determine if disciplinary action will be taken. |
| Campus Rape Culture | means a culture in which dominant ideas, social practices, media images, and societal institutions implicitly or explicitly condone sexual violence/misconduct by normalizing or trivializing such conduct, including by blaming the person who was subjected to such conduct as being responsible for their abuse/treatment. |
| Complaint(s) | means the information regarding a potential Gender-Based and Sexual Violence policy violation provided to a Conduct Officer or Human Resources with the intent to initiate the Administrative Process. |
| Complainant(s) | The person who reports an incident of campus Gender-Based and Sexual Violence with the intent of pursuing the institution's formal complaints process, in most cases the person who was subjected to the incident of Gender-Based and Sexual Violence. |
| Conduct Officers | means the individual designated by the policy administrator to conduct or assist with the Gender-Based and Sexual Violence Administrative Process for students. |
| Disclosure | means a person shares that they have been subjected to Gender-Based and Sexual Violence, often for the purpose of accessing support or resources |
| Discloser | means the person who shares they have been subjected to Gender-Based and Sexual Violence without necessarily intending to pursue, or prior to initiating, the institution's formal complaints process. |
| Employee(s) | means a person on the payroll of the College. |
| Equity | means the principle of considering people's unique experiences and differing situations, and ensuring they have access to the resources and opportunities that are necessary for them to attain just outcomes. |
| Gender-Based and Sexual Violence | means violence that is committed against someone based on their gender identity, gender expression or perceived gender. The most common forms of Gender-Based and Sexual Violence are family violence, including intimate partner violence and |

Sexual Violence, including sexual assault, sexual harassment, sexual exploitation, and sex trafficking. Other forms of Gender-Based and Sexual Violence include online violence or technology-facilitated violence; spiritual abuse; financial abuse; harassment including stalking; and emotional and psychological violence including putdowns, bullying, threats and intimidation.

Interim Measure(s)

means a remedial or protective action taken to support a Complainant. Interim Measures may be provided at any time the Administrative Process to reduce the likelihood of a reasonably foreseeable risk to person or property, or to preserve an individual's wellbeing and access to educational opportunities. Interim Measure must be designed to be minimally intrusive and are not a sanction or attempt to stigmatize a Respondent. Examples of Interim Measures are a re-assignment of campus residence, work location or parking location, limits on access to campus services or timetable changes.

Intersectionality

means the acknowledgement that an individual can occupy several political and social identities and that this has an impact on that individual. Those identities and social categorizations can be understood under racial, gender, sexual, religious, disabled, class, and religious lines, to name a few. The overlap of any of these identities creates a complex system of discrimination where individuals face multiple oppressions.

Investigator

means the individual who gathers relevant information, interviews the complainant, respondent, and witnesses, and provides the investigation report to the decision-maker. In some cases, the investigator also makes a finding on whether a policy violation occurred.

Members of the College Community

means Students, Employees, visitors, volunteers, third-party contractors and their employees engaged in activities related to their contracts with the college.

- Employee means any person on the payroll of Lethbridge College.
- Volunteer means any person performing an unpaid service for Lethbridge College.

- Contractor means any person, partnership or group of persons who, through a contract, agreement or ownership, provides services to the college.
- Visitor means any person accessing Lethbridge College facilities who is not an employee, volunteer, or contractor.

Procedural Fairness

means the notion that individuals party to a complaint must be accorded a set of rights throughout the entire process sufficient to allow for the fair assessment of their case, regardless of which side of the Complaint they are on.

Reprisal

means any adverse action taken against a person including threatening, intimidating, harassing, coercing or any other conduct that would discourage a person from engaging with this policy. Reprisal may be present regardless of the outcome of an Administrative Process.

Respondent

The person alleged to have committed Gender-Based and Sexual Violence on or off campus, in other words, the subject of the complaint(s). A respondent can be any member of a post-secondary institution (student, staff, faculty, librarian, administrator, employee).

Senior Administrators/Administration means members of the Executive Leadership Team (ELT) and College Leadership Council (CLC).

Student(s)

means a person enrolled in a course at or through the College

Trauma-Informed Approach

means acknowledging the harm endured by Complainants and those who have been subjected to Gender-Based and Sexual Violence along with having awareness of the impacts that trauma has on an individual's emotional, cognitive, physical and sexual wellbeing.

Work, Learning and Living Environments

means the diverse physical and virtual locations, contexts and cultures in which the College operates.

The Work, Learning and Living environment goes beyond the College's campus and properties. It includes but is not limited to College-operated buildings and residences; on- or off-campus College related functions, work or study assignments, travel, conferences or training sessions; and communication by phone, computer or other electronic means.