

PARENT POLICY

Gender-Based and Sexual Violence Policy

SPONSOR

President and CEO

EFFECTIVE DATE

December 1, 2022

POLICY ADMINISTRATOR

Director, Human Resources

LAST REVISION

December 1, 2022

EMPLOYEE GENDER-BASED AND SEXUAL VIOLENCE COMPLAINTS

Purpose

This SOP explains how any individual can make a Gender-Based Violence Complaint about a Lethbridge College Employee to start the College’s Administrative Process. It also explains how the College will respond to and Investigate Complaints.

Scope and limits

See parent policy



*Defined terms are capitalized throughout this document.
Refer to the parent policy and the Policy Framework for definitions.*

A: General

1. A Member of the College Community that knows or suspects that an Employee has breached the Gender-Based and Sexual Violence Policy must report the incident to Human Resources immediately. This includes Disclosures where there is a risk of harm to a minor, an individual or the public.
2. The Director, Human Resources, or delegate will manage the Administrative Process for Employee Complaints of Gender-Based and Sexual Violence. This includes
 - maintaining a list of qualified Investigators and their investigative specialities;

- appointing a qualified Investigator for the Complaint;
 - setting the mandate of the investigation,
 - ensuring that the Administrative Process is Equitable and Procedurally Fair; and
 - monitoring the Administrative Process to ensure that it is completed in a timely manner, normally within 90 calendar days of receiving a Complaint.
3. The Director, Human Resources may approve an extension for the Administrative Process when there are extenuating circumstances (e.g. completing the process during this period would jeopardize the integrity of the investigation, to comply with law enforcement, more time is needed to conduct interviews). If the timeline of the Administrative Process is extended, the reason for the extension and the expected completion date will be communicated to the Complainant and Respondent in writing.
 4. The Director, Human Resources has the authority to appoint an external Investigator. Factors to be considered when appointing an Investigator are:
 - the circumstances of the Complaint;
 - timeliness;
 - real or perceived objectivity of the Investigator;
 - availability of appropriately trained Investigators; and
 - the investigation is expected to be lengthy and complex and would unreasonably interfere with the operations of the College if it was conducted by an internal Investigator.
 5. Interim Measures can be implemented at any time during the Administrative Process at the request of the Complainant or if the College reasonably believe they are necessary.
 6. If the Complainant withdraws their Complaint at any time during the Administrative Process the College may decide to assume the role of the Complainant and continue with the Administrative Process. The Complainant will be provided with updates about the status of the Administrative Process as much as possible.

B: Employee Gender-Based Violence Complaints

1. When a Complaint has been received by Human Resources directly or indirectly, the Director, Human Resources, or designate will take the following steps:
 - Determine if the allegations meet the definition of Gender-Based and Sexual Violence or if they should be adjudicated under the authority of another Lethbridge College policy.
 - Tell the Complainant, in writing, if their Complaint will be reviewed under the Gender-Based and Sexual Violence Policy and/or any other Lethbridge College policy, provide information about any informal resolution opportunities that are available to resolve their concern, and provide an overview of the Administrative Process.
 - Confirm the Complainant's safety and, if necessary, develop a safety plan.
 - Ensure that the Complainant is aware of their rights, external reporting options, and supports available to them within Lethbridge College and the community.

- Inform the Respondent of the Complaint in writing and provide information on the next steps in the Administrative Process (e.g. informal resolution, commencement of an investigation), including the timeline for them to respond to the Complaint.
 - Take any action that they reasonably believe will reduce the risk of immediate harm to the Complainant or any other person.
 - Inform the VP, People & Engagement that a Gender-Based Violence Complaint has been received and provide any information about the Complaint that is necessary to implement the Gender-Based Violence Policy and/or this SOP.
2. Where the Director, Human Resources, or designate has determined that an investigation is required they will take the following steps:
- Determine the scope and mandate of the investigation.
 - Appoint an unbiased Investigator with appropriate training for the Complaint.
 - Notify the Complainant and the Respondent of the investigation in writing. This notification will include the following:
 - Information about the investigation purpose and timelines.
 - The names of the Complainant(s) and Respondent(s).
 - A copy of the Complaint.
 - The name and contact information of the Lethbridge College Employee that can answer their questions about the Administrative Process and when an external Investigator has been appointed, the name of the Investigator that will conduct the investigation.
 - Explain the rights and responsibilities of the Complainant and Respondent, including the right to be accompanied and assisted by the person of their choice at any meeting related to the Administrative Process (e.g. a friend, parent or guardian).
 - A copy of the Gender-Based Violence Policy and any other applicable Lethbridge College policy.

C: Interim Measures

1. Interim Measures will be implemented as required by the circumstances of the Complaint.
2. All Interim Measures will be:
 - implemented in collaboration with the Complainant;
 - non-disciplinary in nature;
 - Trauma-Informed;
 - minimally invasive;
 - consistent with the circumstances of the Complaint; and
 - communicated in writing to all individuals that will have to comply, monitor or enforce them.

D: Investigation of Employee Gender-Based & Sexual Violence Complaints

1. The Director, Human Resources, or designate provides the Investigator with a written scope and mandate for the investigation to authorize the investigation, set the limits of the investigation, and focus investigative activities.
2. The Investigator is responsible to:
 - declare any real or perceived conflict of interest or biases to the Director, Human Resources, or designate;
 - plan, conduct and document the investigation according to the mandate provided by the Director, Human Resources, or designate (i.e. gathering, examining and recording the facts of the Complaint);
 - identify information gaps, possible avenues of inquiry, and individuals that might have information, or be able to corroborate, information;
 - plan for, prepare and conduct interviews with the Complainant(s), Respondent(s), and any relevant witnesses;
 - confirm that all parties to the Complaint know their rights and responsibilities, including the right to be accompanied and assisted by the person of their choice at any meeting with the Investigator;
 - provide the Complainant and Respondent with a preliminary summary of the facts of the Complaint and give them a reasonable opportunity to respond to, comment on or correct the information before the Investigator conducts any analysis or makes any findings;
 - notify the Director, Human Resources, or designate if a Complainant, Respondent, witness, or the person accompanying them does not fully cooperate with the investigation or otherwise undermine the integrity of the investigation; and
 - analyze the facts and circumstances to determine if it is more likely than not that the Gender-Based and Sexual Violence Policy was breached.
3. If the Investigator discovers any additional allegations during the course of the investigation they must report them to the Director, Human Resources, or designate immediately so that they can determine if they will be included with the current investigation or considered as a separate Complaint.
4. The written investigation report and the complete investigation file (e.g. documents, statements from the Complainant, Respondent and witnesses) is submitted to the Director, Human Resources, or designate within 5 business days of the conclusion of the investigation.
5. The Investigator's report must:
 - meet the mandate of the investigation to the satisfaction of the Director, Human Resources, or delegate;
 - comply with the Freedom of Information and Protection of Privacy Act;
 - be written in plain language and organized so that the reader can easily access and reference the information;
 - set out the facts and evidence gathered during the investigation for each allegation of the Complaint

- state if they have concluded that the Gender-Based and Sexual Violence Policy was breached based on the Balance of Probabilities and the facts and evidence available to them; and
- be objective and free from irrelevant information and unsubstantiated opinions (e.g. statements about reputation, character, past sexual history).

E: Administrative Review

1. The Director, Human Resources, or designate will review the facts, analysis and conclusions provided in the Investigator's report.
2. If the investigation has determined that the Gender-Based and Sexual Violence Policy has been breached, the Director, Human Resources, will recommend the appropriate disciplinary action to be imposed under the Respectful Campus Policy and/or any other relevant Lethbridge College policy to the VP, People and Engagement.
3. The VP, People & Engagement will determine the appropriate disciplinary action to be imposed and provide the Complainant and Respondent with a decision letter that explains the outcome of the investigation and explains that they can get a copy of the investigation report upon request. investigation

F: Challenging the investigation Report

1. The outcome of the Administrative Process can be challenged by the Complainant or Respondent by taking one or more of the following actions:
 - Making a written appeal to the President and CEO that sets out the reason for their appeal within 5 business days of receiving the decision;
 - Filing a grievance in accordance with the grievance procedure in the Employee's collective agreement, if applicable;
 - Filing a civil or common law claim; or
 - Filing a complaint with any relevant administrative tribunal (e.g. The Alberta Human Rights Commission, The Alberta Labour Relations Board).