

PARENT POLICY

Gender-Based and Sexual Violence Policy

SPONSOR

President and CEO

EFFECTIVE DATE

December 1, 2022

POLICY ADMINISTRATOR

Dean, Student Affairs

LAST REVISION

December 1, 2022

## GENDER-BASED AND SEXUAL VIOLENCE ADMINISTRATIVE PROCESS FOR STUDENTS

### Purpose

This procedure explains the steps that a Student must take to make a Complaint under the Gender-Based and Sexual Violence Policy. It also explains the Administrative Process the College will use to respond to the Complaint.

### Scope and limits

See parent policy



*Defined terms are capitalized throughout this document.*

*Refer to the parent policy and the Policy Framework for definitions.*

### Procedure

#### **A: Complaint Process**

1. All Gender-Based and Sexual Violence Complaints must be documented in writing. Students can start the Complaint Process by contacting a Conduct Officer in person, by phone or email, or through the College's online reporting system.

2. Conduct Officers are responsible for managing the Gender-Based and Sexual Violence Administrative Process on behalf of Lethbridge College
3. Upon receiving a Complaint, the Conduct Officer will:
  - Ensure the Complainant is aware of the Administrative Process and wishes to continue;
  - Confirm the Complainant's safety and, if necessary, develop a safety plan;
  - Advise the Complainant of their rights, options, academic and non-academic supports and resources available to them (e.g. Wellness Services);
  - Document the Complaint;
  - Determine if there is an immediate risk to the Complainant or any other Member of the College Community, and act accordingly;
  - Notify the Policy Administrator about the Complaint and begin their Investigation; and
  - Notify the Complainant and Respondent in writing that a Formal Investigation has commenced including the anticipated timelines to conduct the investigation and provide a copy of the Gender-Based and Sexual Violence Policy and any other relevant Lethbridge College Policy.

### **B: Interim Measures**

1. The College may be inclined to impose Interim Measures to prevent or reduce the likelihood of a risk to the health and safety of the Complainant or any other Member of the College Community or to protect the integrity of the Administrative Process.
2. Interim Measures will:
  - be reasonable and proportionate to the circumstances;
  - be as minimally invasive impact as possible; and
  - have a clearly defined end date (e.g. when the investigation is complete)
3. Written notice will be given to the individuals affected by the Interim Measure.
4. The conduct office will inform the relevant programs or departments of the Interim Measure by sharing only the information necessary to fulfil the requirements.
5. The Interim Measure will be monitored and enforced through the Student Rights and Code of Conduct Policy.

### **C: Administrative Investigations**

1. The Investigator provides a written notice to Complainant and Respondent that includes the following information:
  - The name of the Respondent;
  - The name of the Complainant;
  - an Administrative Investigation into a Complaint of Gender-Based and Sexual Violence will be conducted to determine if the Gender-Based and Sexual Violence policy has been breached;
  - the name of the Investigator;
  - a summary of the allegation;
  - any Interim Measures being implemented, if necessary;
  - that the Respondent must provide a written response to the allegation(s) and that if they fail to do so by the designated date the Investigation will continue;
  - the right to seek legal advice and to have a support person, including legal counsel, a parent or a legal guardian present at any meeting in connection with the Administrative Investigation; and
  - the name and contact information of the Lethbridge College employee that can answer their questions about the process of the Administrative Investigation.
2. An Administrative Investigation should be completed within a timely manner (about 90 calendar days) of the Gender-Based and Sexual Violence Report being made. The Dean, Student Affairs may extend this timeframe to ensure the integrity and completeness of the Administrative Investigation under reasonable circumstances such as the need to comply with a request from law enforcement or to accommodate the availability of interviewees. Any extension, and the reason for it, must be communicated to all relevant individuals.
3. At any time during an Administrative Investigation a Complainant may withdraw their Complaint; however, such withdrawal does not limit the College's discretion to proceed with an Administrative Investigation.
4. The College may continue the Administrative Process if the Respondent or Complainant voluntarily leaves the institution or is no longer a current member of the college community.
5. The investigator will provide the Respondent with a reasonable opportunity to respond in writing to the allegations. If the Respondent does not respond within a reasonable timeframe set by the investigator or

chooses not to participate in the investigation, the investigator will proceed with the facts available to them, in the absence of their response.

6. The Investigator will provide the Complainant and Respondent with the opportunity to submit additional information relevant to the complaint, such as the names of any potential witnesses and supporting evidence.
7. The investigator will remind all parties that information acquired through the Administrative Investigation process is Confidential. This does not prohibit the complainant or respondent from sharing their experience to seek support.
8. When the Investigator has concluded their investigation, they will provide the Policy Administrator with a final Administrative Investigation report that:
  - summarizes the facts and evidence they relied on to make their findings
  - states if they believe it is more likely than not that the policy has been breached based on the facts and evidence available to them; and
  - should not include information that is irrelevant, immaterial, more prejudicial than probative, a statement of personal opinion, a statement about an individual's general reputation, character, past sexual history, or any information that would unnecessarily interfere with confidentiality or privacy.

### **E: Decision-Making and Imposing Sanctions**

1. The Dean, Student Affairs or designate will review the facts, analysis and conclusions provided in the Investigator's report. If they do not fully accept the Investigator's findings and conclusions, they must document their rationale as an annex to the Investigator's report.
2. If a breach of the Gender-Based and Sexual Violence Policy has been found, the Dean, Student Affairs, or designate will provide a copy of the report to the Dean of the Student's academic program and the Provost and VP Academic. Sanctions will be imposed according to the Student Rights and Code of Conduct.
3. A decision letter from the Senior Administrator with the authority to impose the sanction, or their designate and a copy of the Investigation report will be provided to the Complainant and Respondent.

### **F: Appealing the Outcome of an Administrative Investigation**

1. A Complainant or Respondent can appeal the outcome of the Administrative Process by following the steps in the Student Rights and Code of Conduct, Appendix C: Student Appeal Procedures.