



## Sexual and Gender-Based Violence Policy

Commented [MK1]: Name change – add 'gender-based'

If someone is at immediate risk of harm to self or others, call emergency services at 911 immediately and then contact Campus Safety at 403-329-2345.

If you require immediate access to support, follow this link for on and off campus resources and services:

[Sexual Violence Information Website](#) such as [Alberta's Health Link at 811](#) or [Alberta's One Line at 1-866-403-8000](#).

Commented [MK2]: Added 811 and One Line to boost options for immediate support

AND/OR

Contact Student Services-Counselling Services at (403) 317-2845 or Human Resources at (403) 329-2274.

### 1. Purpose

- 1.1. [Sexual and Gender-Based Violence is prohibited conduct at the University and will not be tolerated.](#) This document outlines the University of Lethbridge's ("University") policy and response to Sexual and Gender-Based Violence among members of the University Community.
- 1.2. [This document outlines the University of Lethbridge's \("University"\) policy and response to Sexual and Gender-Based Violence among members of the University Community.](#)
- 1.3. The purpose of this Policy is to support an environment in which members of the University Community can work, live and learn in a collegial climate of respect, [in which Sexual and Gender Based Violence is not tolerated](#), and share the responsibility for achieving these goals.
- 1.4. The University will take the following into account when carrying out its responsibilities under this Policy: individuals' experiences can be affected by factors such as their access to power and privilege, historically relevant considerations such as settler colonialism, their sex, sexual identity, gender identity, gender expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, indigeneity, immigration status, socio-economic status, class, and language. The University also recognizes that a university is a unique environment, in which power imbalances are inherent. These factors impact individual experiences of Sexual [and Gender-Based](#) Violence and choices with regard to recourse.
- 1.5. For a complete statement of University commitments and principles to guide this Policy development see [Appendix B](#).

Approval Authority:	Responsibility:	Responsible Office:	Effective Date:	Last Revised:
Board of Governors	Provost & Vice President (Academic) & Vice-President (Finance & Administration)	Associate Vice President (HR) & Associate _____ Vice President (Students)	June 13, 2019	April 21, 2016; Editorial Revisions Dec. 21, 2021

## 2. Scope and Application

2.1. This Policy applies to all members of the University Community.

2.2. Regardless of whether a Complaint is made or is determined to be beyond the scope of this Policy, the University will provide support to survivors and Complainants. Special arrangements may be requested for those who have experienced Sexual Violence (see 5.1). Requests for special arrangements can be brought forward to the Sexual and Gender-Based Violence Prevention Coordinator or the Associate Vice President (Students) (in the case of students) or to the Manager, HR Services & Strategic Initiatives or the Associate Vice President (Human Resources) (in the case of employees). Respondents may also request support from the University.

2.3. A Complaint under this Policy can only be made against a member of the University Community, in regard to reported Sexual and Gender-Based Violence Misconduct that takes place:

2.3.1 In or on University Premises (including in residences); or

2.3.2. Off-campus when part of a University course or organized class activity, University-Sanctioned Event, when representing the University regardless of geographic location, or in the case of employees, where the Misconduct directly relates to the employment relationship

2.3.3. Through social media, online communication platforms, remote work applications and other online means, Given the ubiquitous nature of social media and electronic communication, special consideration will be given to information gathered through this means and may be considered when determining whether a formal Complaint is within scope of this policy, particularly where there is evidence that these actions have a negative impact on a University Community member's University learning, living and or working environment.

2.4. This Policy is not to be interpreted, administered, or applied in such a way as to:

2.4.1. discourage or prevent members of the University Community from exercising any legal rights they may have, including the right to file a complaint with the Alberta Human Rights Commission, pursuant to the Occupational Health and Safety Act, or pursue a criminal or civil remedy;

2.4.2. this policy operates alongside other applicable policies and procedures at the University. This policy will not limit or amend the provisions contained in any

**Commented [MK3]:** Additional clarification regarding scope with regard to employees

**Commented [MK4]:** NEW: Social media and other digital communications have been added to address its implications for policy scope.

collective agreement, or employment manual entered into between the University and its employees, subject to applicable legislation. If there is a conflict between this policy and the Collective Agreement, the collective agreement will supersede to resolve the formal complaint; please note this may impact timelines as outlined in Appendix A.

**Commented [MK5]:** Clarification about implications of collective agreements, including for timing.

### 3. Definitions

For the purposes of this Policy:

3.1. "Complaint" means a formal allegation of Misconduct, where the intent is to initiate an investigation under the policy.

**Commented [MK6]:** Clarification of definition (as distinct from Report')

3.2. "Complainant" means the person filing a Complaint under this Policy.

3.3. "Consent" means the voluntary and mutual agreement to engage in the act or acts in question and to continue to engage in the act or acts. The voluntary agreement to engage in the activity or to continue to engage in the activity must be communicated through words and/or conduct.

3.3.1. It is the responsibility of all persons who want to engage in physical contact or sexual activity to make sure that they have Consent from the other person(s) involved.

3.3.2. *Consent is clear, explicit and active.* Consent cannot be implied and it can be revoked or altered at any time during the act or acts in question.

3.3.3. *Consent is ongoing.* Consenting to one kind of sexual activity does not mean that Consent is given for another sexual activity. Consent only applies to each specific instance of sexual activity so is required every time

3.3.4. *Consent is voluntary, informed, and conscious.* No Consent is obtained where an individual is incapable of consenting. An individual may be incapable of consenting if they are intoxicated, or if they are induced to engage in the activity by fraud, by someone exercising a position of trust, power or authority, or through Coercion or the threat of violence.

3.3.5. If the initiator experiences impaired judgement (including intoxication) and engages in sexual activity where Consent is not clear, nor active, nor ongoing, or not voluntary, or not informed or not conscious or any combination of the above, then the initiator's impaired judgement will not be considered a valid reason for not obtaining Consent.

3.4. "Gender-Based Violence" means the use and abuse of control over another person and perpetrated against someone based on their gender expression, gender identity, or perceived gender. This can take many forms, including but is not limited to

**Commented [MK7]:** NEW: Addition of Gender-Based Violence, based on the 'Courage to Act' definition, to align the ULethbridge policy with Alberta standards. Gender-based violence is broader than sexual violence.

3.4.1. Sexual Harassment, stalking, sexualized violence, technology-facilitated violence

3.4.2. sexual assault, stealthing or non-consensual condom removal, threats of violence (including self-harm) in order to coerce sex

3.4.3. physical abuse, emotional and psychological abuse, financial abuse, intimate partner violence

3.4.4. early or forced marriage, sexual exploitation, human trafficking.

3.5. "Investigation" means the process undertaken by the University to ascertain whether a Respondent has engaged in Misconduct (see [Appendix A](#)).

3.6. "Misconduct" means any conduct that is in contravention of a University policy, collective agreement, employment manual, law or other rule or regulation that warrants discipline, restrictions on movements or activities, or any other limitation of the Respondent's privileges, entitlements, rights, or obligations as imposed by the University.

3.7. "Report" means information shared with the University about an alleged incident regarding Sexual and Gender-Based violence. A Report is not a formal Complaint and will not necessarily lead to formal action taken by the University

3.8. "Respondent" means a person who is the subject of the Complaint.

3.9. "Sexual Violence" means a sexual act or acts, targeting a person's sexuality, gender identity or gender expression – whether the act is physical or psychological in nature, whether in person or through other forms of contact – that is committed, threatened, or attempted against an individual without that individual's Consent. Sexual Violence includes, but is not limited to, the following:

3.9.1. "Sexual Assault" being any form of sexual touching or the threat of sexual touching without the individual's agreement.

3.9.2. "Sexual Harassment" being a repeated course of comments or conduct, or a sufficiently serious single incident of a sexual nature by a person who knows or ought reasonably to know that the behaviour is unwanted or unwelcome. Sexual Harassment may further be determined by the impact on the recipient, not on the intention of the initiator. Examples of Sexual Harassment may include, but are not limited to:

3.9.2.1. sexist remarks, jokes, innuendoes or taunting about a person's body, appearance, characteristics or clothing;

3.9.2.2. displaying pornographic or other sexually offensive or derogatory pictures or material;

3.9.2.3. persistent and unwelcome invitations or request for sexual activities or dates;

3.9.2.4. unwanted sexual advances;

3.9.2.5. leering or other sexually oriented gestures;

3.9.2.6. "Distribution of a sexually explicit photograph or recording" of an individual to one or more individuals other than the individual in the photograph or recording without the Consent of the individual in the photograph or recording.

3.12. "Trauma-Informed" means incorporating a [culturally relevant](#) understanding of the impact that trauma has on an individual or community, to minimize re-traumatization, and facilitate recovery and empowerment. These impacts may include, but are not limited to, a delay in the individual reporting, time-lines and details of events that seem unrelated or illogical, varying or lack of emotional response, more detailed sensory memory, describing an experience of response to the incident that included freezing, dissociation, and/or negotiation or pleasing; an experience of recalling details over time and a requirement of more time to process and/or to follow up. In general, Individuals who have been affected by trauma need to be heard, to understand options, to move at their own pace through the process of recovery, and to re-establish a sense of personal control over what happens in their lives.

3.13. "Third-Party" means an individual submitting an anonymous [Report](#) on behalf of someone who has disclosed an incident of Sexual [or Gender-Based Violence](#). Or who submits an anonymous [Report](#) based [on](#) an incident they witnessed and/or became aware of.

3.14. "University Community" means all employees, students, post-doctoral fellows, volunteers or other individuals who work, study, conduct research or otherwise carry on the business of the University.

3.15. "University-Sanctioned Event" means an event hosted, either on campus or off campus [or online](#) by the University and sanctioned by an appropriate University administrator who has the authority to sanction such an event as a role of their employment.

**Commented [MK8]:** NEW: Alignment with new provincial standard to allow for third party reports of sexual and gender-based violence incidents anonymously.

**Commented [MK9]:** NEW: Added to capture social media and digital communication and remote learning and work

#### 4. Principles

4.1 Members of the University Community may be subject to disciplinary sanction or other appropriate action, up to and including dismissal or expulsion, in accordance with collective agreements, employment manuals and/or other applicable University policies and procedures, in the event that they:

4.1.1 Commit an act or acts of Sexual [or Gender-Based](#) Violence;

4.1.2 Retaliate against another for raising a concern and/or filing a Complaint about Sexual [or Gender-Based](#) Violence and/or participating in an Investigation; and/or

1. 4.2.3 [With malicious intent, bring forward a concern and/or Complaint that is frivolous or vexatious. The University recognizes that frivolous or vexatious complaints are exceedingly rare. If you need further clarification, please contact the Sexual and Gender-Based Violence Prevention Coordinator.](#)

**Commented [MK10]:** NEW: Alignment with Alberta provincial standards, with new additional wording to ensure that survivors come forward and are not dissuaded by this clause.

4.2 Individuals in supervisory, managerial, and leadership roles play a key role in supporting and guiding the University towards an environment free from Sexual and Gender-Based Violence, and in addressing issues that would detract from such an environment.

4.3 The University will take the following into account when carrying out its responsibilities under this Policy:

4.3.1 The University is a unique environment, in which power imbalances are inherent. These factors impact individual experiences of Sexual and Gender-Based Violence and choices with regard to recourse;

4.3.2 Sexual and Gender-Based Violence are significant, complex, and systemic issues that can affect anyone within the University Community;

4.3.3 Sexual and Gender-Based Violence violate the integrity and dignity of a person and can have serious negative impacts, including trauma, on physical, mental, emotional, social, and spiritual wellbeing. The principles of a Trauma-Informed approach will guide the University's response.

4.4 The University recognizes the need to provide options, including detailed information about on- and off-campus resources, the provision of or the referral to counselling and medical care, and the provision of options and referrals for appropriate cultural, gender, language, and ability supports, respecting the rights of those involved to make their own decisions about accessing such support services and resources for both Complainants and Respondents;

4.5 Maintaining confidentiality and protecting privacy are essential in creating an environment and culture where individuals who have been impacted by Sexual and Gender-Based Violence feel safe to disclose their experiences and seek support. The University does its best to maintain confidentiality and protect the privacy of all persons, including the person submitting the Complaint, the Respondent and witnesses. In a commitment to a Trauma-Informed process, the University will inform the Complainant of any information allowed to be shared pursuant to applicable legislation, in order to support a sense of safety and security of the Complainant, or as consented to by the Respondent.

## 5. Disclosure and Reporting Options

5.1. Regardless of the option or options chosen, special arrangements can be requested through the Sexual and Gender-Based Violence Prevention Coordinator (in the case of students) or the Director, HR Services & Strategic Initiatives (in the case of employees) prior to exploring, and in the course of, any of these options. Special arrangements will not be disciplinary nor viewed as an assessment of the alleged Misconduct. Possible special arrangements will be survivor-centric and may consist of but are not limited to;

5.1.1. Face-to-face no-contact provisions during a formal Complaint process.

5.1.2. Adjusting class or working schedules for the Complainant or the Respondent

5.1.3. Changing on-campus living or working arrangements, alteration of assigned duties

**Commented [MK11]:** Clarification of potential special arrangements and a revised format to make it more reader-friendly. Added face-to-face no-contact provisions to align with provincial policy standards.

5.1.4. Academic special arrangements: the Sexual and Gender-Based Prevention Coordinator will liaise with academic staff to request and implement appropriate measures.

5.2. The University recognizes the agency of individuals. There are various options available, in recognition of the myriad of different ways that a member of the University Community who has experienced or who has been affected by Sexual and Gender-Based Violence. Options include but not limited to:

5.2.1. Disclosing without filing a Complaint (see 5.6);

5.2.2. Creating a personal record of information (see 5.7);

5.2.3. [Make a formal Complaint to the University](#) (see 5.8);

5.2.4. Making a report to an external body (see 5.9).

5.2.5. Making an anonymous and Third-party [Report](#) option (see 5.10.)

**Commented [MK12]:** NEW: Alignment with Alberta provincial standards for sexual and gender-based violence policies.

5.3. These options have advantages and disadvantages. Before choosing an option, members of the University Community are encouraged to reflect on their situation and seek support.

5.4. Members of the University Community may discuss their reporting options with the Sexual and Gender-Based Violence Prevention Coordinator (for students) or the Manager, HR Services & Strategic Initiatives (for employees) in order to make informed choices about the options available and to be informed of supports and resources available.

5.5. In some cases, to support an environment in which members of the University Community can work, live and learn in a climate free from Sexual and Gender-Based Violence, the University may be required to or may choose to investigate Misconduct even though an individual has chosen not to file a Complaint or does not wish to initiate an Investigation process.

#### 5.6. **Disclosing without Filing a Complaint**

5.6.1. A Disclosure may be made to the Sexual and Gender-Based Violence Prevention Coordinator, a counsellor, doctor, nurse, legal advisor or other trusted professional for the purpose of receiving support and referrals, without filing a Complaint with the University. These are private and confidential options where the University is not aware of the occurrence and the individual still retains the ability to file a Complaint at a later date with the University if they wish to do so. A disclosure here does not initiate a Complaint by the individual who has experienced Sexual and Gender Based Violence.

5.6.2. University Community members to whom a disclosure is made are encouraged to refer the individual to the Sexual and Gender-Based Violence Prevention Coordinator (for students) or the Manager, HR Services & Strategic Initiatives (for employees) to provide them information on available supports, disclosure and reporting options.

## 5.7. Creating a Personal Record of Information

5.7.1. An Individual may choose to prepare a personal record of information of an experience of Sexual Violence to ensure the experience is documented in close proximity to the time it occurred to assist in recalling details should a Complaint be made at a later date. The individual who experienced Sexual Violence prepares the personal record of information and is responsible for retaining the document. A personal record of information does not initiate a Complaint but it may be used by the individual creating the record to lodge a Complaint or make a criminal report. This form can be found at <https://www.ulethbridge.ca/sexual-violence/reporting-sexual-violence>

**Commented [SC13]:** Added a direct link for easier navigation

## 5.8. Filing a Complaint with the University

5.8.1.. The decision to file a Complaint is the choice of the person who has experienced [Sexual and Gender-Based Violence](#). A Complainant has the right to subsequently withdraw a Complaint at any time. If a Complaint is withdrawn, University supports are still available.

The University may act at its own discretion in the absence of a Complaint or if a Complaint is withdrawn, once it is made aware of an alleged Misconduct.

**Commented [MK14]:** Separated this from the paragraph above to ensure it's visible to the reader.

5.8.2. Complaints are to be submitted pursuant to the procedure outlined in [Appendix A](#).

5.8.3. There is no time limit for filing a [Sexual and Gender-Based Violence](#) Complaint. However, delaying the submission of a Complaint may affect the availability of evidence and witnesses, and may impede the ability of the University to investigate or enforce sanctions if the Respondent is no longer a member of the University Community.

5.8.4 If the Respondent is a unionized employee the University will be required to adhere to specific timelines and processes in the applicable Collective Agreement, if indicated. [\(these timelines and processes may differ from those outlined in Appendix A\)](#)

**Commented [MK15]:** Added to clarify the implications of collective agreements where the respondent is an employee and member of a union at the University.

5.8.5. If the Complaint is also under investigation by the police or another authority, the University may at its discretion continue, stay, or terminate its Investigation or any other proceedings related to the matter.

## 5.9. Making a Report to an External Body

5.9.1. When the individual who has experienced Sexual and Gender-Based Violence wishes, they may engage the criminal justice system by reporting the matter to the appropriate Police Services, file a civil lawsuit at the appropriate courthouse, make a complaint to the Alberta Human Rights Commission or report a violation pursuant to the Occupational Health and Safety Act, or make a report to any other applicable external body in the circumstances. The individual is also encouraged to report the matter to the University after filing any such report.



5.9.2. The University will report the matter to Police Services in circumstances of imminent risk of harm to self or others or to public safety.

#### 5.10 **Anonymous and Third Party Reporting Option**

5.10.1. An individual who has experienced Sexual or Gender-Based Violence or a **Third Party** who is aware of an incident, has the option to submit an **anonymous Report** through a portal located on the University's Sexual Violence website. **A Report is not a formal Complaint** and the purpose is not to prompt an investigation. A Report **provides an option for survivors** or a Third Party **to provide anonymous data about** campus-related Sexual and Gender-based Violence **provided to the University without making a formal Complaint. This data can be used to inform policy, develop prevention education, enhance security on campus, and meet reporting requirements.**

5.10.2. It is important for individuals to know that due to the nature of an **anonymous Report** the University will not be able to contact **them** regarding any updates on how the report was handled.

5.10.3. **Third-parties** should be aware that submitting an **anonymous Report** on behalf of an individual who has experienced Sexual and Gender-Based Violence without their explicit consent could have a negative impact on that individual's healing journey. It is important to know that not everyone is ready to share their story

5.10.4. **Survivors who previously submitted an anonymous Report have the option to submit a formal Complaint at a later date** (see section 5.8), **Third parties may submit an anonymous Report but not a Complaint.**

5.10.5 **Please be advised if you submit an anonymous Report which names a University of Lethbridge employee, the University may be obligated to act under the Occupational Health and Safety Act.**

**Commented [MK16]:** NEW: Added to align with Alberta provincial standards to allow anonymous and third-party reporting. All sections of 5.10 provide information about anonymous Reports.

## 6. Implementation

6.1. The University will give effect to this Policy by:

6.1.1. the establishment of Procedures to guide the Investigation of Complaints;

6.1.2. **the provision of specific training in managing or undertaking procedures related to the support, investigation and decision-making regarding cases of Sexual and Gender-based Violence to those who hold such responsibility; The Sexual and Gender- Based Violence Prevention Coordinator will provide such training to all members of the Complaint Review Team.**

6.1.3. the maintenance of supports including a website, a dedicated position related to Sexual and Gender-Based Violence prevention, and counselling support to those who have experienced or have been affected by Sexual **and Gender Base**d Violence;

**Commented [MK17]:** NEW: Include that training to be provided to Complaint Review Team (Note: members have completed the relevant training and are provided training materials, but this was not included in the Policy)

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- 6.1.4. the provision of educational programs designed to cultivate a respectful working, living, and learning environment free from Sexual and Gender-Based Violence and to bring awareness of this Policy and the related Procedures to the University Community;
- 6.1.5. the requirement for all students to complete the University's Sexual and Gender-Based Violence training; and,
- 6.1.5. the preparation of an annual report to the University President by the Complaint Review Team co-chairs, that provides statistical information on Complaints of Sexual and Gender-Based Violence, supports available to the University Community, and educational programs offered.

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## APPENDIX A COMPLAINT INVESTIGATION PROCEDURES

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### A1. Purpose

A1.1. This document outlines the procedures applicable to Investigations of Complaints under the Sexual Violence Policy.

### A2. Application

A2.1. This Procedure is not to be interpreted, administered, or applied in such a way as to:

A2.1.1. discourage or prevent members of the University Community from exercising any legal rights they may have, including the right to file a complaint with the Alberta Human Rights Commission, Occupational Health and Safety Act or pursue a criminal or civil remedy;

A2.1.2. limit or amend the provisions contained in any collective agreement or employment manual or student policies, subject to applicable legislation; or

A2.1.3. conflict with any investigative process under law or regulation.

### A3. Definitions

For the purposes of these Procedures:

A3.1. "Complaint" means an allegation of Misconduct.

A3.2. "Complainant" means the person filing a Complaint [under this Policy](#).

A3.3. "Investigation" means the process undertaken by the University to ascertain whether a Respondent has engaged in Misconduct.

A3.4. "Investigator" means the individual(s) designated by the University to investigate Complaints pursuant to this Policy.

A3.5. "Misconduct" means any conduct that is in contravention of a University policy, collective agreement, employment manual, law or other rule or regulation that warrants discipline, restrictions on movements or activities, or any other limitation of the Respondent's privileges, entitlements, rights, or obligations as imposed by the University.

- A3.6. “Respondent” means the person who is the subject of the Complaint.
- A3.7. “Senior Administrator”, for the purposes of these Procedures, means the person who has appropriate authority to take corrective, remedial and/or disciplinary action against a Respondent.
- A3.8. “Trauma Informed” means incorporating an understanding of the impact that trauma has on an individual or community, to minimize re-traumatization, and facilitate recovery and empowerment. These impacts may include, but are not limited to, a delay in the individual reporting, time-lines and details of events that seem unrelated or illogical, varying or lack of emotional response, more detailed sensory memory, describing an experience of response to the incident that included freezing, dissociation, and/or negotiation or pleasing; an experience of recalling details over time and a requirement of more time to process and/or to follow up. In general, Individuals who have been affected by trauma need to be heard, to understand options, to move at their own pace through the process of recovery, and to re-establish a sense of personal control over what happens in their lives.
- A3.9. “University Community” means all employees, students, post-doctoral fellows, volunteers or other individuals who work, study, conduct research or otherwise carry on the business of the University.

#### **A4. Investigative Principles**

- A4.1. Investigations will be fair, timely and unbiased. Members of the Complaint Review Team and Investigators shall self-identify any apparent or perceived conflict of interests with the Complaint and must excuse themselves from the proceedings. The Complaint Review Team co-chairs shall rule on the eligibility of those in cases regarding potential conflict of interests.
- A4.2. Investigations will be relevant to the nature of the Complaint, with Trauma-Informed approaches adopted.
- A4.3. Individuals involved in an Investigation will be treated with compassion, dignity, and respect.
- A4.4. Individuals involved in an Investigation have the right to a support person or union representative. In the case of a support person, their role is to provide emotional support, but not act for the complainant or respondent, nor be a witness. A support person has to agree to be bound by a confidentiality agreement prior to their participation.
- A4.5. Individuals involved in an Investigation will be provided with information about their rights and responsibilities as well as support services and resources available on- and off-campus, including Trauma-Informed support, in order to have options to decide which services and resources would be beneficial to them.

- A4.6. The Complainant, the Respondent and any witness are encouraged to participate in the Investigation. However, the Complainant, the Respondent and any witness may decide not to participate. Decisions not to participate may impact the findings and outcome of an Investigation. Notwithstanding the decision of a Complainant, Respondent and/or witness to not participate, the Investigation will proceed.
- A4.7. Under the Freedom of Information and Protection of Privacy Act (FOIP), the University will make every reasonable effort to maintain confidentiality and protect privacy, disclosing information only as required for purposes of offering supports and managing Complaints.
- A4.7.1. Anyone who has obtained information about another person through their participation in an Investigation should not disclose this information. The obligation to keep information confidential does not prevent a person from pursuing counselling, professional health services, legal advice and/or other support services, including personal support networks for either the Complainant or Respondent.
- A4.7.2. All written evidence or other documentation obtained by the University during the Investigation must be stored in a secure location and retained in accordance with the University's Records Management Policy.
- A4.7.3. If one of the parties involved in the Investigation requests access to any of the Investigation records, the Investigator shall consult with the Privacy Office to determine what can be released.

## A5. Investigative Procedure

- A5.1. Complaints under the Sexual and Gender-Based Violence Policy are to be submitted to the Associate Vice-President (Human Resources) or designate in the case of employees and other non-students, or to the Associate Vice-President (Students) or designate in the case of students.
- A5.2. A Complaint will include, where possible:
- A5.2.1. nature and particulars of the allegation, including the name of the Respondent if known;
  - A5.2.2. Complainant's contact information;
  - A5.2.3. names of potential witnesses; and
  - A5.2.4. relevant evidence and supporting documents.
- A5.3. Normally, within ten (10) working days of receipt of the Complaint, the Associate Vice-President (Human Resources) or Associate Vice-President (Students) or designate(s) will:
- A5.3.1. acknowledge receipt of the Complaint;

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- A5.3.2. provide the Complainant with information about resources and supports available;
- A5.3.3. provide the Complainant with a copy of the relevant policy(s) the Complaint has been submitted under;
- A5.3.4. request any additional information required to conduct a prima facie assessment of the Complaint;
- A5.3.5. assess if the Complaint is within scope of the policy(s) and determine if the Complaint is accepted and will be investigated through this process or be referred to the Collective Agreement as applicable.
- A5.3.6. If it is determined that the Complaint is not within the scope of the policy(s), the Associate Vice-President (Human Resources) or Associate Vice-President (Students) or their designates will inform the Complainant of the rationale for why the Investigation will not proceed.
- A5.3.7. If it is determined that the Complaint is within the scope of the policy(s) and an investigation will proceed, the Associate Vice-President (Human Resources) or Associate Vice-President (Students) or designate(s) will:
  - A5.3.7.1. meet with the Complainant, to inform them the Investigation will proceed;
  - A5.3.7.2. meet with the Respondent, ensuring they may exercise their rights to have a support person or union representative present, to inform them that a Complaint has been filed against them and that an Investigation is being undertaken, provide them with the nature of the allegations and the identity of the Complainant, if applicable, provide them with a copy of the relevant policy(s) and provide them with information about resources and supports available (In the case where the Respondent is a member of a union, this process may be superseded by processes and timelines indicated in the relevant Collective Agreement); and
  - A5.3.7.3. convene the Complaint Review Team.
- A5.4. The Complaint Review Team is comprised of the following, or a subset of:
  - A5.4.1. Associate Vice-President (Human Resources) (Co-Chair) (or designate)
  - A5.4.2. Associate Vice-President (Students) (Co-Chair) (or designate)
  - A5.4.3. Executive Director (Student Services) (or designate)
  - A5.4.4. Chief Safety Officer (or designate)
  - A5.4.5. Senior Administrator (or designate)

**Commented [MK18]:** To provide clarity about the implications for processes and timelines where the collective agreement is followed.

A5.5. Normally within ten (10) working days of being convened, the Complaint Review Team will:

- A5.5.1. determine the investigative process that will be followed based on the nature of the Complaint and identify any additional resources that need to be consulted;
- A5.5.2. appoint a qualified internal or external Investigator to conduct the Investigation, taking into consideration the following factors to determine qualification- subject matter being investigated, competency, experience, training, licensing and sensitivity;
- A5.5.3. provide the Investigator with all documents and contact information relevant to the Complaint;
- A5.5.4. determine any interim measures to be taken while the Complaint is investigated. In the context of an Investigation, interim measures are not be viewed as disciplinary or as an assessment of the Misconduct;
- A5.5.5. work with internal and external resources, including but not limited to law enforcement, to expedite responses and the Investigation;
- A5.5.6. determine the level of risk to the health or safety of the living, working and/or learning environment to members of the University Community and coordinating the University's response; and
- A5.5.7. coordinate the University's response where the incident(s) is complex and requires the coordination of two or more administrative units to best support the individual(s) involved or to address and respond to the Complaint.
- A5.5.8. inform the Complainant and Respondent of the Investigator and the investigative process.

A5.6. Normally, within ten (10) working days of being appointed, the Investigator will meet with the Complainant, ensuring the individual may exercise their rights to have a support person or union representative present, to:

- A5.6.1. review the Investigation process;
- A5.6.2. review the relevant policy(s) the Complaint has been submitted under;
- A5.6.3. inform them of their rights and responsibilities related to the Investigation process;
- A5.6.4. review the filed Complaint that they submitted; and
- A5.6.5. provide them with the opportunity to offer additional information on the Complaint.

A5.7. Normally, within ten (10) working days of being appointed, the Investigator will meet with the Respondent, ensuring the individual may exercise their rights to have a support person or union representative present, to:

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- A5.7.1. review the Investigation process;
  - A5.7.2. review the relevant policy(s) the Complaint has been submitted under;
  - A5.7.3. inform them of their rights and responsibilities related to the Investigation process;
  - A5.7.4. review the Complaint that has been filed against them;
  - A5.7.5. respond to the allegations; and
  - A5.7.6. provide them with the opportunity to offer additional information in response to the Complaint, normally within ten (10) working days of the meeting, or as determined by the Investigator.
- A5.8. The Investigator shall normally have up to sixty (60) working days to conclude the Investigation. The timeline to conclude an Investigation may be extended depending on the availability of the Complainant, the Respondent, witnesses and evidence. Complainants and Respondents will be informed of any extension of the timeline.
- A5.9. During the Investigation, the Investigator will:
- A5.9.1. meet with witnesses to collect facts;
  - A5.9.2. collect and review any evidence;
  - A5.9.3. provide the Complainant and Respondent other opportunities to participate in the Investigation to ensure the facts are complete and give fair opportunities to respond; and
  - A5.9.4. prepare a written investigation report for submission to the Complaint Review Team ("Investigation Report").
- A5.10. The Investigation Report shall include:
- A5.10.1. a summary of the allegations;
  - A5.10.2. a summary of the process used in the Investigation;
  - A5.10.3. the findings of fact made by the Investigator during the Investigation; and
  - A5.10.4. a conclusion as to whether, in the opinion of the Investigator, on a balance of probabilities, Misconduct occurred, along with a rationale supporting the conclusion.
- A5.11. Upon receipt and review of the Investigation Report, the Complaint Review Team will determine whether Misconduct has occurred, what, if any, action is to be taken including but not limited to disciplinary sanctions.
- A5.12. Normally, within ten (10) working days of the receipt of the final Investigation Report, should there be a finding on a balance of probabilities that Misconduct did occur:



A5.12.1. the appropriate Senior Administrator will meet with the Respondent to inform them of the findings of the Investigation, of the decision that Misconduct did occur and of the disciplinary or other sanction to be imposed, and in the case where sanctions are to be imposed the Respondent will be asked if they will consent to have the Complaint Review Team disclose the sanction imposed on the Respondent to the Complainant to support a Trauma-Informed process; and

A5.12.2. the Associate Vice-President (Human Resources) or Associate Vice-President (Students) or designate(s) will meet with the Complainant to inform them of the findings of the Investigation and the decision that Misconduct did occur. In a commitment to a Trauma-Informed process, the applicable **co-chair** will inform the Complainant of any other information in accordance with applicable legislation, or as consented to by the Respondent.

A5.13. Normally, within ten (10) working days of the receipt of the final Investigation Report, should there be a finding on a balance of probabilities that Misconduct did not occur:

A5.13.1. the appropriate Senior Administrator will meet with the Respondent to inform them of the findings of the investigation and of the decision that Misconduct did not occur; and

A5.13.2. the Associate Vice-President (Human Resources) or Associate Vice-President (Students) or designate(s) will meet with the Complainant to inform them of the findings of the investigation and of the decision that Misconduct did not occur

#### A5.14. Appeals

A5.14.1. A Complainant or Respondent may appeal **to an independent internal third-party**, pursuant to the grounds set out in A5.14.2 below, within ten (10) working days of being informed of the University's decision.

A5.14.2. Grounds for appeal: An appeal may be submitted if an error in fact or in law (including but not limited to procedural fairness) caused prejudice to the Complainant or Respondent and that would likely have affected the final outcome. The Respondent may appeal the severity of the sanction imposed. The Appellant must outline the reasons for the appeal.

A5.14.3. In the case of an employee covered by a collective agreement, the grievance procedure set out in said collective agreement will replace the appeal provisions herein.

A5.14.4. In the case of an employee who is not covered by a collective agreement, an appeal is directed to the Vice-President (Finance & Administration) or designate.

A5.14.5. In the case of student Complainants or Respondents, an appeal is directed to the Provost and Vice-President (Academic) or designate who will act as a representative of the Board of Governors of the University of Lethbridge. This appeal includes the student discipline appeal available to students pursuant to

**Commented [MK19]:** To ensure alignment with AB provincial policy standards. Not that since 2019 the University has identified an internal independent third party – independent of the CRT decision and investigation process -- who adjudicates appeals.

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the *Post-secondary Learning Act of Alberta* (“PSLA”) or any successor  
legislation that may come into force replacing the PSLA.

A5.14.6. When an appeal is filed by one party, the other party to the Complaint will be notified that an appeal has been filed. The individual or body hearing the appeal/grievance may request further involvement from the other party based upon the nature of the appeal.

A5.14.7. A decision on the appeal will be based on a review of the Investigation file and any other relevant documents or information. The Provost and Vice-President (Academic) or designate, or the Vice President (Administration and Finance) or designate will communicate their decision of the appeal in writing to all parties, normally within twenty (20) working days of receiving the appeal. The decision will be final and binding.

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## APPENDIX B Commitments and Statement of Principles to Guide Policy Development

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B1. The University recognizes that Sexual and Gender-Based Violence is a significant, complex, and systemic social issue that can affect anyone within the University Community. Sexual and/or Gender-Based [Violence](#) violates the integrity and dignity of a person and it can have serious negative impacts on physical, mental, emotional, social, and spiritual wellbeing. The University's intention is to ensure that individuals feel empowered to make a Complaint about Sexual and or Gender-Based Violence that they have experienced or witnessed and that they feel empowered as they navigate the process following a Complaint.

B2. The University will take the following into account when carrying out its responsibilities under this Policy: Individuals' experiences will be affected by factors such as their access to power and privilege, historically relevant considerations such as settler colonialism, their sex, sexual identity, gender identity, gender expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, Indigeneity, immigration status, socioeconomic status, class, and language. The University also recognizes that a university is a unique environment, in which power imbalances are inherent. These factors impact individual experiences of Sexual Violence and choices with regard to recourse. |

B3. The University recognizes that intersectionality should be an underpinning of any policy or framework that addresses Sexual and Gender-Based Violence. It recognizes that all experiences of Sexual and Gender-Based Violence are not the same. Rather, conversations, interventions, prevention strategies, and support services should be facilitated to respond to the needs of the broader University Community while also providing relevant support and services based on an individual's needs and lived experience. Some individuals or groups, such as women, girls, Two Spirit, transgender, and non-binary people, experience Sexual and Gender-Based Violence at higher rates than others. Intersectionality recognizes that a person's experience will be impacted by many social factors, including their gender identity and their positions within the structures of their university. |

**Commented [MK20]:** NEW: an addition to clarify the role that intersectionality plays in terms of the guiding principles informing the policy, support services and education programs at the University.

### B4. Support |

*The University is committed to:*

B4.1. Recognizing the traumatic effects of Sexual and Gender-Based Violence and assisting those who have experienced Sexual and/or Gender-Based Violence by providing choices, including detailed information about on and off-campus resources, the provision of or the referral to counselling and medical care, information about reporting options, and appropriate special arrangements;

B4.2. Supporting members of the University Community in making a Complaint of Sexual and Gender-Based Violence that they have experienced or witnessed; |

- B4.3. Respecting the rights of those who disclose to make their own decisions about accessing support services and accommodations, making a Complaint, or pursuing external processes such as criminal or civil action;
- B4.4. Providing information and assistance to members of the University Community who have had Complaints of Sexual and Gender-Based Violence made against them;
- B4.5. Maintaining an up-to-date list of on-and off-campus support services and making them accessible to all University Community members through the Sexual Violence Support & Education Website: [www.uleth.ca/sexual-violence](http://www.uleth.ca/sexual-violence);
- B4.6. Offering options and referrals for appropriate cultural, gender, language, and ability supports;
- B4.7. Maintaining a service specifically to describe options to individuals who experience Sexual Violence, provide intake for Complaints for Students and Employees, and provide education, training, and resources to the University Community regarding Sexual Violence.

Appendix B – Commitment and Statements of Principles  
to Guide Policy Development

B5. Procedural Fairness, Timeliness, and Transparency *The University is committed to:*

- B5.1. Establishing and following a formal, unbiased procedure for responding to incidents of Sexual and Gender-Based Violence;
- B5.2. Ensuring due process and procedural fairness and protecting the rights of the Complainant, the Respondent, and witnesses;
- B5.3. Responding to and addressing Complaints and conducting Investigations in a timely manner;
- B5.4. Ensuring that the person against whom allegations have been made (and will be investigated) knows the allegations against them and is given the opportunity to respond;
- B5.5. Mindfully communicating with clarity, congruency, and consistency to mitigate the risk of further harm or victimization to the Complainant;
- B5.6. Advising the Complainant and Respondent of their rights and responsibilities related to the process;
- B5.7. Providing a written final decision and a rationale to the Complainant and Respondent in a Complaint process.

B5. Education and Training *The University is committed to:*

- B5.1. Facilitating on-going and pro-active prevention activities with an emphasis on increasing awareness of bystander engagement, gendered violence, response to disclosures of Sexual Violence, and Consent;
- B5.2. Maintaining a dedicated webpage on Sexual Violence with clear information about supports, services, and reporting options available to individuals impacted by Sexual Violence as well as resources for responding to disclosures;
- B5.3. Adopting an intersectional approach within education initiatives that is reflective of and relevant to our diverse campus population;
- B5.4. Making appropriate, proactive, and sustained internal training opportunities available to all members of the University Community;
- B5.5. Ensuring that individuals involved in managing or undertaking procedures related

to the support, Investigation, and sanctions regarding cases of Sexual Violence, will receive specific training pertinent to their roles;

B5.6. Educating the University Community about the role of the Sexual and Gender-Based Violence Prevention Coordinator and the Manager, HR Services & Strategic Initiatives