



<b>Sexual and Gender-Based Violence Response Procedure</b>	
<b>Category:</b> Administrative	<b>Approval Date:</b> October 31, 2022
<b>Procedure Owners:</b> Vice President Academic and Provost and Chief Human Resources Officer	<b>Effective Date:</b> January 23, 2023
<b>Related Documents:</b> Appendix A – Contact Information for Services and Supports	<b>Review Period:</b> 3 Years

## **PURPOSE**

This procedure is intended to create processes for Red Deer Polytechnic to respond to disclosures and reports of sexual and gender-based violence in an effective, fair, and trauma-informed manner.

## **PROCEDURE**

### ***A. Making a Disclosure About Sexual and Gender-Based Violence***

1. A disclosure is when an individual shares information with another person at the Polytechnic about an experience of sexual or gender-based violence. A disclosure can be made for the purpose of obtaining support, or other services, or information about making a report. The choice to disclose and the choice to report are separate decisions (see Section E. “Making a Report About Sexual and Gender-Based Violence”).
2. An individual at the Polytechnic who has experienced sexual or gender-based violence may choose to make a disclosure to any member of the Polytechnic community (e.g., a student, faculty or staff member, or coach). The role of the person receiving a disclosure is to listen, believe, affirm, and empower the person making the disclosure by referring them to existing supports and resources and by allowing them to decide their next steps.

### ***B. Supports and Resources***

1. Supports are available to any member of the Polytechnic community making a disclosure, regardless of whether they choose to make a report of sexual or gender-based violence (“SGBV report”). Supports are also available to members of the Polytechnic community who receive disclosures or who have a report filed against them.

<a href="#">Health, Safety and Wellness Centre</a>	RDP Main Campus, Room 901 403-342-3427 <a href="mailto:health.safety@rdpolytech.ca">health.safety@rdpolytech.ca</a>	Free walk-in nursing services, clinical assessments, community referrals, emergency and first aid services
<a href="#">Counselling Services</a> (for Students)	RDP Main Campus, Room 1402 403-343-4064 <a href="mailto:counselling@rdpolytech.ca">counselling@rdpolytech.ca</a>	Free and confidential services
Manager, Security and Emergency Response	RDP Main Campus, main entrance Information and Security 403-343-4000 <a href="#">SAFE RDP App</a>	Free 24/7 support, emergency response, personal safety issues
<a href="#">Accessibility Services</a> (for Students)	RDP Main Campus, Room 1402 403-357-3629 <a href="mailto:accessibility@rdpolytech.ca">accessibility@rdpolytech.ca</a>	Provide support in making a request for accommodations to complete coursework
Students' Association	403-342-3200	Provide help in accessing various resources, e.g., health resources, and free legal advice
Residence	Trent Rix, Director, Ancillary and Sport Services (403) 357-3688 <a href="mailto:trent.rix@rdpolytech.ca">trent.rix@rdpolytech.ca</a> or Tim Siemens, Manager, Conference & Accommodation Services (403) 342-3238 <a href="mailto:timothy.siemens@rdpolytech.ca">timothy.siemens@rdpolytech.ca</a>	Facilitation of safe living arrangements or short-term living arrangements for students living in residence
People and Culture (for employees) and Manager, Security and Emergency Response	403-356-4912 <a href="mailto:employeecomplaints@rdpolytech.ca">employeecomplaints@rdpolytech.ca</a>	Arrangements for safety planning and for the implementation of interim measures that include temporary work assignment, location reassignment, scheduling changes/
Alberta Union of Provincial Employees (AUPE)	Terry Oakley 403-342-3521 <a href="mailto:terry.oakley@rdpolytech.ca">terry.oakley@rdpolytech.ca</a>	
Canadian Union of Public Employees	Trina Carroll 403-343-4098 <a href="mailto:trina.carroll@rdpolytech.ca">trina.carroll@rdpolytech.ca</a>	
Faculty Association	Sally Stuart 403-343-4057 <a href="mailto:sally.stuart@rdpolytech.ca">sally.stuart@rdpolytech.ca</a>	
<a href="#">LifeWorks</a> (for employees)	1-844-671-3327 <a href="http://login.lifeworks.com">login.lifeworks.com</a>	24/7 confidential, counselling services for benefit-eligible employees and their families

### **C. Academic and Other Accommodations for Students**

1. The Polytechnic recognizes the impact of trauma on a student's physical or mental health. They may have feelings of distress, anger, fear, sadness, lack of energy or other feelings that impact their ability to focus, complete schoolwork, study, and ask for support.
2. A student who has made a disclosure or report has the right to ask for academic accommodations. Examples of accommodations include:
  - a. course schedule and delivery changes;
  - b. course load reductions;
  - c. assignment extensions;

- d. exam deferral; and
  - e. withdrawals or late course drops.
3. The following departments or areas assist students who seek accommodations:
- a. [Accessibility Services](#) is the first point of contact for students regarding the accommodations process;
  - b. [Health, Safety and Wellness Centre](#) provides information and referrals to external supports;
  - c. [Student Connect Centre](#) provides information about student funding and academic advising;
  - d. [Indigenous Student Services](#) provides academic, social and cultural support, including referrals to external community connections and supports;
  - e. [Residence](#) provides information about alternate living arrangements;
  - f. [Office of the Registrar](#) provides information about registration, withdrawals, exam extensions, and course loads; and
  - g. the [Students' Association](#) provides information about getting help and support on-campus and in the broader community.

#### ***D. Accommodations for Employees***

1. The Polytechnic recognizes the impact of trauma on an employee's physical or mental health. They may have feelings of distress, anger, fear, sadness, lack of energy or other feelings that impact their ability to focus, complete work duties, and ask for support.
2. An employee who has made a disclosure or a report of sexual or gender-based violence has the right to seek accommodations and are encouraged to make an appointment with the [Health, Safety and Wellness Centre](#) for support.

#### ***E. Making a Report About Sexual and Gender-Based Violence***

1. An individual who chooses to make an SGBV report may do so verbally, or in writing, to the Dean of Students (or designate) if they are a student, or the Chief Human Resources Officer (or designate) if they are an employee.
2. The Dean of Students (or designate) or the Chief Human Resources Officer (or designate) will have training in trauma-informed approaches.
3. The Dean of Students (or designate) or the Chief Human Resources Officer (or designate) receives the SGBV report. Within 10 business days of receiving the SGBV report, they document their decision whether to impose interim measures, initiate an investigation, or take other action. Before making a decision, they may consult with relevant Polytechnic departments, taking into account confidentiality.
4. If the Dean of Students is named as the respondent, the SGBV report will be made to the Associate Vice President, Teaching, Learning and Research. If the Chief Human Resources Officer is named as the respondent, the SGBV report will be made to the President.
5. If the Dean of Students (or designate) or the Chief Human Resources Officer (or designate) decides not to initiate an investigation, they notify the individual who made the

SGBV report, in writing, within 10 business days of receiving it. They outline the reasons for making the decision not to investigate.

6. In determining whether to initiate an investigation, the Dean of Students (or designate) and the Chief Human Resources Officer (or designate) considers whether
  - a. the Polytechnic has the authority to investigate;
  - b. there is sufficient information from the SGBV report on which to proceed;
  - c. the investigation should be put on hold pending the outcome of another process; and
  - d. the allegation has previously been addressed under another policy and process.
7. The Dean of Students (or designate) or the Chief Human Resources Officer (or designate) specifically informs the individual who made the SGBV report that, should a decision be made to proceed with an investigation, procedural fairness requires that their name and the nature of the allegations be released to the respondent when the respondent is notified of the investigation. The respondent is the individual who is named in the report and is alleged to have violated this policy. The individual who made the SGBV report is informed that this will not be done until a safety plan is in place.
8. At any time throughout the process, a student who made an SGBV report may choose to withdraw it by contacting the Dean of Students (or designate). If the individual is an employee, the withdrawal is communicated to the Chief Human Resources Officer (or designate). As outlined in this policy, the Polytechnic may determine, in some circumstances, that it is necessary to nevertheless proceed with an investigation.

#### ***F. Third-Party and Anonymous Sexual and Gender-Based Violence Reports***

1. Individuals other than the individual who experienced sexual or gender-based violence may make an SGBV report. These may include witnesses, or persons making a report on behalf of the individual who experienced sexual or gender-based violence. Staff responsible for the intake of third-party reports will ask the person who experienced sexual or gender-based violence if they gave consent to the third party to make the report, and whether they consent to participate in the investigation.
2. An individual who experienced sexual or gender-based violence may make a report on their own behalf without providing information about their identity through an anonymous phone or text line or App-based reporting system.
3. A disclaimer is included in all media used to provide information about third-party and anonymous reports. It states that there may be cases where the Polytechnic is unable to proceed with any action against an individual if there is insufficient detail to independently verify a violation of this policy. For example, if the report is silent about who was subjected to sexual or gender-based violence, the ability to investigate may be severely limited.
4. In all media referred to in section #3, a list of contact information is provided to notify students, faculty, and staff of available supports and services on or off-campus. The statement refers to the reporting process available under this policy and procedure, which is available should a person choose to report.
5. Where available, information is included about alternative approaches in the greater central Alberta community such as transformational restorative justice processes.

## **G. Interim Measures**

1. During the intake stage, either for a disclosure or an SGBV report, Polytechnic staff will ask the individual what their immediate needs are, e.g., how has the experience interfered with their feelings of safety and harm or their ability to continue accessing education, employment, residence, or other services, on campus? Polytechnic staff will ask whether the individual wants interim measures imposed. As outlined in this policy, the Polytechnic may determine, in some circumstances, that it is necessary to nevertheless impose interim measures.
2. Interim measures adjust or restrict interaction between the individual who made the SGBV report and the respondent (“the parties”) in order to
  - a. respond to an individual’s immediate need to safely continue their education, employment, or residence situation without continued face-to-face or other forms of contact with the respondent;
  - b. protect the safety of the broader Polytechnic community;
  - c. discourage or prevent retaliation;
  - d. prevent repeated sexual violence if there is information about a pattern of behaviour by the respondent; criminal charges are laid; the respondent’s movement is restricted by a court order;
  - e. help protect confidentiality;
  - f. minimize disruption to the learning, working, or residence environment generally;
  - g. preserve the Polytechnic’s ability to conduct a fair and thorough investigation; and
  - h. protect and uphold a culture where sexual and gender-based violence is not tolerated at the Polytechnic.
3. The Dean of Students (or designate) is the decision-maker on interim measures where the respondent is a student, and the individual who made the SGBV report is either a student or an employee.
4. The Chief Human Resources Officer (or designate) is the decision-maker on interim measures where the respondent is an employee, and the individual who made the SGBV report is either an employee or a student.
5. The Dean of Students (or designate) and the Chief Human Resources Officer (or designate) consult with the Manager, Security and Emergency Response, and other internal resources where appropriate.
6. The decision-maker notifies the parties by phone, email, or other means that a decision is being contemplated about interim measures. The decision-maker asks the parties for their response and to provide any information or argument to the decision-maker that relates to the context of the case. Wherever possible, the decision-maker will make efforts to find a solution that is fair and reasonably meets the parties’ needs.
7. The interim measures must be fair and reasonable in the circumstances and may include:
  - a. a no-contact directive;
  - b. employment or workplace modifications or restrictions;
  - c. changes in employment reporting structures;
  - d. restricting a respondent’s access to campus or parts of campus;

- e. restricting the parties proximity to one another by
    - i. making changes within Polytechnic residence if the parties are residents, or
    - ii. making changes to course delivery for any party who is a student; or
  - f. any other interim measures as may be determined appropriate in the circumstances.
8. If an employee's terms and conditions of employment are impacted by the interim measures, the normal procedures of any relevant collective agreement or terms and conditions of their employment contract will apply.
  9. The decision-maker informs the parties as soon as possible, in writing, of the decision whether to impose interim measures and outlines the reasons. The decision-maker
    - a. outlines the consequences if the terms and conditions of the interim measures are violated;
    - b. specifies the duration of the interim measures, e.g., the terms and conditions of the interim measures will expire once a final decision has been made by the Polytechnic about the outcome of the SGBV report or based on other events; and
    - c. notifies the parties that the decision-maker will communicate the decision to others who need to be informed in order to implement and enforce the interim measures.
  10. The decision-maker cautions those who are informed about the interim measures decision to treat the information as confidential, except in circumstances where it is shared to preserve safety and security.
  11. Interim measures may be subject to amendments where new information becomes available or if there are changed circumstances. A party may ask to amend the interim measures by contacting the decision-maker by phone, email, or other means, and outline the new information. The decision-maker asks the parties to give input and to provide any information or argument to the decision-maker, and then makes an amendment decision in alignment with the principles and steps outlined in the process above.

## ***H. Investigation***

1. The Polytechnic appoints internal or external investigators who have the necessary skills, knowledge, and experience, including trauma-informed interview practices, to conduct an investigation under this policy.
2. The Dean of Students (or designate) appoints the investigators where a student is responding to an SGBV report filed by either a student or an employee. The Dean of Students (or designate) is the central point of communication for the parties to the investigation.
3. The Chief Human Resources Officer (or designate) appoints the investigators where an employee is responding to an SGBV report filed by either a student or an employee. The Chief Human Resources Officer (or designate) is the central point of communication for the parties to the investigation.
4. The Dean of Students (or designate) or the Chief Human Resources Officer (or designate) provides the investigators with a mandate for the investigation.

5. The Dean of Students (or designate) or the Chief Human Resources Officer (or designate) notifies the parties about the investigation in writing. The parties are asked whether they require any accommodations to fully participate in the investigation.
6. The investigators develop an investigation plan that identifies:
  - a. the issues;
  - b. the scope of the investigation; and
  - c. who will be interviewed, the subjects to be explored in the interview, and what evidence to ask for during interviews.
7. Investigators undergo a conflict-of-interest check before beginning an investigation. They declare any conflicts to the Dean of Students (or designate) or the Chief Human Resources Officer (or designate) who will re-appoint investigators as appropriate.
8. Investigators investigate according to their mandate as provided by the Dean of Students (or designate) or the Chief Human Resources Officer (or designate).
9. Investigators contact the parties and any witnesses to arrange separate interviews.
10. The parties and witnesses are informed of the following:
  - a. they may be accompanied by a support person to investigation interviews; the support person's role is to provide emotional, spiritual, or cultural support;
  - b. the available sources of support to maintain their well-being during the process;
  - c. what the investigation process will involve, and that the parties and witnesses may ask the investigators procedural questions;
  - d. that they will be asked to sign a confidentiality acknowledgment; and
  - e. although individuals have the right to decline to participate in the investigation, the investigation report will be completed without that individual's participation.
11. A witness cannot be both a witness in the subject investigation and a support person to the individual who made the related SGBV report.
12. The parties cannot participate in meetings or interviews together (at the same time).
13. The Dean of Students (or designate) or the Chief Human Resources Officer (or designate) notify the parties about the progress of the investigation, estimated timeframes, and any delays related to the matter, regardless of the parties' level of participation in the process.
14. Investigators prepare a written investigation report based on the evidence collected, including information about the impact of the sexual or gender-based violence on the parties. Investigators make findings on a balance of probabilities, i.e., whether it is more likely than not that the respondent's behaviour occurred in violation of this policy. Investigators do not determine the outcomes.
15. Investigators complete their report and submit it to the Vice President Academic and Provost or the Chief Human Resources Officer within 60 calendar days of being appointed. If the investigators require a time limit extension, they make a written request to the Dean of Students (or designate) or the Chief Human Resources Officer (or designate) before the date by which the investigation report is to be submitted. The request outlines the investigators' rationale for the extension request and identifies a new submission deadline.
16. The Dean of Students (or designate) or the Chief Human Resources Officer (or designate) informs the investigators as soon as possible, in writing, of the decision whether the



extension is granted. They outline the reasons for the decision and specify the new submission deadline. The parties are also informed, in writing, of the new deadline and the reasons for the extension.

### ***I. Decision on Outcome***

1. The Vice President Academic and Provost is the decision-maker where the respondent is a student, and the individual who made the SGBV report is either a student or an employee.
2. The Chief Human Resources Officer (or designate) is the decision-maker where the respondent is an employee, and the individual who made the SGBV report is either an employee or a student.
3. The decision-maker confirms receipt of the investigation report by email to the investigators as soon as possible.
4. The decision-maker reviews the report and evidence. This may include taking into account the potential effects of trauma on memory, recall, and other effects. If the decision-maker has clarifying questions of the investigators, the decision-maker emails their questions to the investigators.
5. The decision-maker notifies the parties, in writing, whether the respondent was found to have violated this policy or not within 30 calendar days of the date of receipt of the investigation report. If the decision-maker requires more time, they will contact either the Dean of Students (or designate) or the Chief Human Resources Officer (or designate) who notifies the parties as soon as possible and indicates the revised timeline.
6. If faculty or staff are found to have violated this policy, any disciplinary action will be taken in accordance with the provisions of their applicable collective agreement or the terms and conditions of their employment contract.
7. If a student is found to have violated this policy, or other student conduct-related policies, the Vice President Academic and Provost reviews the investigation report. In some cases, the Vice President may ask the parties, separately, to provide input in writing, in person, via phone call or virtual platform on what they propose as an appropriate outcome. The parties' input will not be the only determining factor in deciding outcomes. Each party has the right to be accompanied by a support person when providing input.
8. The decision-maker considers the specific circumstances of each case in determining the outcome including mitigating, aggravating, and compounding factors. Examples of such factors include:
  - a. the severity of the harm caused;
  - b. Polytechnic records of previous violations of this policy;
  - c. multiple violations within the same incident;
  - d. intentionality or premeditation of the behaviour;
  - e. whether the conduct involved physical violence or the use of a weapon;
  - f. whether the respondent exhibits patterns of behaviour that relate to sexual and gender-based violence (e.g., findings of policy violations, admissions of misconduct, level of remorse);
  - g. any other relevant factors.



9. In making an outcome decision, consideration must be given to education and the prevention of a future re-occurrence, correcting the negative impact of the incident on the individual who made the report, and ensuring the safety of the Polytechnic community. Some examples of outcomes for student respondents may include but are not limited to:
  - a. mandatory attendance at educational sessions on the impact of sexual and gender-based violence;
  - b. mandatory attendance at educational sessions to improve understanding of consent;
  - c. limited or prohibited access to Polytechnic premises;
  - d. loss of privileges (e.g., library, gym, cafeteria, etc.);
  - e. no-contact directive;
  - f. a behavioural contract;
  - g. apology letter;
  - h. residence relocation or eviction;
  - i. suspension;
  - j. expulsion;
  - k. payment of restitution or fines;
  - l. denial of ability to represent Red Deer Polytechnic in an official capacity, e.g., as an RDP Athletic team member;
  - m. withholding or revocation of a Red Deer Polytechnic credential;
  - n. other discretionary action the decision-maker determines as fair and reasonable.
10. The decision-maker notifies the parties of the final decision, including the details of any outcome measure, in writing. The decision-maker must explain in clear language the rationale for the decision, i.e., outline the chain of analysis on which their decision is based. The depth of the decision-maker's reasons must also reflect the seriousness of the matter, or the stakes for the parties. The decision will include information about appeal avenues according to Polytechnic policy, or the relevant collective agreement, or the terms and conditions of their employment contract.
11. The decision letter is shared only with those individuals who require the information to implement and manage any of the outcome measures.

## ***J. Retaliation***

1. Any individual who is involved in a sexual and gender-based violence investigation and believes they are the subject of retaliation, threats or intimidation may notify the Dean of Students (or designate) or the Chief Human Resources Officer (or designate) and a decision will be made whether to investigate.
2. An individual who is found to have retaliated, made threats against, or intimidated an individual involved in an investigation may be subject to outcome measures, including termination of employment, expulsion from the Polytechnic, or termination of any other relationship they have with the Polytechnic.

3. Disciplinary action may be taken in relation to faculty, staff, and individuals in accordance with the provisions of any applicable collective agreement or the terms and conditions of their employment contract.
4. If the individual is a student, the Dean of Students (or designate) will review the investigation report regarding the reprisal and make a decision.