

## Sexual Violence Response Team (SVRT) Procedure

This procedure is governed by its parent policy. Questions regarding this procedure are to be directed to the identified Procedure Owner.

<b>Category:</b>	Human Resources
<b>Parent Policy:</b>	C27 Sexual Violence
<b>Approval Date:</b>	March 18, 2021
<b>Effective Date:</b>	March 18, 2021
<b>Procedure Owner:</b>	AVP Students and Registrar Chief Human Resources Officer

### Overview:

#### Sexual Violence Response Team

The Sexual Violence Response Team (SVRT) is the group of College employees responsible for overseeing the College's response to allegations of sexual violence. This team includes:

- AVP, Students and Registrar (Co-Chair)
- Chief Human Resources Officer (Co-Chair)
- Director, Communications
- Manager, Health & Wellness Centre
- Manager, Health Safety & Security
- Manager, Human Resources
- Associate Registrar

Designates may be appointed by the co-chairs, as necessary.

#### Conflict of Interest Statement

Members of the SVRT and persons involved with the investigation, assessment and review of the report will not, to the extent possible, include any individuals who have a potential, perceived or real conflict of interest in the matter or persons involved. The direct supervisors, coaches or instructors of either the survivor, reporter or the respondent will take no part in assessing or leading the investigation.

The SVRT will:

- Establish and maintain procedures to respond to reports of sexual violence and to support survivors, reporters and respondents.
- Encourage measures aimed at promoting a College environment free from sexual violence.

- Take reasonable action to prevent sexual violence through education and communications and to promote the safety of all Members of the College Community.

### **Responding to Sexual Violence (Campus Community)**

It is the responsibility of all Members of the College Community who receive a report of sexual violence to:

- Refer the Member of the College Community to the SVRT which will work to ensure the individual receives the necessary information regarding reporting options, support services, processes and academic modifications;
- Assist the Member of the College Community in accessing available support services;

### **Confidentiality**

All persons involved in a report and/or investigation of sexual violence are entitled to confidentiality as required by law and College policy, and where otherwise appropriate. The College treats all reports as confidential, subject to the following:

- When an individual is judged to be at imminent risk of harming self and/or others;
- There are reasonable grounds to believe that Members of the College Community or wider community may be at risk of harm;
- Reporting and/or conducting an investigation is required by law, by the College's policies, or by an external body with appropriate authority;
- Reporters, survivors and respondents are free to disclose their own experiences and stories.

Confidentiality is subject to the provisions of the *Freedom of Information and Protection of Privacy Act* (Alberta), other legislation, and College policy.

### **Reporting Process**

The College will provide those who have experienced sexual violence or those who wish to submit a report of sexual violence with comprehensive information about reporting options.

A report can be submitted by any person.

Reports must be submitted with the SVRT in accordance with the procedures associated with this policy. The reporter will be advised of the survivor's rights to forego proceeding further at any time.

### **Procedures:**

The College is committed to promptly, thoroughly, and impartially responding to reports of sexual violence in a manner that ensures due process and fairness.

### **Disclosures**

A person who has experienced or witnessed sexual violence may choose to disclose the incident to any member of the Olds College community. 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 on next steps including seeking support services and/or making a formal report.

The person receiving the disclosure is not there to investigate or ask questions, other than to ask how they can help. Olds College community members must respect the right to confidentiality of the person making the disclosure and the choice to formally report or not.

### **Reporting Sexual Violence**

Should survivors, bystanders and/or reporters wish to submit a formal report, they are encouraged to do so as soon as possible. However, due to the nature of sexual violence, there is no required timeframe for reporting. All reports will be received and a report can be submitted in writing by any person who agrees to report whether the statement is provided by the survivor or the person who received the disclosure. Filing a report does not prohibit or constitute reporting to other authorities (e.g., law enforcement). Individuals who have experienced or witnessed sexual violence have the following options for filing a report.

**Reporting to Olds College** – A Formal or Informal Report can be made to a member of the Olds College SVRT through the Olds College Alert App.

**Reporting to Police** – Reports can be made to a law enforcement agency in order to pursue criminal charges under the *Criminal Code of Canada*.

**Reporting to other External Bodies** – It is also possible to pursue reporting options under the *Alberta Human Rights Act* or initiating civil legal action against the respondent.

**Simultaneous Reporting** – Reporters may choose to pursue internal and external reporting options simultaneously.

### **Multiple Proceedings**

Where criminal and/or civil proceedings are ongoing, the College will conduct its own independent investigation and will make its own findings. The College will reasonably cooperate with law enforcement authorities in conducting their

investigations.

### **RESPONDING TO REPORTS**

A reporter may submit a formal or informal report.

Upon receiving a report, the SVRT member will advise the reporter of the internal and external reporting options available to them as well as the support services available.

The member will also take any immediate actions necessary in order to promote the safety of persons and preserve evidence.

The SVRT member receiving a Report will, within 24 hours, contact the SVRT to advise of the report, the actions that have been taken to provide support, and conduct an Investigation.

The SVRT will meet to review and respond to the report, including determining whether or not an informal report will be investigated, no later than 72 hours after becoming aware.

The SVRT will assign a primary contact for the reporter and respondent, and where appropriate, other persons involved in the report review and investigation processes. The primary contact(s) will act as a liaison, and may provide information, facilitate access to resources and services, coordinate and respond to communications from and to the College and external entities (including without limiting, police and health care providers).

#### **Interim Measures**

The SVRT may, in accordance with processes outlined in a collective agreement, if applicable, impose or facilitate interim measures to support the survivor, reporter, and/or respondent during an investigation or a proceeding including:

- determining that there is to be no contact between a survivor, reporter, or a respondent; and/or
- that the respondent may be temporarily removed from classes (i.e., administrative suspension), the work place or residence (as applicable) pending the conclusion of an investigation.

### **RIGHT TO FOREGO OR WITHDRAW A REPORT**

A reporter has the right to forego filing criminal charges or a report, or to withdraw a report at any stage of the process; however, the College reserves the right to act or continue to act on a report or criminal charges in order to comply with its obligations under this policy and/or its legal obligations, to ensure fairness to other persons including the respondent, and/or if the College

believes that the safety of other Members of the College Community or the external community is at risk. In these circumstances, the College has a duty to initiate an internal investigation and/or inform law enforcement authorities of the need for a criminal investigation, even without the permission of the reporter or survivor. All reasonable efforts shall be made by the College and the Members of the College Community to minimize further distress to the reporter or survivor when the need to involve law enforcement authorities arises.

### **INVESTIGATION PROCESS**

To conduct a timely and effective investigation, the College strongly encourages reporters to submit a report as soon as possible. Delaying may impact the SVRT's ability to conduct an investigation.

The SVRT will appoint an investigator(s) after receipt of the Report . The investigator(s) may be an employee of the College or an external person and may include a member(s) of the SVRT.

The SVRT will consider all relevant factors in the circumstances when determining the investigator(s), including without limiting:

- the nature of the Report;
- the ability for objectivity and lack of bias in the investigation
- the ability to maintain the confidentiality of all information;
- knowledge of legal and compliance requirements of the core nature/subject matter of the allegation;
- The SVRT member's ability to identify and access the appropriate resources to conduct the investigation in a timely manner; and
- the need to retain external investigators or experts in highly sensitive, specialized or confidential matters.

The investigation will ensure institutional immunity for survivors, reporters, and respondents for minor offences of the code of conduct, including but not limited to the use of illicit drugs and alcohol.

The investigation will be completed as expediently as possible, in most cases within thirty (30) calendar days from receipt of the report(s).

Both the survivor, reporter, and the respondent have the right to have a support person present during the investigation process. Survivors, reporters or respondents who are members of Students Association Olds College (SAOC), Alberta Union of Provincial Employees (AUPE) or the Olds College Faculty Association (OCFA) have the right to representation by their union or association.

Investigations will be conducted in a systematic, orderly and discreet manner and consistent with the following primary objectives.

- compile information relating to the survivor as quickly as possible (including, if applicable, taking steps to protect or preserve documents, materials and evidence); and
- consider the information collected and draw conclusions; and
- maintain procedural fairness in the treatment of witnesses, the reporter and the respondent.

The survivor, and the respondent will be notified of the investigation findings, outcomes and appeal options, when the investigation is complete.

If, after assessing the information with respect to a report, the SVRT determines that an investigation will not be pursued or continued, the SVRT will document the rationale for not initiating or continuing an investigation and inform appropriate parties of the reasons.

#### **FINDINGS AND INVESTIGATION OUTCOMES**

The College will handle reports and investigations in a fair and unbiased manner.

The assigned investigator will provide the SVRT with a written investigation report. The report will include:

- i. Relevant facts and accompanying analysis;
- ii. Witness statements;
- iii. Description of any interim measures instituted;
- iv. Investigation findings with supporting evidence; and

The SVRT will review the findings in the final investigation report and provide:

- I. Based on the balance of probabilities, an assessment of whether or not the allegations are sustained;
- II. A recommendation relating to disciplinary outcomes.

Any Member or non-member of the College Community who is found to have committed sexual violence against another person will be held accountable and subject to sanctions and discipline as outlined within applicable College policy, collective agreements and laws.

In the case of a breach of the Sexual Violence Policy, the respondent will be subject to penalties, discipline or sanctions in accordance with the applicable collective agreement and/or College policy (e.g., Code of Conduct), and as the case may be, subject to an ability to exercise the right to appeal.

The SVRT makes recommendations to responsible offices (i.e., Human Resources or Office of the Registrar) regarding corrective actions, discipline and/or sanctions.

### **ALTERNATIVE RESOLUTION PROCESS**

In appropriate circumstances and with the consent of both the survivor and the respondent, the SVRT may pursue any form of alternative resolution process, including but not limited to, education and training or other means to seek resolution.

The goal of alternative resolution processes is to seek resolution at the earliest stage possible through an alternative resolution procedure. Participation in an alternative resolution process is voluntary for both the survivor and the respondent.

### **WORKPLACE AND ACADEMIC MODIFICATIONS**

In support of survivors, reporters, and respondents, the College will ensure they are treated fairly, will assist in providing access to counselling and medical care and will provide appropriate workplace or academic modification.

### **SUPPORTS AND RESOURCES**

Any Member of the College Community who receives a disclosure or Report should encourage the survivor to contact a member of the SVRT and/or information on support options and resources as outlined below.

The College is committed to providing all Members of the College Community, including respondents, reporters and survivors, with the following supports:

- i. Counselling;
- ii. A support person or representative;
- iii. Modifications as required;
- iv. Medical services (e.g., Campus Nurse);
- v. External Reporting options;
- vi. Education and training on matters including sexual violence reporting, prevention (e.g., consent, risk reduction) and general awareness.

All survivors can expect and have the right to, subject to reasonable limits:

- i. Be informed about available on- and off-campus support services and resources; and
- ii. Decide whether or not to formally report an incident of sexual violence.

### **EDUCATION AND PREVENTION**

All Members of the SVRT will receive appropriate training relating to sexual violence response and trauma informed care.

The SVRT will identify, promote and participate in appropriate training opportunities.

All members of the College Community are encouraged to participate in sexual violence educational programs and initiatives offered by the College.

All Members of the College Community can assist with maintaining an educational and working environment free from sexual violence by:

- Modelling healthy and respectful behavior in all relationships at the College;
- Speaking out against conduct that may encourage or condone sexual violence;
- Speaking out against behaviour that discourages reporting of sexual violence;
- Promoting safe disclosure; and
- Intervening in situations that may constitute, or lead to, sexual violence

#### Definitions:

##### **Alberta Human Rights Act**

Legislation that aims to protect individuals from discrimination by establishing grounds on which individuals cannot be discriminated against and setting out a complaint process for individuals experiencing discrimination based on those grounds.

##### **Bystander**

An individual who is observing an incident of sexual violence taking place.

##### **Consent**

The voluntary agreement to engage in the specific sexual activity in question. It is an active, direct, voluntary, unimpaired, and conscious choice and agreement between individuals at the age of consent to engage in physical contact or sexual activity.

##### **Disclosure**

When an individual shares information about a personal experience of sexual violence to someone who did not previously know.

##### **First Responder**

The first person who is told about an incident of sexual violence. Initial responses to disclosures have a lasting effect on a victim/survivor's willingness to continue to seek help and ability to heal.

##### **Formal Report**

A written statement to the institution's SVRT by a survivor or reporter regarding an alleged violation and seeking recourse pursuant to the violation of Sexual Violence Policy. A Formal Report requires an investigation.



	<p><b>Informal Report</b></p> <p>Is an allegation of a violation of the Sexual Violence Policy. This type of report may not result in a formal investigation by the College but can help ensure the safety of the College community. The survivor may choose to make a Formal Report at a later time to initiate a formal investigation by the College. The survivor has the right to choose not to participate in any investigation arising from an Informal Report.</p> <p><b>Investigator</b></p> <p>The individual who is selected by the SVRT to conduct the investigation. The investigator may be internal or external to the College, and may be a member of the SVRT.</p> <p><b>Modification</b></p> <p>Making reasonable changes to certain rules, standards, policies, workplace cultures and physical environments to ensure that they do not have a negative effect on a person involved in an incident or Report of Sexual Violence.</p> <p><b>Reporter</b></p> <p>A third-party individual who submits a report that includes information related to an allegation or investigation, but who is neither a survivor nor a respondent.</p> <p><b>Respondent</b></p> <p>The person alleged to have violated the Sexual Violence Policy.</p> <p><b>Survivor</b></p> <p>A Member of the College Community who has experienced sexual violence and who may or may not make a report.</p>
<p><b>Related Information:</b></p>	<p><a href="#">Sexual Violence Policy</a>  <a href="#">Sexual Violence Student Support Procedure</a>  <a href="#">Sexual Violence Employee Support Procedure</a>  <a href="#">Flowchart</a></p>
<p><b>Review Period:</b></p>	<p>3 Years</p>
<p><b>Revision History:</b></p>	<p>September 2018 Revision  November 2020 Major Revision</p>