



RED DEER COLLEGE

**Guidebook on Reporting,
Investigating, and Decision-
Making Processes for the Sexual
Violence Policy**

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Red Deer College (RDC) fosters a community founded on the fundamental dignity and worth of all of its members. The College is committed to promoting and maintaining an educational, working, and living environment that is free from all forms of Sexual Violence.

A. Disclosures of Sexual Violence

1. A Disclosure is when an individual shares information about a personal experience of Sexual Violence. A Disclosure is not a Formal Report or complaint. A Disclosure is often made to seek support, guidance, or accommodation.
2. RDC respects the rights of individuals who experience Sexual Violence to decide whether they will disclose the incident and to whom and what to disclose. It is also up to them to decide whether to file a Formal Report with the College under the Sexual Violence Policy or a criminal complaint with the appropriate law enforcement agency. These decisions rest solely with the individual who has experienced Sexual Violence.
3. A person who has experienced or witnessed Sexual Violence may choose to disclose the incident to any member of the RDC Community. The RDC Community member will advise them of supports and resources available through on and off campus services. These services have the expertise and training to best provide support and to discuss all relevant options.
4. 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.
 - a. The person receiving the Disclosure is not there to investigate or ask questions, other than how they can help.
 - b. RDC Community members must respect the right to confidentiality of the person making the Disclosure. The person receiving the Disclosure is encouraged to seek advice and support, while maintaining confidentiality.
 - c. If the Community member has reason to believe that the situation falls into the category of circumstances where the College may proceed without a Formal Report (see Section G), they should seek advice from RDC's Sexual Violence Response Team (see Section C for contact information). Advice can be sought in a way that respects the confidential nature of the Disclosure.

B. Supports and Resources

1. Supports are available to any RDC Community member making a Disclosure, irrespective of whether the individual chooses to pursue a Formal Report or a criminal complaint. Supports are also available to RDC Community members who receive Disclosures or who are Respondents to a Formal Report.
2. On-campus supports include:
 - a. Counselling for students through the Counselling and Career Centre

- b. Referrals to counselling for employees through the Resources for Employee Assistance, Counselling & Health (REACH) Program
 - c. Health services through the Health, Safety & Wellness Centre
 - d. Safety planning
 - e. On-campus outreach services of the Central Alberta Sexual Assault Support Centre (crisis response, counselling, court support)
 - f. Peer supports
 - g. Residence staff to facilitate safe living arrangements for students living in residence
 - h. Workplace or academic Accommodations
3. Off-campus supports include:
- a. Central Alberta Sexual Assault Support Centre (crisis response, counselling, outreach, court support)
 - b. Central Alberta Sexual Assault Response Team (Red Deer Regional Hospital)
 - c. Red Deer 49th Street Community Health Centre (Sexual Health Clinic)
 - d. A variety of other community support services, depending upon the needs of the person seeking assistance (Central Alberta Community Legal Clinic, Central Alberta Victim & Witness Support Society, The John Howard Society of Red Deer. See Appendix A for details.)

C. Options for Reporting Sexual Violence

1. Individuals who have experienced or witnessed Sexual Violence have options for filing a report or complaint in an effort to hold the person accused (the Respondent) accountable.
2. **Reporting to Police** – Reports or complaints can be made to a law enforcement agency in order to pursue criminal charges under the *Criminal Code of Canada*.
 - a. This, or some other legal action, is the only option for pursuing redress for Sexual Violence perpetrated by someone who is not a member of the RDC Community. If the person reporting the incident of Sexual Violence (Complainant) is a member of the RDC Community, they can still access supports through the College.
 - b. Complainants may file a criminal complaint with any law enforcement agency they choose. Since the Red Deer RCMP detachment has jurisdiction over incidents that take place on the RDC campus, it will ultimately be responsible for investigating such incidents. Criminal complaints of incidents that involve RDC Respondents who commit Sexual Violence during a RDC-defined event or educational or business activity that takes place outside of Red Deer will be investigated by the law enforcement agency that has jurisdiction in the location where the incident occurred.

3. **Reporting to other External Bodies** – It is also possible to pursue non-criminal reporting options and processes such as pursuing rights under the *Alberta Human Rights Act* or initiating civil legal action against the Respondent.
4. **Reporting to Red Deer College** – A Formal Report can be made under the College’s Sexual Violence Policy when a RDC Community member is accused of perpetrating Sexual Violence.
5. **Simultaneous Reporting to External Bodies and to RDC** – Complainants may choose to pursue internal and external reporting options simultaneously.

D. Making a Formal Report under the RDC Sexual Violence Policy

1. It is important that a person who reports an incident of Sexual Violence perpetrated by a member of the RDC Community is heard and has access to appropriate support and resources.
2. To make a Formal Report of Sexual Violence, the Complainant should contact Security and Emergency Response:
 - Location: Main Entrance of the Main Campus
 - E-mail: sexualviolencereport@rdc.ab.ca
 - Phone: 403.342.3445 (Non-Emergency) | 403.343.4000 (Emergency)
3. The Complainant may file a Formal Report in person, by telephone, or in writing (by e-mail or letter).
 - a. When a Complainant calls or arrives in person at the main security desk and indicates their desire to make a Formal Report, members of the Sexual Violence Response Team will be contacted immediately.
 - b. Reports received by letter will be immediately transmitted to the Sexual Violence Response Team.
 - c. E-mail messages will go directly to a member of the Sexual Violence Response Team.
 - d. The Sexual Violence Response Team is made up of specially trained members of the RDC Community.
4. In addition to ensuring that the Complainant receives appropriate support/counselling, medical care, and a safety plan, the Sexual Violence Response Team will also ensure that the Complainant understands the options available for reporting the incident.
5. The Sexual Violence Response Team does not advocate for any individual or group and cannot take sides on a Formal Report. The role of the person(s) taking the Formal Report is to listen, clarify details, and assess appropriate next steps.
 - a. Complainants are encouraged to take a support person with them when making a Formal Report. See Section P.3. Right to Support for Parties Involved.
 - i. When a member of the RDC Community, particularly an RDC employee who does not work in the Counselling and Career Centre, is asked to be a support

person, they should consider potential conflicts of interest that may exist, or at least complications that may arise, because they have a relationship with both the Complainant and the Respondent and/or because they may also be asked to serve as a witness.

6. The Sexual Violence Response Team will make it clear to the Complainant that, should a decision be made to proceed with an investigation, procedural fairness requires that the Complainant's name and the nature of the allegations be released to the Respondent when they are notified of the investigation. The Complainant will be reassured that this will not be done until a safety plan is in place.

E. Next Steps

1. Once a Formal Report has been received, the Sexual Violence Response Team will make an assessment of the appropriate next steps. This will include determining:
 - a. The College's jurisdiction in proceeding with the Formal Report, i.e. the Respondent is a member of the RDC Community.
 - b. Whether a report or complaint has been made through any other internal or external process as well as through the Sexual Violence Policy.
 - i. A criminal complaint may be pursued by a Complainant at any time even if non-criminal options are also being pursued. Criminal investigations may be initiated by filing a complaint with the law enforcement agency with jurisdiction where the incident occurred. The Sexual Violence Response Team can assist a Complainant in contacting the appropriate law enforcement agency.
 - c. Whether the Sexual Violence Policy is relevant or if the report should be referred for review under a different policy, i.e. Student Misconduct: Academic and Non-Academic Policy; Harassment and Discrimination Policy; Employee Code of Conduct Policy; Health and Safety Policy; Reporting of Fraudulent or Unethical Conduct in the Workplace and Protection of Informants Policy; etc.
 - d. The outcome that the Complainant is seeking. For example, whether the Complainant is interested in an Alternative Resolution, as opposed to the completion of an investigation and decision-making process. See O. Alternative Resolution.
 - e. Whether the Formal Report was made in bad faith or is frivolous or vexatious.
 - f. Whether the Formal Report provides sufficient information to permit an investigation.
 - g. Whether the Respondent is registered in a collaborative degree program.
 - i. The provisions of the collaborative agreement between RDC and the university partner may require that the university lead the investigation and decision-making process. It depends upon the agreement in question.
 - ii. Alberta's post-secondary institutions have developed their sexual violence policies and procedures to align with a collaboratively-developed provincial framework. In other words, they approach the issue in much the same way.

2. The Sexual Violence Response Team will make every effort to complete the review and assessment of the Formal Report within five (5) business days. It will then confirm with all parties, in writing, whether an investigation based on the Formal Report will be conducted. The College supports proceeding with an investigation in most cases.
3. If, after assessing the information with respect to the Formal Report, the Sexual Violence Response Team determines that an investigation will not be pursued or continued, the rationale for not initiating or continuing an investigation will be documented and the Complainant will be advised of that rationale, in writing.

F. Withdrawal of a Formal Report

1. At any time throughout the process, before the Decision Maker makes a final decision regarding possible sanctions (See L. Making a Decision), a Complainant may choose to withdraw their Formal Report. They shall communicate this decision, in writing, to the Sexual Violence Response Team.
2. In some circumstances, the College may still pursue an investigation (see Section G. Circumstances Where the College May Proceed without a Formal Report). If a Formal Report is withdrawn, Complainants, Bystanders/Witnesses, and Respondents can continue to seek support through the appropriate services on or off campus.

G. Circumstances Where the College May Proceed Without a Formal Report

1. In some cases the College may be required or choose to investigate an incident of Sexual Violence even though the person who experienced the violence has chosen not to file a Formal Report.
2. Examples of such circumstances could include, but are not limited to:
 - a. Where there is risk to the safety of individuals and/or the broader community; for example where repeated allegations have been made about the conduct of the same individual.
 - b. Where required by law, by College policies, or by an external body with appropriate authority.
 - i. For example, in the case of a minor (a person under 18 years of age) reporting is required under the *Child, Youth, and Family Enhancement Act*.
 - c. Where there is evidence of Sexual Violence in the public realm (such as a video posted on social media).
3. If such a situation applies, information and support will be made available at every step of the process to the Complainant, the Respondent, and Bystanders/Witnesses.

H. Initiating an Investigation

1. Once the members of the Sexual Violence Response Team have determined that an investigation will be conducted, they will decide whether they will conduct it themselves or whether it should be referred to other trained internal or external investigators.
2. They will also contact the appropriate offices (e.g. Residence, Registrar, Human Resources, Security and Emergency Response, etc.) to ensure that interim measures are implemented while the Formal Report is being investigated and while the decision on the report is pending. See Section I. Interim Measures during Investigation and Decision Making.
3. Once a decision has been made about who will conduct the investigation, the Sexual Violence Response Team will provide a notice of investigation to:
 - a. The Complainant
 - b. The Respondent
4. The notice of investigation will include the following information:
 - a. The name and contact information of the investigator(s).
 - i. Where the Complainant or Respondent reasonably believes that the investigator(s) may have a conflict of interest, they may request an alternative investigator. The Sexual Violence Response Team will consider their concerns to determine whether or not to assign an alternative investigator.
 - b. The name of the Decision Maker who will make a decision regarding applicable sanctions based on the results of the investigation.
 - i. Where either the Complainant or Respondent reasonably believes that the Decision Maker may have a conflict of interest, they may request an alternative Decision Maker by contacting the Sexual Violence Response Team and explaining the potential conflict of interest.
 - c. A written summary of the Formal Report (name of the Complainant, nature of the allegations, and date on which the incident is alleged to have occurred)
 - d. Confirmation of the right to a support person or representative for Complainants, Respondents, and Bystanders/Witnesses (see Section P.3. Right to Support for Parties Involved)
 - e. Information on available support services
 - f. Any interim measures that will be in place during the investigation (see Section I. Interim Measures during Investigation and Decision Making)
 - g. A link to the Sexual Violence Policy, these procedures, and any other related policies
 - h. A request for a list of Bystanders/Witnesses from both parties
 - i. Next steps in the investigation process

- j. The name and contact information of the Sexual Violence Response Team member designated to serve as the principal contact for the party in question. One member of the Sexual Violence Response Team will be designated as the principal contact person for the Complainant and another member will be designated as the principal contact person for the Respondent.

I. Interim Measures during Investigation and Decision Making

1. In some instances it may be necessary to implement interim measures, which are temporary measures put in place to protect the parties and the community, during the investigation and decision-making process.
 - a. Such measures are without prejudice to the ultimate outcome of the investigation.
 - b. Consequences for violating interim measures will be clearly communicated to the Complainant and the Respondent at the time they are applied.
 - c. Examples of interim measures that may be considered include:
 - i. Changes within College housing if the parties are residents
 - ii. Restrictions on accessing campus or parts of campus
 - iii. No contact/communication orders
 - iv. Changes to class and/or section enrolments
 - v. Employment/workplace restrictions or modifications
 - vi. A leave of absence from employment

J. Conducting an Investigation

1. The investigators will develop an investigation plan that identifies:
 - a. The issues of the case
 - b. The scope of the investigation
 - c. Who will be interviewed
 - d. Questions to be asked
 - e. Documents to be requested for review
2. After developing the investigation plan the investigator(s) will contact the Complainant, the Respondent, and any Bystanders/Witnesses to arrange separate interview times.
3. The investigators conduct all of the interviews. These include interviews with the Complainant, Respondent, and any Bystanders/Witnesses. In most cases, interviews will be recorded digitally; the person being interviewed will be informed of this fact.
4. During the first interview the investigator(s) will:
 - a. Explain to each party their rights in the investigation and decision-making process

- b. Go over the process and answer any questions about what will happen
 - c. Discuss details of safety plans and interim measures
 - d. Explain their role as investigator(s)
 - e. Begin asking questions about the incident being investigated
5. The investigator(s) may need to meet with each party several times during the course of the investigation. The Complainant and Respondent will have the opportunity to provide the investigator(s) with information, documents, names of Bystanders/Witnesses, and other submissions or evidence that they believe are relevant to the investigation.
 6. If the Respondent or a Bystander/Witness refuses to participate or fails to respond to a written request to participate in the investigation and decision-making processes, these processes will proceed without their participation. In such cases, the Respondent will still be subject to the sanctions/remedies determined appropriate as a result of the investigation and decision-making process.
 7. Investigations will be conducted in a systematic, orderly, and discreet manner and confidentiality will be maintained wherever possible. The objectives of an investigation will be to:
 - a. compile information relating to the Formal Report as quickly as possible (including, if applicable, taking steps to protect or preserve documents, materials, and equipment;
 - b. consider the information collected and draw conclusions objectively and impartially based upon the Balance of Probabilities; and
 - c. maintain procedural fairness in the treatment of the Complainant, Bystanders/Witnesses, and the Respondent.
 8. The investigator(s) will always aim to complete an investigation as expeditiously and thoroughly as possible, in most cases within ninety (90) calendar days of the date the Formal Report was filed. Depending on the complexity of the case, its possible link with judicial processes, and/or the availability of the Complainant, the Respondent, and Bystanders/Witnesses, some investigations may take longer.
 9. To ensure procedural fairness, the investigator(s) will provide both the Complainant and Respondent with the opportunity to respond to the allegations and evidence presented throughout the investigation.
 10. The Complainant may withdraw their Formal Report or request Alternative Resolution (see O. Alternative Resolution) before the investigator's final report is sent to the Decision Maker.
 11. If there is no such request by the time the investigator has completed the investigation and prepared a final investigation report, they will submit the report to the Decision Maker.

K. Submission of Investigation Report to a Decision Maker

1. Upon conclusion of the investigation, the investigator(s) will submit their investigation report to the appropriate Decision Maker for review and decision.
2. The final investigation report will include a summary of:
 - a. All relevant facts and accompanying analysis;
 - b. The statements of the Complainant, Respondent, and Bystanders/Witnesses;
 - c. Assessments of the credibility of all the parties involved and, where appropriate, conclusions as to credibility;
 - d. Any interim measures instituted;
 - e. Investigation findings with supporting evidence; and
 - f. Assessments of whether or not the allegations are sustained based on a Balance of Probabilities.
3. Within five (5) business days of receiving the investigation report, the Decision Maker will notify the Complainant and Respondent by e-mail that the report has been received. The Decision Maker will explain their role in rendering a decision based on the report and will provide an indication of the time needed to make that decision.

L. Making a Decision

1. The Decision Maker will review the final report from the investigator(s) and then meet with them to ask any questions of clarification or to request further details or follow-up information before making a decision.
2. If any new information or evidence comes to light as a result, the investigation report will be updated. The Complainant and Respondent will both be given the opportunity to respond to or question that new information, in person or in writing, before the decision is rendered.
3. After reviewing the investigation report, completing all necessary meetings, and reviewing all additional information and written submissions or questions submitted by the Complainant, the Respondent, and/or Bystanders/Witnesses, the Decision Maker will make a decision and, where applicable, assign an appropriate sanction or remedy.
4. The final decision prepared by the Decision Maker will indicate whether there has been a breach of the Sexual Violence Policy or not.
5. If there is a finding that the policy has been breached, the Decision Maker may consider the following in determining an appropriate sanction:
 - a. The nature and severity of the incident
 - b. The sanction or remedy sought by the Complainant
 - c. The principle of progressive discipline and the College's role as an educational institution

- d. The requirements under any relevant collective agreement or terms and conditions of employment
 - e. Any other relevant factors
6. Before arriving at a final decision, the Decision Maker may also consult with other Decision Makers and/or legal and liability counsel.
 7. The Decision Maker will provide both the Complainant and the Respondent with a written summary of the investigation results, their decision, reasons for the decision, and any applicable sanctions.
 8. Any request by either party to receive a copy of the investigation report will be subject to restrictions under the *Freedom of Information and Protection of Privacy Act*.

M. Possible Remedies or Sanctions

1. Remedies or sanctions could look different depending on the status of the Respondent.
2. Examples of general remedies/sanctions:
 - a. Letter of apology
 - b. Mandated educational workshops or counselling
 - c. No communication order between parties
 - d. Letter of behavioural expectations
 - e. Restrictions related to accessing buildings or parts of campus or certain activities
3. Examples of additional remedies/sanctions applicable to student Respondents:
 - a. Community service activities
 - b. Removal from a course or section of a course
 - c. Relocation in or eviction from RDC owned and/or operated housing
 - d. Suspension from the College for a defined period
 - e. Permanent expulsion from RDC
4. Additional sanctions/remedies applicable to employees
 - a. Change in work assignment
 - b. Suspension from work for a set time with or without pay
 - c. Dismissal from employment

N. Avenues for Appeal

1. Employees, contracted service providers, and members of the Board of Governors who are not satisfied with the final decision of the Decision Maker have recourse to appeal

processes within relevant employee/Board policies, contracts, collective agreements, and terms and condition of employment.

2. Students who wish to appeal the decision of the Decision Maker shall do so by writing a letter to RDC's President.
 - a. The usual process for hearing student appeals, striking an ad hoc appeal panel, is not sufficiently respectful of the highly confidential nature of Formal Reports and the investigations and decisions related to such reports.
3. Any party not satisfied with the outcome of an appeal may pursue external avenues for redress.

O. Alternative Resolution

1. In appropriate circumstances, a Complainant may be willing to resolve the matter before an investigation is commenced or completed or before the case is referred to a Decision Maker. A Respondent can initiate an alternative resolution process by notifying the Sexual Violence Response TEAM.
2. Members of the Sexual Violence Response Team will follow-up with the Complainant and Respondent to determine their willingness to participate in an Alternative Resolution process. For it to be a meaningful process, participants must engage voluntarily and remain free from reprisal. At any stage during the process, up until a resolution is signed, the Complainant may indicate they would like to move to an investigation and decision-making process.
3. Examples of Alternative Resolution include:
 - a. Impact Statement/Letter: A Complainant may decide to communicate to the Respondent that their behaviours, remarks, or communications are unwelcome or uncomfortable. The Complainant may choose to communicate their concerns directly or indirectly, verbally, or in writing with the assistance of members of the Sexual Violence Response Team.
 - b. Facilitation: A Complainant may request that a trained facilitator facilitate a discussion with the Respondent. In such circumstances, a facilitator would try to reach a resolution between the Complainant and the Respondent by acting as a "go-between". Neither party is required to attend any face-to-face meetings during this process unless they both agree to do so. This facilitated process may result in a written agreement that could include behavioural expectations, agreement to no contact, or an apology.
 - c. Education: A Respondent may agree to participate in education and training related to anti-violence, anti-oppression, and Consent.
4. If the Complainant and Respondent are able to reach a resolution, a written record of the resolution will be prepared by the Sexual Violence Response Team to be signed by both parties. The signed resolution will be kept in the Health, Safety & Wellness Centre. A

copy of the signed agreement will be provided to the Complainant and Respondent and may be provided to relevant College administrators if necessary to implement the terms of resolution.

5. The Sexual Violence Response Team will monitor the implementation and compliance of Alternative Resolution processes. If there is a failure to comply with the terms of a resolution, the incident may be moved to an investigation and decision-making process.

P. Principles Governing Investigation, Decision Making, and Alternative Resolution

1. Timeliness

- a. Reporting Sexual Violence is a difficult process and for many Complainants it is a precursor to achieving healing and closure. Every effort will be made to expedite the process without compromising appropriate procedural fairness for all parties.

2. Transparency

- a. Parties will be advised of their rights and responsibilities related to the process
- b. Parties will know what to expect from the process
- c. Parties will be kept informed about the process and outcome
- d. Parties will receive regular updates on the progress of their case, estimated time frames and any delays related to the resolution of their case (types and frequency of these updates will be determined through discussion with each party)
 - i. One member of the Sexual Violence Response Team will be designated as the principal contact person for the Complainant and another member will be designated as the principal contact person for the Respondent.
- e. Reasons will be provided for any decision made throughout the process

3. Right to Support for Parties Involved

- a. Both parties will be offered referral to appropriate personal support resources (a list of on- and off-campus resources is provided in Appendix A).
- b. Support for Complainants, Respondents, and Bystanders/Witnesses who are students will be facilitated by the Counselling and Career Centre through separate processes. Support for employees who are Complainants, Respondents, or Bystanders/Witnesses will be facilitated by the Health, Safety & Wellness Centre through referrals to the REACH Program. These supports will be consistent with any existing relevant collective agreement provisions and terms and conditions of employment for exempt employees.
- c. Complainants and Respondents have the right to identify a support person or representative of their choosing to accompany them to any meetings or proceedings related to the handling of their case. Support persons may include a friend, family member, legal representative, etc.

- i. Although RDC employees are not prohibited from serving as support persons, all parties must consider the possible complications that may arise when an employee steps into this role.
 - (a) For example, an instructor who agrees to serve as a support person for a student Complainant may unintentionally give the impression of a breach of procedural fairness for a student Respondent. The latter may interpret this situation as the College (as represented by the instructor) taking the side of one party before the investigation and decision-making process have had a chance to run their course.
 - (b) An employee who agrees to serve as a support person for another employee may see this action as a good example of collegiality, but the risk of creating a conflict of interest or divisive cleavages within the College is high due to the intricate network of relationships that exist among employees and between employees and students.

4. Fairness of the Process

- a. The College has a duty to be fair with respect to investigation and decisions-making processes that may result in findings of Sexual Violence and may lead to serious consequences for a member of the RDC Community who has engaged in such conduct.
- b. The processes will be conducted in a trauma-informed and impartial way and are intended to ensure fairness for all parties involved. Where applicable, the processes will be conducted consistent with the terms of any relevant policy, contract, collective agreement, and/or terms and conditions of employment.
- c. The core elements of procedural fairness are that a person against whom allegations are made must know the allegations and evidence against them and must be given the opportunity to respond to those allegations prior to a decision being made.

5. Freedom from Retaliation and Reports Made in Bad Faith

- a. Every member of the RDC Community has a right to claim and enforce their rights under the Sexual Violence Policy, to provide evidence, and to participate in proceedings related to the policy without Retaliation or threat of Retaliation.
- b. Any member of the RDC Community who undertakes, participates in, or directs a Retaliation, or who makes a report of Retaliation in bad faith, will be subject to disciplinary action, up to and including expulsion, termination of employment, or termination of contract.
- c. Formal Reports of Sexual Violence that are made with an ulterior purpose, including to purposely annoy, embarrass, or harm the Respondent, are considered frivolous, vexatious, or made in bad faith. They may result in sanctions or disciplinary action against the Complainant, up to and including expulsion, termination of employment, or termination of contract.

- d. Sanctions or disciplinary action will follow the appropriate College or Board of Governors policies, contract or collective agreement provisions, or terms and conditions of employment for exempt staff.
- e. All parties will be informed of what constitutes Retaliation and the College's position regarding the seriousness of any allegations of Retaliation against Complainants, Bystanders/Witnesses, Respondents, or others involved.
- f. Any claims of Retaliation or of Formal Reports made in bad faith shall be made to the Sexual Violence Response Team members who will investigate them and prepare a report for decision by the applicable Decision Maker.

6. Confidentiality

- a. Ensuring confidentiality is a key principle in creating an environment and culture where individuals feel safe to disclose and seek support and Accommodations. The College is committed to ensuring such an environment and culture exists.
- b. The College will make every reasonable effort to balance confidentiality with its legal responsibility to provide a campus environment free from Sexual Violence.
- c. Any member of the RDC Community who receives a Disclosure of Sexual Violence or who is involved in addressing or investigating it must keep the matter confidential in order to protect the rights of those involved in the allegations, prevent an unjustified invasion of personal privacy, and preserve the integrity of the investigation.
- d. The College protects personal information and handles records in accordance with its policies, the *Freedom of Information and Protection of Privacy Act*, the *Health Information Act*, and the provisions of applicable employee collective agreements and terms and conditions of employment.
- e. Files regarding cases of Sexual Violence shall be maintained separately and apart from operational files and access shall be restricted to College employees and external professional counsel who require access in order to perform their employment and professional responsibilities related to the case.
 - i. Files, electronic or paper, shall be stored in such a manner as to ensure security of information is paramount.
- f. The general practice of the College is to keep all information confidential except, for example, where employees require information to carry out their authorized duties under the Sexual Violence Policy, e.g. conduct investigation, make or implement a decision or interim measures, etc.
- g. Complainants, Respondents, and Bystanders/Witnesses are expected to keep the details of any case confidential, outside their circle of support, in order to ensure the integrity of the investigation and decision-making process.
- h. Notwithstanding the above, there are additional circumstances where an employee may be required to disclose information within or outside the College in order to

address safety concerns or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or meet such requirements, will be disclosed. These additional circumstances might include, for example:

- i. when an individual is judged to be at imminent risk of harming themselves or others;
 - ii. there are reasonable grounds to believe that members of the College community or wider community may be at risk of harm;
 - iii. the investigation process necessitates making the identity of the Complainant known to the Respondent in order to promote fairness for all parties;
 - iv. the Complainant, the Respondent, or the College exercises their right to discuss the incident with appropriate professional counsel bound by professional standards of confidentiality;
 - v. report or conduct of an investigation is required by law, by College policies, or by an external body with appropriate authority; or
 - vi. evidence of the alleged Sexual Violence is available in the public realm.
- i. These above circumstances represent exceptions, not the rule, and are necessary to ensure the College is meeting its legal obligations. If one of these situations applies to an individual, they will be fully informed and supported at every step of the process.

7. Maintenance of Statistics

- a. The Sexual Violence Response Team will maintain annual statistics on disclosed and reported incidents of Sexual Violence on campus for the purposes of community education and any legislated reporting that may be required. This data would not include any information that would identify any RDC Community member.
- b. The Vice President Corporate is responsible for ensuring that an annual summary of the College's education and awareness activities is prepared and shared with the RDC Community.

Q. Definitions

Accommodation: making reasonable changes to certain rules, standards, policies, workplace cultures, and physical environments to ensure they do not have a negative effect on anyone involved in an incident, Formal Report, or investigation of Sexual Violence.

Balance of Probabilities: the standard of proof used in civil cases, also known as the preponderance of evidence. The evidence indicates that a proposition is more likely than not. In other words, the likelihood of the proposition being true is more than 50 percent.

Bystander: a witness to an incident of Sexual Violence who is neither the person who experienced Sexual Violence directly nor a Respondent. A Bystander may file a Formal Report.

Complainant: when a Formal Report is made under the Sexual Violence Policy, the person filing the report is referred to as the Complainant.

Consent: an active, direct, voluntary, unimpaired, and conscious choice and agreement between individuals to engage in physical contact or sexual activity. Guideline 1.1 of the Sexual Violence Policy outlines instances where, according to the *Criminal Code of Canada*, Consent does not exist. In order to consent, individuals must also be of the applicable legal age as detailed in Guideline 1.2 of the Sexual Violence Policy.

Decision Maker: the member of RDC's senior leadership team (Vice Presidents, President, or Chair of the Board of Governors) designated to make a decision regarding applicable sanctions based on the results of an investigation of an incident of Sexual Violence.

1. Where the Respondent is a staff or faculty member or volunteer, the Vice President Corporate will normally decide the matter.
2. Where the Respondent is a student, the Vice President Academic will normally decide the matter.
3. Where the Respondent is a tenant or contracted service provider, the Vice President College Services will normally decide the matter.
4. Where the Respondent is one of the Vice Presidents, the President will normally decide the matter.
5. Where the Respondent is a member of the RDC Board of Governors, the Chair of the Board will normally decide the matter.
6. Where the Respondent is either the President or the Chair of the Board of Governors, the matter will be referred to the Alberta Public Interest Disclosure Commissioner to conduct the investigation and to decide sanctions.

Disclosure: when an individual shares information about a personal experience of Sexual Violence.

Formal Report: a report of Sexual Violence formally submitted to the College in accordance with the Sexual Violence Policy.

RDC Community: includes registered RDC students (apprentice, credit, and non-credit), employees (faculty, staff, and exempt personnel), volunteers, tenants, contracted service providers, and members of the Board of Governors.

Respondent: the person alleged in a Formal Report to have violated the Sexual Violence Policy.

Retaliation: any adverse action taken against a member of the RDC Community because that person has, in good faith, filed a Formal Report, supported the filing of a Formal Report, disclosed information to the College about a Formal Report, or participated in an investigation of a Formal Report of Sexual Violence.

Sexual Violence: any violence, physical or psychological, carried out without Consent through a sexual means or by targeting sexuality. Examples include, but are not limited to, sexual

assault, sexual harassment, stalking, indecent exposure, voyeurism, and distribution of intimate images.

Trauma-Informed: an approach that involves an awareness of the prevalence of trauma; an understanding of the impact of trauma on physical, emotional, and mental health as well as on behaviours, coping mechanisms, and engagement to services; and a realization that service systems can re-traumatize individuals. (Definition adapted from <https://traumainformedoregon.org/wp-content/uploads/2016/01/What-is-Trauma-Informed-Care.pdf>)

R. Acknowledgements

This Guidebook has been adapted from a variety of different sources, with particular reference to the Ryerson University Sexual Violence Policy and the MacEwan University Responding to Sexual Violence Procedure.

Appendix A: On and Off-Campus Support Services and Resources

On-campus:

Counselling and Career Centre

Room 1402
Main Campus
counselling@rdc.ab.ca
(403) 343-4064

Student access to a team of professional counsellors, referrals to community resources as necessary.

Health, Safety & Wellness Centre

Room 901
Main Campus
health.safety@rdc.ab.ca
(403) 342-3427

Confidential medical and nursing services, drop-in clinic visits Monday-Friday, clinical assessments, community referrals, sexual health information, addictions help and referrals, emergency and first aid services.

Security and Emergency Response

Main Entrance of the Main Campus
sexualviolencereport@rdc.ab.ca
(403) 342-3445 (Non-Emergency)
(403) 343-4000 (Emergency)

Campus Security is on duty 24 hours per day and is available to support students, staff, and visitors. Inquiries can be made by telephone, email, or in person around the clock.

Residence

rdc.residence@rdc.ab.ca
(403) 342-3257

Residence staff are trained in Mental Health First Aid and conflict management. They also have a direct connection to Campus Security.

Off campus:

Central Alberta Sexual Assault Support Centre

A201, 5212-48 Street
Red Deer, Alberta
T4N 7C3
<http://casasc.ca/> (online chat available)
casasc@casasc.ca
(403) 340-1124
1-866-956-1099 (Phone and text)

Crisis and short-term counseling, psycho-educational groups, accompaniment to police and hospital, court support, connection to long-term counseling, outreach at RDC main campus

Central Alberta Sexual Assault Response Team

Red Deer Regional Hospital Centre
Emergency
3942-50A Avenue
Red Deer, Alberta
T4N 4E7
(403) 343-4444

Coordinates services such as: medical treatment, forensic testing, police involvement, counselling, and follow-up.

Central Alberta Victim & Witness Support Society

Blackfalds RCMP Detachment
4405 South Street
P.O. Box 1780
Blackfalds, Alberta
T0M 0J0
<https://www.victimsupport.ca>
admin@victimsupport.ca
(403) 885-3355

Provides free and confidential services to the people of Blackfalds, Clive, Joffre, Springbrook, the Summer Village of Gull Lake, a large portion of Lacombe County, and a large portion of Red Deer County: immediate and direct support, compassion, a listening ear, and direction on obtaining support-related services.

Red Deer 49th Street Community Health Centre

4755-49 Street
Red Deer, Alberta
T4N 1T6
(403) 314-5225

Confidential testing and treatment for sexually transmitted infections, birth control information and prescriptions, pregnancy testing

Other Sources of Emergency Assistance:

Emergencies: 911
Health Link Alberta: 811
Mental Health Help Line: 1.877.303.2642

Legal Assistance/Support:

Central Alberta Community Legal Clinic

#301, 5008 Ross Street
Red Deer, Alberta
T4N 1Y3
<http://www.communitylegalclinic.net>

info@communitylegalclinic.net

(403) 314-9129

Toll Free: 1-877-314-9129

Free legal services to people who do not qualify for Legal Aid and who cannot afford a lawyer.

Legal Aid Alberta

<http://www.legalaid.ab.ca>

lsc@legalaid.ab.ca

1.866.845.3425

Help to navigate the justice system and find resolution to legal challenges. When determining eligibility for legal assistance, Legal Aid Alberta will look at both service and financial eligibility.

John Howard Society of Red Deer

4916-50 Street

Red Deer, Alberta

T4N 1X7

<http://www.jhsrd.ca/>

admin@jhsrd.ca

(403) 343-1770

Support and services with a focus on criminal justice and crime prevention through advocacy, prevention and re-integration of offenders through the restorative process.