

Questions regarding this policy should be directed to the Policy Administrator.

Effective Date:	December 16, 2019	Cross Reference:	<ul style="list-style-type: none"> • CUPE Collective Agreement • KCFA Collective Agreement • Board of Governors Administrative Staff Terms and Conditions • Student Code of Conduct Policy • Protected Disclosure (Whistleblower) Policy • Respectful Workplace Policy • Progressive Discipline Policy
Policy Owner:	Student Services	Appendices:	<ul style="list-style-type: none"> • No Contact Directive (Appendix 1) • Confidentiality Agreement for Team Members (Appendix 2) • Confidentiality Agreement for Appeal Committee Members (Appendix 3)
Policy Administrator:	Vice President Academic		
Approver:	Executive Committee		
Review Schedule:	Every 2 Years		

1. Policy Statement

- a. The College recognizes that all members of the College community should be able to learn, work, teach and live in an environment where they are free from harassment, discrimination and violence. The College will:
 - I. Promote a culture of respect so that those who make a Disclosure or a Formal Report of Sexual Violence are treated respectfully;
 - II. Employ investigation processes that protect the rights of all individuals and hold accountable individuals who contravene this policy;
 - III. Provide training on how to respond to Disclosure of Sexual Violence for the College Community; and
 - IV. Implement awareness, educational and risk management programs to address the prevention of Sexual Violence.
- b. The College respects the rights of individuals who have been subjected to Sexual Violence to choose the services and supports they feel are most appropriate and to decide whether or not to report to the police and/or file a Formal Report with the College including respecting their rights not to report.
- c. The College's policies, administrative processes and discipline systems are independent of the civil and criminal justice legal systems. College community members alleged to have perpetrated Sexual Violence may be subject to the College's administrative processes and discipline systems in addition to the civil or criminal legal system

2. Background

Keyano College, in the best interests of the College Community, seeks to be compliant with the commitment to address sexual violence in response to the Provincial Post-secondary Framework on Sexual Violence (2016)

3. Policy Objective

The purpose of this policy is to set out the College's policy related to Sexual Violence; and through the related procedures, establish the processes by which the College will respond to allegations of Sexual Violence.

4. Scope

This policy applies to all members of the College Community.

This policy operates alongside other applicable College policies and procedures. Where there is a conflict or inconsistency between the provisions of this policy and another College policy or procedure, this policy governs to the extent necessary to resolve the conflict or inconsistency. However, this policy does not replace or supersede the provisions of any Collective Agreement. Consequently, if there is a conflict between the provisions of this policy and a Collective Agreement, the Collective Agreement governs to the extent necessary to resolve the conflict.

This policy applies to actions, interactions and behaviours of members of the College Community that take place:

- On College premises; or
- Off College premises where a member of the College Community is involved in the business of the College or activities related to the College, or is representing the College; or
- Off College premises, including through social media or other online means, where such actions, interactions or behaviour have a negative impact on a member of the College Community such that it materially interferes with the College learning, working or living environment.

5. Definitions

5.1. Collective Agreement

Collective Agreement means any collective agreement between the Board of Governors of Keyano College and

- i. the Keyano College Faculty Association,
- ii. the Canadian Union of Public Employees, Local 2157 (CUPE), or
- iii. Any other association or union representing Employees, in each case, in effect at the relevant time.

5.2. College

College means Keyano College.

5.3. College Community

College Community means individuals who are directly connected to any College activities and initiatives and includes all Employees, Students, Contractors and Volunteers.

5.4. Complainant

Complainant means the individual who has notified a member of the College Community of a potential violation under this policy.

5.5. Consent

Consent means the ongoing voluntary agreement of an individual to engage in the sexual activity in question.

5.6. Contractor

Contractor means an individual, a corporation, or other entity, who agrees to furnish materials to, or perform services for the College for consideration.

5.7. Disclosure

Disclosure means when an individual shares information about a personal experience of Sexual Violence which involves a member of the College Community.

5.8. Employee

Employee means an individual who is engaged to work for the College under an employment contract.

5.9. Formal Report

Formal Report means a written complaint to the College by an individual who is seeking recourse for a violation of this policy.

5.10. No Contact Directive

No Contact Directive means a directive issued by college administration prohibiting contact between students when there exists a reasonable concern that physical or psychological harm may result from such contact.

5.11. Reprisal

Reprisal means Retaliatory Measures that are taken against an individual because they have sought advice about making a Disclosure or Formal Report, made a Disclosure or Formal Report in good faith, co-operated in an investigation of a Formal Report or declined to participate in behaviour that would breach this policy.

5.12. Respondent

Respondent means the individual alleged in a Disclosure and/or Formal Report to have violated this policy.

5.13. Retaliatory Measures

Retaliatory Measure means any act that adversely affects:

- i. The employment, working conditions, or education of the individual who is subject to the act, or
- ii. The living conditions of the individual who is subject to the act and lives in residence.

- iii. Examples of Retaliatory Measures include a dismissal, suspension, demotion or transfer, expulsion, change in grade or other penalty, or a threat to do any of those things.

5.14. Sexual Assault

Sexual Assault is a criminal offence under the Criminal Code of Canada. Sexual assault is any type of unwanted sexual act done by one individual to another that violates the sexual integrity of the individual and involves a range of behaviours from any unwanted touching to penetration.

5.15. Sexual Harassment

Sexual Harassment means unwanted remarks, behaviours or communications of a sexual nature and/or unwanted remarks, behaviours or communications based on gender or sexuality, where the individual responsible for the remarks, behaviours or communications knows or ought reasonably to know that they are unwelcome.

5.16. Sexual Violence

Sexual Violence means any violence, physical or psychological, that is committed, threatened or attempted against an individual without the individual's consent through a sexual means or by targeting gender or sexuality. This includes, but is not limited to, Sexual Assault, Sexual Harassment, indecent exposure, voyeurism, degrading sexual imagery, and distribution of sexual images or video of a College Community member without their consent. It can include a single incident or a pattern of behaviour whether in person, online or via other means.

5.17. Student

Student means anyone who is currently enrolled in credit and/or non-credit courses at the College.

5.18. Student Response Team

Student Response Team means a multi-disciplinary resource team comprised of Wellness Services, Health Services, Campus Security (as required), Student Services, Residence Services (as required) and ad hoc committee members that coordinates intervention and support.

5.19. Third Party Reporter

Third Party Reporter means an individual who discloses information that sexual violence has occurred.

5.20. Threat Assessment Committee

Threat Assessment Committee means a multi-disciplinary resource team comprised of College staff members representing Campus Security, Human Resources, Student Services, Health Services and ad hoc committee members that respond to reports of actual or potential acts of violence.

5.21. Witness

Witness means an individual who observed or participated in events which may fall under this Policy.

6. Guiding Principles**6.1. Confidentiality**

- a. Appropriate procedures for responding to a Formal Report alleging Sexual Violence will be followed to ensure due process and to avoid breaching the privacy of anyone who reports or is involved in alleged Sexual Violence.
- b. Everyone involved in a Disclosure or Formal Report will review confidentiality as related to the investigation of an allegation of Sexual Violence. Members of the investigation team will sign an incident-specific confidentiality agreement prior to the investigation beginning. (See Appendix)
- c. Confidentiality cannot be assured if:
 - i. An individual is judged to be at risk of self-harm;
 - ii. An individual is judged to be at risk of harming another;
 - iii. There is reason to believe that other College community members or the broader community may be at risk of harm;
 - iv. Reporting or action is required by law; and/or
 - v. Evidence of the alleged Sexual Violence is available in the public realm.
- d. The names of the Complainant and Respondent and/or the Third Party Reporter and the circumstances of the incident will not be disclosed by the College to any individual except where disclosure is deemed necessary for the purpose of investigating and resolving the Formal Report and taking any related disciplinary measures.

6.2. Consent

- a. The College is committed to providing education on Consent and its relationship to Sexual Violence.
- b. Consent is the ongoing voluntary agreement of an individual to engage in the sexual activity in question. More specifically, Consent:
 - i. Is not silence or the absence of “no”;
 - ii. Cannot be assumed or implied from previous Consent to similar activities or from anything else;
 - iii. Cannot be given by an individual incapacitated by alcohol, drugs or some other reason, or who is unconscious, under the age of consent or otherwise incapable of providing consent;
 - iv. Can be revoked at any time, whatever other sexual activities have taken place;
 - v. Can never be obtained through an abuse of power, threats, intimidations, coercion or other tactics;
 - vi. Cannot be obtained through manipulation or misrepresentation ; and
 - vii. Cannot be obtained if the individual abuses a position of trust or authority.
 - viii. Should be obtained at all stages of the sexual engagement.
- c. The Criminal Code of Canada sets the age of consent to sexual activity at 16 years of age.
- d. All sexual acts without Consent constitute Sexual Assault.

6.3. Sexual Assault

- a. Includes a range of non-consensual sexual activities including oral contact (mouth to mouth, mouth to body part), groping, touching, oral sex, vaginal or anal penetration, and/or penetration with any object or body part.
- b. Can occur if the alleged perpetrator is the spouse, intimate or dating partner, a friend or acquaintance, a known individual in a position of trust or authority or a complete stranger;
- c. Can occur regardless of sexual orientation, gender, and gender identity or relationship status; and/or
- d. Can occur when an individual engages in sexual activity with another individual they know, or reasonably ought to have known, is incapacitated (e.g. by drug or alcohol use, unconsciousness, blackout, or as a result of a disability).

6.4. Disclosing and Responding to Sexual Violence

- a. The College has a dedicated webpage for Sexual Violence resources that can assist individuals who are subjected to, have witnessed or have knowledge of an incident of Sexual Violence. This webpage <https://www.keyano.ca/en/student-services/sexual-violence-and-reporting.aspx> provides information about.
 - i. Supports that are available
 - ii. Formal Reporting options
 - iii. College process, including information for Complainants and Respondents.
- b. Supports are available to any College Community member making a Disclosure, irrespective of whether that individual also chooses to pursue a criminal complaint or Formal Report. Available supports may include:
 - i. Counselling and safety-planning through Wellness Services;
 - ii. Trauma support through referral to community agencies;
 - iii. Referral to the Employee and Family Assistance Program;
 - iv. Health Services referral;
 - v. Residence staff to facilitate safe living arrangements for students living in residence; and
 - vi. Workplace or academic accommodations.
- c. Disclosure from Witnesses will be followed up in order to provide support for the individual assaulted and to ensure the safety of the College Community.
- d. Any individual impacted by Sexual Violence who is represented by a union or an association, has the right to seek the assistance of that union or association.
- e. All Employees and any Student in a position of trust or authority who become aware of an incident of Sexual Violence involving a member of the College Community must promptly report through by using the College website to report, alerting Campus Security, or calling 911, depending on urgency of the situation.
- f. Where the College becomes aware of incidents of Sexual Violence by a College Community member or against a College Community member, the College will take all reasonable steps to ensure the safety of individuals involved and the safety of the College Community, in consultation with the complainant (if there is a Complainant). This may include interim measures, including but not limited to:
 - i. Separation of the academic, living or workplace situations of any individuals allegedly involved in the incident of Sexual Violence;
 - ii. Academic accommodations, or

- iii. No Contact Directive issued by the Director of Student Services or Executive Director of Human Resources.

6.5. **Disclosure Records**

Records pertaining to a Disclosure are the property of the College and will be retained in accordance with College document retention rules.

6.6. **Disclosure of Sexual Violence**

- a. Anyone who has witnessed or has been subject to Sexual Violence has options for disclosing Sexual Violence. No individual who has been subject to Sexual Violence is required to file a police report or a criminal complaint.
- b. Procedural options for investigating and adjudicating a Disclosure depend on the role of the Witness, Respondent and Complainant (e.g. Student, Employee, contractor, etc.) within the College. Anyone who experiences ,witnesses, or becomes notified of Sexual Violence may pursue any of the following reporting options:
 - i. Criminal report: individuals may report their allegations independently through the criminal justice system by contacting the RCMP.
 - ii. Formal Report:
 - 1. Can be filed through the college website.
 - 2. Involving allegations against any member of the College Community can be made through Campus Security;
 - 3. Involving allegations against Students and student groups can be made to the Director of Student Services;
 - 4. Involving allegations against Employees can be made through Human Resources.
- c. There is no time limit for making a Disclosure; however, the College encourages individuals to make a Disclosure as soon as they are able to do so, recognizing that the investigation may be more challenging the longer the period of time between an incident and a Disclosure.
- d. Disclosures may be made anonymously but the Complainant should be made aware that this may limit the ability of the College to respond and investigate.
- e. If a Respondent is subject to a criminal complaint, the College will proceed with an investigation, independent of any concurrent investigation undertaken by law enforcement.
- f. At any time following the receipt of a Disclosure, the College may put in place interim measures to ensure the safety of the College Community.
- g. A Complainant has the right to withdraw participation at any stage of the process. However, the College may have a duty to act and/or continue to act on the issue identified in the Disclosure in order to comply with its obligations under this policy and/or its legal obligations.
- h. This policy does not preclude individuals from filing a complaint in other venues such as under the grievance process of an applicable Collective Agreement or filing a complaint of harassment or discrimination with the Alberta Human Rights Commission, which has its own procedures and timelines. Such other venues or processes may impose time limits for filing a complaint.

6.7. **Investigation of Disclosures Alleging Sexual Assault**

- a. Upon a Disclosure alleging Sexual Assault, the College will appoint an investigation lead. If an employee is involved, the Executive Director of Human Resources will be the lead. If students are involved exclusively, the Director of Student Services will be the lead. The lead will work in

consultation with the College legal services to plan and complete the investigation. An investigation of a Disclosure alleging Sexual Assault will usually include:

- i. Interview(s) with the Complainant(s);
 - ii. Interview(s) with the Respondent(s);
 - iii. Interview(s) with Witnesses and potential Witnesses;
 - iv. Collection and review of evidence; and
 - v. Findings of facts made on the balance of probabilities.
- b. Upon completion of the investigation, the investigator will prepare a report based on the interview statements and evidence collected. The report will be sent to the individual(s) responsible for disciplinary and non-disciplinary process under the relevant College policies, regulations and Collective Agreements.
- c. Where a Disclosure involves an allegation of Sexual Assault and the Respondent(s) is a Student the Procedure for Student Non-Academic Misconduct is applied with the following exceptions related to the Appeal Review Committee:
- i. The committee will not include a Student representative and
 - ii. The committee will consist of individuals
 1. who have undertaken trauma-informed adjudication training, and
 2. Who have not previously been involved in the incident in question.
- d. Where a Disclosure demonstrates:
1. multiple Complainants and/or Respondents;
 2. uncertainty as to whether individuals are Witnesses or Respondents; or
 3. individuals outside the College community;

The College may refer the matter to the College's Special Cases Committee for direction and guidance.

6.8. Unsubstantiated Disclosures

If a Complainant, in good faith, makes a report that is not supported by evidence gathered during an investigation, that report will be dismissed and no record of it will be placed in the Complainant's or Respondent's student or human resource file, however; an incident report may remain on-file with the College.

6.9. Reprisals and Sanctions

- a. Individuals will not take any action in Reprisal against a Complainant or any individual who has co-operated in an investigation of a Disclosure. An individual who is found to have taken action in Reprisal may be subject to disciplinary action up to and including termination of employment, expulsion from the College or termination of any other relationship they have with the College. Disciplinary action will be taken in accordance with the provisions of any applicable Collective Agreement.
- b. Any individual who believes they may be the subject of Reprisal should notify the investigation lead.
- c. Any individual who is found to have made a frivolous or vexatious Complaint may be subject to disciplinary action up to and including termination of employment, expulsion from the College or termination of any other relationship they have with the College. Disciplinary action will be taken in accordance with the provisions of any applicable Collective Agreement. A Complaint made in good faith that is not substantiated is not a frivolous or vexatious complaint.

7. Roles & Responsibilities

STAKEHOLDER	RESPONSIBILITIES
Executive	<ul style="list-style-type: none"> • Approve and formally support this policy.
Vice President Academic	<ul style="list-style-type: none"> • Oversee the implementation of this policy
Executive Director of Human Resources	<ul style="list-style-type: none"> • Ensure that training standards are met. • Liaise with legal services • Act as investigation lead in incidents including employees
Director of Student Services	<ul style="list-style-type: none"> • Act as investigation lead in incidents exclusively involving students

8. Policy Management

Policy Title:	Sexual Violence Policy
Approval Date:	December 6, 2019
Effective Date:	December 16, 2019
Historical Review Dates:	March 12, 2018
Next Review Date:	December 2021
Related Legislation:	Alberta Freedom of Information and Privacy Act (FOIP Act) Alberta Human Rights Act Canadian Human Rights Act Charter of Rights and Freedoms Criminal Code of Canada – R.S.C., 1985, c. C-46 (Section 153.1) Post Secondary Learning Act Occupational Health and Safety Regulation Occupational Health and Safety Codes
Supersedes Policies:	Sexual Violence Policy dated March 12, 2018
Monitoring/Frequency:	Every 2 years
Policy Owner:	Student Services
Policy Administrator:	Vice President Academic
Policy Coordinator:	Executive Assistant to the Vice President Academic

Questions regarding this policy should be directed to the Policy Administrator.

Effective Date:	December 16, 2019	Appendices:	<ul style="list-style-type: none"> • No Contact Directive (Appendix 1) • Confidentiality Agreement for Team Members (Appendix 2) • Confidentiality Agreement for Appeal Committee Members (Appendix 3)
Procedure Owner:	Student Services and Human Resources		
Approver:	Executive Committee		
Review Schedule:	Every 2 years		

Procedure

1. This procedure is intended to:
 - a. Outline prevention and training required to appropriately address sexual violence;
 - b. Provide guidance on receiving and responding to disclosures or complaints of sexual violence;
 - c. Outline supports and interim measures to persons who experienced sexual violence to ensure the safety of the College Community;
 - d. Describe the procedures through which complaints of sexual violence will be addressed; in order to protect the rights of all individuals involved and accountability for those who violate the policy.
 - e. Describe the procedures for ensuring confidentiality.

Definitions

Expulsion means permanently prohibited from being on College premises and from obtaining any college related services.

Final Report means a written report providing the conclusions reached by an investigator or the Investigative Team. A Final Report will include established factual findings and analyses, discussions of credibility and reliability where required, assessments of whether there has been a policy or legal breach, conclusions as to each allegation, and recommended outcomes.

Interim Measures mean non-disciplinary conditions that may be imposed on a temporary basis to create or ensure a safe, healthy and respectful working or learning environment. Interim Measures may be made in response to a Disclosure, informal efforts to resolve an incident, upon receipt of a Complaint, or before, during or after an investigation. Interim measures may be imposed where, for example:

- The alleged conduct would be a significant violation of the Sexual Violence Policy;
- Where the alleged conduct would create an ongoing risk to an individual, the College Community or the reputation of the College or;
- Where necessary to ensure the integrity of an investigation is not jeopardized.
- Interim Measures may be imposed to ensure personal safety, prevent retaliation or reprisal, protect confidentiality, minimize disruptions to the learning or working environment, or to preserve the College.

Investigative Team means a group of 1 – 3 people chosen by the Investigative Lead to complete the Investigation process. The members of the Investigative Team will have taken Investigation Training prior to being included in the core team. An additional member may be chosen to participate in preparation to be trained.

Lead means the person responsible to ensure the investigation follows policy and procedure.

Support Resources means confidential and objective resources that may be utilized for support by a Member of the College affected by Sexual Violence. Resources may include:

Student Specific:

- Wellness Services
- Health Services

Employee Specific:

- Employee Assistance Program
- A supervisor
- A union or association representative
- Human Resources Department
- Health Services

Community Resources:

- Alberta Health Services
- Waypoints
- Friends, family, trusted colleagues, legal counsel

Procedures

1. Training and Prevention. Keyano College is committed to providing on-going training for all sectors of the College Community. Training will be multi-faceted and designed to not only encompass the entire College Community, but also to provide preventative education to groups most at risk.

a. Policy Education

- i. The Sexual Violence Policy is on a two-year rotation for review. At the completion of each review cycle, the policy will be reviewed by the Director of Student Services and Executive Director of Human Resources in a town hall format, available for members of the College Community to attend.
- ii. As part of the New Employee On-boarding and Contractor Orientation Package the Sexual Violence Policy will be listed as a specific policy to review and managers will be responsible to ensure the review has taken place.

b. Targeted Intervention. Research shows that members of athletic teams and students living in residence have higher incidence of being involved in Sexual Violence.

- i. Keyano Huskies Athletics will provide on-going education to all athletes.
- ii. Gender specific training will occur for male and female teams each year.
- iii. Awareness posters with disclosure options will be posted in common areas.
- iv. Education sessions will be offered for all students in Keyano housing.

- c. General Education
 - i. Managers will review reporting procedures with all employees in the first meeting of the fall academic term. (August or September)
 - ii. Wellness Services in conjunction with Health Services will partner with RCMP and community service providers to facilitate awareness campaigns once in each the Fall and Winter terms. The goals will be to provide information regarding community support and to remove the stigma in reporting.
 - iii. The College will support and participate in Sexual Violence Awareness Month in May.
 - iv. Posters will be on display on college bulletin boards throughout the year outlining the reporting procedures for sexual violence.
- d. Investigation Training
 - i. The College will ensure that there are always at least three employees who have taken training on Investigative Procedures. The Executive Director of Human Resources is responsible to ensure this requirement is met.

2. Response to a Report of Sexual Violence

- a. Disclosure Response for the College. Upon becoming aware of an incident of Sexual Violence, the College may at any time:
 - i. Inform any affected member of the College Community about the availability of Support Resources;
 - ii. Take any action, including making any communications considered necessary, to ensure the ongoing safety and security of the College Community;
 - iii. The Executive Director of Human Resources and/or The Director of Student Services will determine if safety of the College Community is at risk and determine a plan of action.
 - iv. Consider and implement Interim Measures;
 - 1. Initiate an investigation
 - 2. Contact another appropriate authority such as the RCMP.
 - 3. Ensure physical safety of individuals
- b. Disclosure Response for an Individual. When a member of the College Community receives a Disclosure they should be respectful and supportive and encourage the disclosing individual to access Support Resources. The person receiving the Disclosure must contact the appropriate authority:
 - i. 911 in a crisis situation
 - ii. Campus Security
 - iii. Executive Director Human Resources and/or Director of Student Services
 - iv. Website <https://www.keyano.ca/en/student-services/sexual-violence-and-reporting.aspx>
- c. The Complainant determines whether they will file their own Criminal Report.
- d. The Complainant determines the extent of their own involvement in any investigation undertaken by the College.

3. Provision of Supports

- a. The Director of Student Services will work with the student Complainant(s), Respondent(s) and/or Witnesses and engage the Student Response Team as required. The Response team may include: Wellness Services, Campus Security, Health Services, Residence Services and Ad Hoc Committee members as required.
- b. Executive Director of Human Resources will work with any employees who are Complainants Respondents and/or Witnesses under this Policy to ensure supports are offered, as available through the Employee Assistance Program, Health Services, or other service providers.
- c. Safety of the College Community is paramount. Immediate decisions regarding safety will be made by Security in consultation with their direct report.
- d. Long term decisions regarding safety of the College Community will be made by the Investigation Lead or the Lead in conjunction with the Investigative Committee.

4. Investigation Procedures

- a. Initial Investigation procedures
 - i. If any Complainants, Respondents and/or Witnesses are students, the Director of Student Services needs to be informed.
 - ii. If the Complainants and Respondents are students, the Director of Student Services will activate the Investigative Committee.
 - iii. If any Complainant or Respondents are employees, the Executive Director of Human Resources needs to be informed.
 - iv. If an employee is involved, the Executive Director of Human Resources will activate the Investigative Committee.
- b. The Lead of the Investigative Committee will notify RCMP, as deemed necessary.
- c. The Lead will determine the membership of the Investigative Committee. The committee will be comprised of 1 – 3 additional people trained in the investigative process.
- d. The Lead will determine the level of support necessary:
 - Level 1: The investigation process and communication will be managed by the college.
 - Level 2: The investigation process will be conducted by the College and official communication with Respondents, Complainants and Witnesses will be vetted through legal counsel.
 - Level 3: The investigation process will be managed with legal counsel. An external investigator will be engaged by legal counsel and official communication with Respondents, Complainants, and Witnesses will be written by legal counsel.
- e. Actions of the Security Services provider will be directed by the Director of Facilities and Asset Management. A phone tree will be provided to Security and in the event of an incident, the staff on duty will ensure safety and call 911 if necessary and then report the incident to the Director of Facilities and Asset Management.

5. Enacting Safety Measures. If at any time following a Disclosure, it is determined that an individual poses a serious and immanent safety risk to the College Community, Complainants, Respondents and /or Witnesses, the following outcomes may occur:

- a. A No Contact Directive can be issued by the Director of Student Services or Executive Director of Human Resources. Appendix 1
- b. Access to the College may be restricted through the following:
 - i. Limited access within defined times and locations for campus privilege.
 - ii. Alternate class arrangements may be offered: provision of audio tape of class, attendance through video-conferencing, provision of lecture notes and presentations. Alternate assignments if group work is not possible;
 - iii. Housing accommodations may be suspended;
 - iv. Administrative suspension may be enacted. The purpose of administrative suspension is to ensure a safe environment as well as to limit interactions between complainant and respondent(s). If it is determined to enact an administrative suspension, it would be in place during the entire time of the investigation and up until a decision is reached. Once a decision is reached, the consequence of that decision will replace the administrative suspension.
 1. Respondents will be completely restricted from all Keyano College property unless expressly invited for a meeting.
 2. A Trespass Order for all Keyano College property could be enacted.
 3. Access to Keyano email will be suspended.
 4. Course completion accommodations may be made when deemed appropriate. Students will be suspended from all classes until the investigation is complete.
 5. If the investigation reveals that in the balance of probabilities the incident occurred and that the Sexual Violence Policy was breached, depending on the specific nature of the offense and other relevant circumstances, penalties may range from restriction of privilege to expulsion or termination.
 - v. Restriction of privilege. Formal limitation imposed upon the specific use of Keyano facilities (including but not limited to the SSWC, classrooms, computer labs, library, student common areas and/or parking lots) for a prescribed period of time.
 - vi. Suspension. Temporarily prohibited from being on College premises and obtaining other college-related services until the designated suspension period has elapsed or until the prescribed conditions deemed necessary by the College to terminate the suspension have been met by the student. Once the period of suspension is over, the student may reapply to their program or apply to any other program for which they are eligible at Keyano College. A student who is suspended from the College will have it noted on their Keyano College transcript.

6. Formal Investigation Responsibilities

- a. Investigative team roles:
 - i. Lead:
 1. Choose the members of the Investigative Team
 2. Review confidentiality expectations with all members.
 3. Ensure all members sign Confidentiality Agreement. (Appendix 2)
 4. Ensure standards of confidentiality are maintained at all times.
 5. Assign a file number to the case and ensure that all correspondence uses only the file number. E.g. File 1 2019-10-30. Files will be numbered sequentially.
 6. Secure and deliver file in tamper proof envelope to secure storage location.
 - ii. Note-taker:
 1. Maintain the file.
 2. Ensure all paper copies are collected and secured. Shred any duplicate paper copies.
 3. Copy the file for external agencies, i.e. External investigators, RCMP, etc. in a confidential setting.
 4. Ensure all recorded conversations are collected, transcribed and secured, and that recording device is cleared of all information.
 5. Redact information for file archiving.
 - iii. All Team members:
 1. Sign a confidentiality waiver.
 2. Meet the requirements for information management.
 3. All investigation notes must be kept double-locked in a single location.

7. Interview Process

- a. All interviews will be recorded either through an audio recording, or with a note-taker.
- b. To the extent possible, interviews will occur in a timely manner;
- c. Individuals participating in the interview process will be expected to maintain confidentiality around what is discussed in the interview with the College Investigative Team
- d. The Complainant(s), Respondent(s), and all relevant Witnesses will be interviewed.
- e. Any individual being interviewed under this Policy will have the ability to bring with them to the interview a support person or union representative. However, the support person or union representative is not a participant and will be required to leave if disruptive to the investigative team.
- f. Complainant (s), Respondent(s) and Witnesses are not entitled to the attendance of their own legal counsel during the Interview Process.

8. Confidentiality

- a. Confidentiality agreements (Appendix 2 and Appendix 3)
 - i. The Lead of the Investigative Team will ensure that all members of the Investigative team review specific confidentiality requirements and sign a confidentiality agreement prior to taking part in the investigation.
 - ii. The Lead of the Appeal Committee will ensure that all appeal committee members review specific confidentiality requirements and sign a confidentiality agreement prior to taking part in the appeal.
- b. Maintenance of collected information
 - i. Collected evidence. Information gathered during an investigation will be kept in paper form. All paper in the investigation room becomes property and responsibility of the official note-taker. Personal notebooks with notes are managed by the official note-taker.
 - ii. Completed file will be stored in a tamper-evident envelope with the following information on the outside of the envelope:
 1. File number and start date of the incident
 2. Expiry date for file maintenance
 3. Investigative team members with signatures
 - iii. Sensitive information must be kept in a designated locked filing cabinet located in the Human Resources Department.
 - iv. Meeting requests will have only Incident File Number as distinguishing information.
- c. Information Management
 - i. The Lead will ensure that digital sharing of information regarding the investigation is kept to a minimum and is catalogued.
 - ii. All references to the case will use the File number and date.

9. Investigation Outcome.

- a. The Investigative Team will come to one of the following outcomes at the completion of their investigation, based on a balance of probabilities and civil standard:
 - i. The allegations of the Complainant(s) are founded;
 - ii. The allegations of the Complainant(s) are partially founded;
 - iii. The allegations of the Complainant(s) are unfounded; or
 - iv. The outcome is inconclusive due to evidentiary issues. In instances where the Investigative Team provides an outcome as inconclusive, it is expected that the Investigative Team will set out what evidence is absent which prevents the outcome from being founded, partially founded or unfounded.
- b. Complainants and Respondents are entitled to the investigation outcome (founded, partially founded, unfounded, or inconclusive). In most circumstances will not be entitled to any additional information regarding additional steps taken by the College unless it relates to maintaining the safety and security of Complainants and/or Respondents.

10. Decisions following Investigation Outcome

- a. Once an outcome has been made by the Investigative Team, the outcome will be presented to either Director of Student Services or Executive Director of Human Resources.
- b. The Director Student Services may decide to take steps up to an including Expulsion when the investigation outcome is either partially founded or founded.
- c. The Executive Director of Human Resources may decide to take steps up to an including termination for just cause when the investigation outcome is either partially founded or founded.
- d. When the investigation outcome is inconclusive Director of Student Services or Executive Director of Human Resources may take any steps deemed necessary to ensure the safety and security of the College Community.
- e. Decisions made under this policy will be provided in writing and will be made as soon as practical following the determination of the Investigation Outcome. The appeals process will be provided within the written notice of the Decision.

11. Challenging a Decision

- a. Respondents who are students have the ability to appeal the decision of the Executive Director Student Services, within 10 business days of the receipt of the decision.
- b. Respondents who are employees have the ability to appeal the decision of the Executive Director of Human Resources in accordance with their applicable Collective Agreement, and if not under a Collective Agreement, within 10 business days of the receipt of the decision. c. The Appeal Review Committee
 - i. will consist of only individuals
 1. who have undertaken trauma-informed adjudication training, and
 2. who have not previously been involved in the incident in question.

Procedure Management

Procedure Title:	Sexual Violence Procedure
Approval Date:	December 6, 2019
Effective Date:	December 16, 2019
Historical Review Dates:	March 12, 2018
Next Review Date:	December 2021
Related Legislation:	Alberta Freedom of Information and Privacy Act (FOIP Act) Alberta Human Rights Act Canadian Human Rights Act Charter of Rights and Freedoms Criminal Code of Canada – R.S.C., 1985, c. C-46 (Section 153.1) Post Secondary Learning Act Occupational Health and Safety Regulation Occupational Health and Safety Codes
Parent Policy:	Sexual Violence Policy
Policy Owner:	Student Services
Policy Administrator:	Vice President Academic
Policy Coordinator:	Executive Assistant to the Vice President Academic

Name	I.D. #	Date

When necessary, Keyano College will put into place a Temporary No Contact Directive between individuals connected with the College in order to help create an environment that is free from harassment and/or threats of violence. This action can be taken, by the College at any time during the pendency of an investigation for as part of an outcome or resolve to a matter, as a method of protecting individuals and providing a safe College environment. This Temporary No Contact Directive is not a conclusion as to whether or not a violation of College Policy has occurred...

In compliance with the Student Code of Conduct, this is an official directive **notifying you to have no contact** with: _____

This temporary No Contact Directive applies to **direct contact and indirect contact** with the above named individuals.

Direct contact includes, but is not limited to:

- Face-to-face contact
- Email or other written correspondence
- Contacting through social networks, including on mutually “liked” pages
- Phone calls, voicemails and text messages

Indirect contact includes, but is not limited to:

- Hanging around housing or classrooms of the above named individuals
- Making contact through a third party, including mutual friends
- Blog or social network postings regarding the person named above

The following physical restrictions on College property will apply:

 (Insert times and locations at the College where the individual must refrain from being present. For example No attendance on College campus prior to 2 pm Monday to Friday, No access to residence building X at any time)

It is your responsibility to ensure compliance with this directive.

This temporary No Contact Directive shall last until dismissed in writing by the Director of Student Services or designate. A copy of this order will be provided to the individual named in this order with the direction to report any violation. Additionally, a copy will be provided to Keyano College offices as deemed necessary and appropriate by the Director of Student Services.

By your signature below, you acknowledge you have been notified and received a copy of this temporary No Contact Directive. While this directive is not the same as a protection order issued through the court system and has no criminal legal ramifications if it is violated, a violation order will be considered a violation of the Student Code of Conduct

SIGNATURE (STUDENT)	DATE
SIGNATURE (KC OFFICIAL)	DATE

INVESTIGATION CONFIDENTIALITY AGREEMENT

BETWEEN

(Investigative Team Lead)

AND

(Investigative Team Member)

BACKGROUND:

The Investigative Team Member is currently an employee of Keyano College and as such is subject to adherence to policies and procedures currently in place.

In addition, due to the sensitive nature of this investigation, the following conditions are also required to be met:

1. Information that the team member is privy to during the investigation may not be shared in any form or in any part with anyone outside of the team, unless expressly required by law enforcement or legal proceeding. At no time can there be an assumption that any single person has knowledge of the investigation. In order to be part of an appeal committee, the members of the committee can have no prior knowledge of the investigation. Security of information must be maintained within the investigative team.
2. Inquiries from outside the committee will be directed to the Investigative Team Lead for response.
3. All notes in any form will be stored with the designated Note-Taker. All parts of the file will be double-locked in a single location and during team meetings archived notes will be available for referral.
4. All email communication will refrain from using respondent or claimant names. The case will be assigned a file number and communication will refer to the file number.

Date: _____

NAME	SIGNATURE
NAME	SIGNATURE

INVESTIGATION CONFIDENTIALITY AGREEMENT

BETWEEN

(Appeal Committee Lead)

AND

(Appeal Committee Member)

BACKGROUND:

The Appeal Committee Member is currently an employee of Keyano College and as such is subject to adherence to policies and procedures currently in place.

In addition, due to the sensitive nature of this investigation, the following conditions are also required to be met:

1. Information that the committee member is privy to during the investigation may not be shared in any form or in any part with anyone outside of the committee, unless expressly required by law enforcement or legal proceeding.
2. Inquiries from outside the committee will be directed to the Appeal Committee Lead for response.
3. All notes in any form will be maintained by the Appeal Committee Lead.
4. All email communication will refrain from using respondent or claimant names. The case will be assigned a file number and communication will refer to the file number.

Date: _____

NAME	SIGNATURE
NAME	SIGNATURE