
SEXUAL AND GENDER-BASED VIOLENCE REPORTING PROCEDURES

Effective Date: TBD

Responsibility: Cabinet

1. PURPOSE

- 1.1 This document outlines the procedures adopted according to the Sexual and Gender-Based Violence Policy (the “Policy”) and should be read in conjunction with that policy. Information and terms not otherwise defined herein have the meaning set out in the [Policy](#).

2. REPORTING OPTIONS

- 2.1 Individuals who have experienced an incident of Sexual and Gender-Based Violence and choose to share this experience are engaging in a disclosure. Disclosures can be made to anyone, including other students, faculty, and staff. When an individual with a lived experience shares their story, it is not the same as a Formal Complaint. Anyone who makes a disclosure has the option of accessing support and accommodations. Accessing these supports and resources is NOT dependent on making a Complaint.
- 2.2 Individuals with a lived experience who would like to make a Formal Complaint can do so in several ways. Individuals should be aware that a copy of the Formal Complaint will be provided to the Respondent (the individual who is alleged to have committed the act of Sexual and Gender-Based Violence). Options include:
 - 2.2.1 Complete the Formal Complaint form (insert link). Once this form has been completed, the individual (referred to as the Claimant) will be contacted by the Sakala Success Centre.
 - 2.2.2 Individuals can also come into the Sakala Success Centre and complete the Formal Complaint verbally. Individuals are welcome to bring a support person with them. Verbal complaints will be written, and the individual with the lived experience will sign the Complaint.
 - 2.2.3 A Formal Complaint may also be submitted by a support person as long as the individual with the lived experience (the Claimant) agrees and signs off on the Complaint.
 - 2.2.4 Anonymous reports can also be made using the online form. However, individuals need to be aware that it can be more challenging, or impossible, to investigate the allegations.

- 2.3 Once a Formal Complaint is received, the Sakala Success Centre will meet with the Claimant, outline the process and identify any required support, resources and/or accommodations. The Claimant can bring a support person with them, or the Sakala Success Centre will identify a Trained Responder to support the individual.
- 2.4 Once a Formal Complaint is received, a copy of the Complaint will be provided to the Respondent. The Respondent will complete a written Response Form to the allegations within seven (7) working days. A Response Form will include the Respondent's version of the facts related to the incident, any additional facts that the Respondent wishes to raise, and a list of potential witnesses.
- 2.5 A copy of the Respondent's written response will be provided to the Complainant.
- 2.6 A Contact Person will be provided to the Complainant and Respondent. This individual will act as a resource person, providing information, resources and coordination during the complaint process. The Contact Person will not participate in the investigation.

3. RESPONDING TO A COMPLAINT WITH ALTERNATIVE MEASURES

- 3.1 Some incidents of Sexual and Gender-Based Violence could be resolved using alternative options. This option would not involve an investigation. Individuals who file a Formal Complaint can seek resolution through alternative measures. These can include but are not limited to:
 - A private conversation with the alleged Respondent. The Respondent may choose to have a support person attend;
 - A conversation with the Respondent and a Dean (or other identified University leader);
 - Education related to gender-based violence and/or consent, i.e. First Responder Training;
 - Mediation
 - Individual Counseling
- 3.2 The Complainant and the Respondent will be provided with support and resources as required.

4. RESPONDING TO A FORMAL COMPLAINT REQUIRING AN INVESTIGATION

- 4.1 If the alternative measure(s) do not resolve the incident, the Complainant may continue with a Formal Complaint which would trigger an investigation into the incident.
- 4.2 To conduct a timely and effective investigation, the University strongly encourages Complainants and other applicable persons to file a Formal Complaint following the alleged incident of Sexual or Gender-based Violence as soon as possible. Delaying filing a Formal Complaint may impede the University's ability to investigate and/or take appropriate actions.

- 4.3 The most senior officer in Student Services (or designee) will lead the response to a Formal Complaint.
- 4.4 The Senior Officer (or designee) will handle the matter in accordance with the Sexual and Gender-Based Violence Policy and this procedure as well as i) the Student Handbook and ii) the Student Code of Conduct.
- 4.5 The Senior Officer will not be involved in the investigation but will receive the final investigative report and decide based on the facts collected throughout the investigation. The Senior Officer will share the conclusion (summary) of the investigation with the Claimant and Respondent.
- 4.6 The Senior Officer (or designee) will refer the Complainant to the police and/or other support services as appropriate. The Respondent will also be referred to support services as appropriate.
- 4.7 The Senior Officer will appoint a Contact Person for the Complainant(s), Respondent(s) and other persons involved in the Formal Complaint review and investigation processes. The Contact Person will provide information to such persons, facilitate access to resources and services, coordinate and respond to communications from and to the University and external entities (including, without limiting, police, academic areas, and health care providers), and conduct other work for the participants as required under the Sexual and Gender-Based Violence Policy and this procedure. The Contact Person will not be involved in the investigation.
- 4.8 The Senior Officer may, in the Senior Officer's discretion, implement Interim Measures as contemplated in the Policy.
- 4.9 The Senior Officer will appoint an Investigative Lead to carry out the process of the investigation. The Senior Officer will determine whether to appoint an internal or external investigator as the Investigation Lead, who must, whenever reasonably possible, meet the qualifications of the Policy.
- 4.10 If the Investigative Lead is internal to the University, the Investigative Lead will select one other Investigator from a rotation of individuals trained in accordance with the Policy. This will constitute the Investigative Team. Whenever reasonably possible, the investigative team should consist of at least one male and one female member.
- 4.11 In appointing an Investigative Lead under section 4.9 and other Investigators under section 4.10, the Senior Officer and the Investigative Lead, as applicable, will consider all relevant factors including without limitation:
 - the nature of the Formal Complaint;

- the ability for objectivity and lack of bias in the investigation (i.e., no investigation team member with real, potential or perceived conflicts of interest or biases);
- the ability to maintain the confidentiality of all information;
- knowledge of legal and compliance requirements of the core nature/subject matter of the allegation;
- potential investigation team member's ability to identify and access the appropriate resources to conduct the investigation in a timely manner;
- the need to balance the functional skills, operations knowledge, and seniority of the individuals;
- the need to retain external investigators, lawyers and other experts in highly sensitive, specialized or confidential matters; and
- the need to protect an investigation with legal privilege.

5. FORMAL COMPLAINT REVIEW AND INVESTIGATIONS:

- 5.1 Investigation of the Formal Complaint will be conducted in a manner ensuring that the Complainant and the Respondent each have a fair opportunity to tell their story and know the claims of the other party.
- 5.2 The Investigative Team will first determine whether, if the allegation is true, it would be a violation of the Policy. The Investigative Team will assess each situation individually. If the Investigative Team determines that the facts alleged in the Formal Complaint, if true, would not violate the Policy, it will make a decision declining to investigate further and provide that decision to the Senior Officer, the Complainant and the Respondent.
- 5.3 The Investigative Team will have discretion as to the manner and extent of the investigation and will take all reasonable steps to fully investigate the Formal Complaint. These steps may include, but are not limited to, interviewing the Complainant, the Respondent, and any potential witnesses. Interviews may be recorded, provided all parties have been informed. The Investigative Team may also review other relevant evidence (e.g., documents, photos, and digital university records).
- 5.4 The investigation team will establish terms of reference for each investigation in order to best support the context of the alleged incident and to define, among other matters, the scope of the investigation and the projected timeline of completion of the investigation.
- 5.4 In completing an investigation, the Investigative Team will, if appropriate, determine whether:
- The Formal Complaint was made maliciously or in bad faith;
 - The Formal Complaint is frivolous or vexatious; or
 - The Formal Complaint does not provide sufficient information to permit an investigation.

- 5.5 The Investigation Team may directly or indirectly collect, use and disclose personal information, individually identifying information and any other information from any member of the Burman Community that is reasonably necessary to manage and investigate Formal Complaints. The Investigation Team (after first consulting with the Senior Officer) may seek legal counsel as to specific aspects of the investigation.
- 5.6 Investigations will be completed as expediently as possible, with a goal that in most cases, the investigation will be completed within thirty (30) calendar days of the date the Formal Complaint was filed and, if applicable, a Response is received (whichever is later).
- 5.7 Investigations will be conducted systematically, orderly, and discreetly, and confidentiality will be maintained whenever possible. The objectives of an investigation will be to:
- compile information relating to the Formal Complaint as quickly as possible (including, if applicable, taking steps to protect or preserve documents, materials and equipment);
 - consider the information collected and conclude objectively and impartially; and
 - maintain procedural fairness in the treatment of witnesses, the Complainant and the Respondent.
- 5.8 The Investigative Team will, where required by the circumstances, assess and determine the credibility of the Complainant, the Respondent and all other witnesses.
- 5.9 A Complainant may withdraw a Formal Complaint at any time before an investigation has completed by submitting a written withdrawal to the Senior Officer outlining the reasons for the withdrawal. The Senior Officer will determine whether to accept the withdrawal and retains the right to proceed and complete the investigation as outlined in these procedures.

6. CRIMINAL INVESTIGATION

Burman University will investigate Formal Complaints of Sexual and Gender-Based Violence to determine if the Sexual and Gender-Based Violence policy has been violated. Additionally, a Complainant may choose to file a report with the police alleging criminal misconduct, if applicable. A Complainant may request support from the Sakala Success Centre to assist with filing police charges. The University will cooperate with the police, if required.

7. DECISION AND OUTCOMES:

- 7.1 The Investigation Team will provide the Senior Officer (or designee) with a written investigation report. The report will include the following:
- All relevant statements and evidence;
 - Assessment of witness credibility and other evidence and, where appropriate, conclusions as to the accepted evidence;

- Assessment of whether violations of the [Sexual and Gender-Based Violence Policy](#), other university policies or the law have occurred; and
 - Recommend a range of appropriate corrective measures or disciplinary actions where violations have been found.
- 7.2 Upon receipt of the report, the Senior Officer (or designee) will provide it to the Complainant and Respondent and provide them with at least ten (10) days to provide a written response to the report.
- 7.3 Before or after receiving responses from the Complaint and Respondent, and prior to rendering a final written decision and Outcomes, the Senior Officer (or designee) may, in his/her discretion, request additional investigation or other steps be taken by the Investigative Team if the Senior Officer (or designee) is not satisfied that all matters have been adequately addressed in the investigative report.
- 7.4 The Senior Officer (or designee) will review the investigation report, information collected by the Investigative Team and any responses from the Complainant and the Respondent and render a written decision and, as applicable, corrective measures, disciplinary actions and/or other remedial actions (“Outcomes”).
- 7.5 A Claimant or a Respondent may appeal the decision and Outcomes made by the Senior Officer (or designee) to the Discipline Appeal Committee in accordance with other applicable University Policies and Procedures.

8. CONFIDENTIALITY

- 8.1 To the extent possible, the confidentiality and privacy of all persons involved in a report of Sexual and Gender-Based Violence must be strictly observed from the outset of a Formal Complaint being received through to the end of the resolution process and outcome. In order to enhance confidentiality, as few people as are reasonably required will handle Formal Complaints.
- 8.2 With respect to the use or collection of personal information pursuant to section 9.2 of the Sexual and Gender-Based Violence Policy, such use and collection shall be as limited in its application, as reasonable in terms of the amount of information shared and kept as confidential as is reasonably possible while still completing a thorough investigation.
- 8.3 The details and results of investigations will not be disclosed or discussed with anyone other than those University employees who have a legitimate need to know such results to perform their duties and responsibilities. The Senior Officer (or designee) may at any time disclose information in relation to any Formal Complaint, investigation or investigation outcome to a Trained Responder to Sexual Violence, senior administration, members of the Operating Board, lawyers, and/or law enforcement agencies if deemed appropriate, or as otherwise required or permitted by law. Where such disclosures are made, including consultations by the Senior Officer (or designee) with a Trained Responder to Sexual Violence, in accordance with these Procedures, as little identifying information as possible should be given.

- 8.4 Results of investigations and corrective actions taken may be included in Respondents' student academic records or employee records, as applicable.

9. REPORTING

- 9.1 On an annual basis, the Senior Officer (or designee) will prepare a summary report of all investigations held during the relevant time period for review by the Operating Board of Burman University; such summary report excludes identifying information where appropriate.
- 9.2 On an annual basis, the Trained Responders to Sexual Violence shall report on the information maintained pursuant to [section 9.2](#) of the Sexual and Gender-Based Violence Policy to the Board of Burman University.

10. MODIFICATIONS

Students who feel they need academic modifications due to Sexual and Gender-Based Violence or involvement with a Formal Complaint (e.g., assignment extensions, exam deferral, class schedule, or withdrawal from a class) can request assistance from the Senior Officer (or designee) in student services with the help of a Trained Responder to Sexual Violence, if preferred.

11. SUPPORTS AND RESOURCES

- 11.1 Information and resources related to support for individuals who experience Sexual and Gender-Based Violence will be included on the Burman [website](#). The website shall include policy, procedures, on and off-campus resources, a summary of disclosure and response protocols, contact information for Trained Responders to Sexual Violence and educational offerings (workshops and training).
- 11.2 The University may, as appropriate in the circumstances, provide Members of the Burman Community, including Respondents, Complainants and others who witness or are subject to Sexual and Gender-Based Violence, with the following support:
- Counseling and related support through Counseling Services, Human Resources or community agencies partnering with the University;
 - Reasonable modification options through student Services, Academic Affairs, and the Sakala Success Centre;
 - Information regarding available medical services through Alberta Health Services with initial care, follow-up, and/or referral;
 - Reporting options through the Senior Officer (or designee); and
 - Education and training on matters including Sexual and Gender-Based Violence reporting, prevention and general awareness.

12 EDUCATION AND TRAINING

- 12.1 All members of the Burman Community are to be encouraged to participate in [Sexual and Gender-Based Violence educational programs](#) and initiatives offered by the University.
- 12.2 Trained Responders to Sexual Violence will review educational programs and initiatives semi-annually, including the possible future development of a campus safety plan.
- 12.3 Deans, Student Deans, Residence Assistants and student leaders will be required to attend initial training on receiving Disclosures and responding to Sexual and Gender-Based Violence and then additional training from time to time.
- 12.4 The University will seek to maintain a roster of at least four [Trained Responders to Sexual Violence](#). Gender balance is required. A minimum of two females and two males, though the exact balance should be determined by usage. The Trained Responders to Sexual Violence will evaluate the level of training required and ensure individuals have been provided with the appropriate training.
- 12.5 All Members of the Burman Community can assist with maintaining an educational and working environment free from Sexual and Gender-Based Violence by:
- Modelling healthy and respectful behaviour in all relationships at the University;
 - Speaking out against conduct that may encourage or condone Sexual and Gender-Based Violence;
 - Speaking out against behaviour that discourages reporting of Sexual and Gender-Based Violence;
 - Promoting the University's Sexual and Gender-Based Violence policies and procedures; and intervening in situations that may constitute, or lead to, Sexual and Gender-Based Violence.

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