

BURMAN UNIVERSITY

Sexual Violence

REPORTING PROCEDURES



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SEXUAL VIOLENCE REPORTING PROCEDURES

Effective Date: September 01, 2018

Responsibility: Vice President Student Services

1.0 PURPOSE

- 1.1 This document outlines certain procedures that have been adopted pursuant to the Sexual Violence Policy and should be read in conjunction with that policy. Terms not otherwise defined herein have the meaning set out in the [Sexual Violence Policy](#).

2.0 RESPONDING TO FORMAL REPORTS:

- 2.1 A Formal Report can be filed by any person and must be made in writing. Filing a Formal Report does not prohibit and/or constitute reporting under other reporting regimes.
- 2.2 To conduct a timely and effective investigation, the University strongly encourages Complainants and other applicable persons to file a Formal Report as soon as possible following the occurrence of the alleged Sexual Violence. Delaying the filing of a Formal Report may impede the University's ability to conduct an investigation and/or take appropriate actions.
- 2.3 Where a student of the University is involved, the most senior officer in student services (or designee) will lead the response and if an employee of the university is involved, the most senior officer in human resources (or designee) will lead the response. If both a student and employee are involved, both Senior Officers (and designees) will co-lead the response.
- 2.4 The Senior Officer (or designee) will handle the matter in accordance with the [Sexual Violence Policy](#) and this procedure as well as i) where a student is involved the [Student Handbook](#) and ii) where an employee is involved the [Harassment Policy](#).
- 2.5 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.
- 2.6 The Senior Officer (or designee) will either be the primary contact for the Complainant(s), Respondent(s) and other persons involved in the Formal Report review and investigation processes or will appoint a Trained Responder to Sexual Violence to be the primary contact. The primary contact 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 Violence Policy](#) and this procedure.

3.0 FORMAL REPORT REVIEW AND INVESTIGATIONS:

- 3.1 The Senior Officer (or designee), in consultation with at least one other Trained Responder to Sexual Violence, will determine whether the matters described in the Formal Report should be investigated. In determining whether or not a Formal Report will be investigated, the Senior Officer (or designee) will consider whether, if the allegation are true, it would be a violation of the Sexual Violence Policy. The Senior Officer (or designee) will consider each situation individually.
- 3.2 An investigation will not be conducted into a Formal Report if it is determined that:
- The Formal Report was made in bad faith;
 - The Formal Report is frivolous, vexatious, or malicious; or
 - The Formal Report does not provide sufficient information to permit an investigation.
- 3.3 If, after assessing the information with respect to a Formal Report, the Senior Officer (or designee) determines that an investigation will not be pursued, the Senior Officer (or designee) will document the rationale for not initiating an investigation and may advise the Complainant and the Respondent of the reasons for not pursuing an investigation.
- 3.4 In the event an investigation of a Formal Report is required, the Senior Officer (or designee) will appoint an investigator(s) within 10 (10) business days of receipt of the Formal Report. The investigator(s) may be a Trained Responder to Sexual Violence or an external person.
- 3.5 Investigators will typically be chosen from the roster of Trained Responders to Sexual Violence. The investigation team should consist of at least one male and one female. If the Employee Policies apply, three members are required to be part of the investigation team but no more than two investigators should take part in any interviews.
- 3.6 The Senior Officer (or designee), in consultation with at least one other Trained Responder to Sexual Violence, will consider all relevant factors in the circumstances when determining the investigator(s), including without limiting:
- the nature of the Formal Report;
 - 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.
- 3.7 Terms of reference will be established by the investigation team 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.
- 3.8 The Senior Officer (or designee) and the investigators may at any time 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 Reports. The Senior Officer (or designee) and the investigators (after first consulting with the Senior Officer) may seek legal counsel as to specific aspects of the investigation.
- 3.9 The investigation will be completed as expediently as possible, in most cases within thirty (30) calendar days of the date the Formal Report was filed.
- 3.10 Investigations will be conducted in a systematic, orderly and discreet manner and confidentiality will be maintained whenever possible. The objectives of an investigation will be to:
- compile information relating to the Formal Report as quickly as possible (including, if applicable, taking steps to protect or preserve documents, materials and equipment);
 - consider the information collected and draw conclusions objectively and impartially; and
 - maintain procedural fairness in the treatment of witnesses, the Complainant and the Respondent.
- 3.11 The investigators may, where required by the circumstances, assess and make determinations as to the credibility of the Complainant, the Respondent and all other witnesses.
- 3.12 Where possible, the Complainant and the Respondent will be notified when the investigation is complete.

4.0 CRIMINAL INVESTIGATION

- 4.1 A criminal report may be pursued by a Complainant at any time even if non-criminal options are also being pursued. Criminal investigations may be initiated following the making of a report to the police. The Senior Officer (or designee) can assist a Complainant to contact the police if the Complainant would like to pursue criminal charges.

5.0 OUTCOMES:

- 5.1 Subject to any limitations regarding the need to maintain confidentiality or privacy in accordance with the [Sexual Violence Policy](#), this procedure and applicable laws, following the conclusion of an investigation, the findings from the investigation will be shared with the Complainant and the Respondent.
- 5.2 The investigators will provide the Senior Officer (or designee) with a written investigation report. The report will include:
- 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 Violence Policy](#), other university policies or the law have occurred; and
 - Recommendations as to a range of appropriate corrective measures or disciplinary actions where violations have been found.
- 5.3 The Senior Officer (or designee) and appropriate Discipline Committee, if required, will review the investigation report and determine what corrective measures and/or disciplinary action is or is not required. Where the proposed decisions of the Senior Officer (or designee) and appropriate Discipline Committee, if required, differ materially from the conclusions and recommendations in the investigation report, these should be reviewed with at least two other Trained Responders to Sexual Violence. Where the proposed decisions continue to differ materially from the conclusion and recommendations in the investigation report, the rationale for the decisions must be documented. The Senior Officer (or designee) and appropriate Discipline Committee, if involved, in all cases retain discretion to determine final corrective measure and/or disciplinary action.
- 5.4 The Senior Officer (or designee) may issue directives to responsible offices regarding corrective actions, discipline and/or sanctions. Special care and possibly additional consultation should be taken with respect to directives concerning the results of investigations and corrective actions being included on student academic records and/or employee personnel files.

6.0 CONFIDENTIALITY

- 6.1 To the extent possible, the confidentiality and privacy of all persons involved in a report of Sexual Violence must be strictly observed from the outset of a Formal Report 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 Reports.

- 6.2 With respect to the use or collection of personal information pursuant to section 9.2 of the [Sexual Violence Policy](#), such use and collection shall be as limited in its application, as reasonable in terms of amount of information shared and kept as confidential as is reasonably possible while still completing a thorough investigation.
- 6.3 The details and results of investigations will not be disclosed or discussed with any person other than those University employees who have a legitimate need to know such results in order to perform their duties and responsibilities. However, the Senior Officer (or designee) may at any time disclose information in relation to any Formal Report, 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.
- 6.4 Notwithstanding sections 6.2 and 6.3, results of investigations and corrective actions taken may be included on Respondents' student academic records and/or employee personnel files in accordance with these procedures.

7.0 REPORTING

- 7.1 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 to exclude identifying information where appropriate.
- 7.2 On an annual basis, the Trained Responders to Sexual Violence shall report on the information maintained pursuant to [section 9.2](#) of the Sexual Violence Policy to the Operating Board of Burman University.

8.0 MODIFICATIONS

- 8.1 Students who feel they need academic modifications due to Sexual Violence or involvement with a Formal Report (e.g., assignment extensions, exam deferral, class scheduling, 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.
- 8.2 University employees who feel they need workplace modifications due to Sexual Violence or involvement with a Formal Report can request assistance from the Senior Officer in human resources (or designee), with the help of a Trained Responder to Sexual Violence, if preferred.

9.0 SUPPORTS AND RESOURCES

- 9.1 Information and resources related to support for victims of Sexual Violence will be included on the Burman [website](#) and shall include: policy, procedures, on and off-campus resources, summary of disclosure and response protocols, contact information for Trained Responders to Sexual Violence and educational offerings (workshops and training).
- 9.2 The University is committed to providing all Members of the Burman Community, including Respondents, Complainants and others that witness or are subject to Sexual Violence, with the following supports:
- Counseling and related support through Counseling Services, Human Resources or community agencies partnering with the University;
 - Reasonable modification options through student Services, Academic Affairs, the Senior Officer or Human Resources, as appropriate;
 - 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 Violence reporting, prevention and general awareness.

10.0 EDUCATION AND TRAINING

- 10.1 All members of the Burman Community are to be encouraged to participate in [Sexual Violence educational programs](#) and initiatives offered by the University.
- 10.2 Trained Responders to Sexual Violence will review educational programs and initiatives on a semi-annual basis, including the possible future development of a campus safety plan.
- 10.3 Deans, Student Deans, Residence Assistants and student leaders will be required to attend initial training on receiving Disclosures and responding to Sexual Violence and then additional training from time to time.
- 10.4 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 female and two male, though the exact balance should be determined by usage. The Trained Responders to Sexual Violence will determine the level of training required and ensure individuals have been provided with the appropriate training.
- 10.5 All Members of the Burman Community can assist with maintaining an educational and working environment free from Sexual Violence by:
- Modelling healthy and respectful behaviour in all relationships at the University;
 - Speaking out against conduct that may encourage or condone Sexual Violence;
 - Speaking out against behaviour that discourages reporting of Sexual Violence;

- Promoting the University's Sexual Violence policies and procedures; and by intervening in situations that may constitute, or lead to, Sexual Violence.