

SEXUAL MISCONDUCT POLICY			
<b>Effective Date</b>	October 23, 2018	<b>Policy Type</b>	Academic/Administrative
<b>Responsibility</b>	Director, Human Resources  Director, Student Experience	<b>Cross-Reference</b>	<ol style="list-style-type: none"> <li>1. Student Misconduct: Academic and Non-Academic Policy</li> <li>2. Student Rights and Responsibilities Policy</li> <li>3. Protection of Privacy Policy</li> <li>4. Records Classification and Handling Policy</li> <li>5. Records Management Policy</li> <li>6. Respectful Workplace Policy</li> <li>7. Employee Code of Conduct Policy</li> <li>8. Progressive Discipline Policy</li> <li>9. Employee Records Policy</li> <li>10. On-line Social Networking Policy</li> <li>11. Safe Disclosure Policy</li> <li>12. Residence Handbook</li> <li>13. Alberta Human Rights Act</li> <li>14. Criminal Code of Canada</li> <li>15. Alberta Occupation Health and Safety</li> </ol>
<b>Approver</b>	Executive Council/Academic Council	<b>Appendices</b>	1. Sexual Misconduct Protocol
<b>Review Schedule</b>	Every 2 years		

## 1. Purpose and Policy Objective

1.1. The Sexual Misconduct Policy (the “Policy”) is created to ensure that all Members of the College Community may work and study in an environment that is free from Sexual Misconduct. It is also intended to set out the scope and nature of the College’s response to Sexual Misconduct when a Report, as defined in this Policy, is filed to a College Official.

## 2. Scope

2.1. This Policy applies to all Members of the College Community.

## 3. Policy Statement

3.1. The Grande Prairie Regional College (the “College”) is committed to:

- 3.1.1. preventing Sexual Misconduct;
- 3.1.2. providing a safe, secure environment where Members of the College Community are able to work, learn and express themselves free from Sexual Misconduct;
- 3.1.3. maintaining a culture and environment in which Sexual Misconduct is not tolerated;

- 3.1.4. maintaining an environment in which Members of the College Community are secure and comfortable filing Reports in good faith;
- 3.1.5. recognizing that Sexual Misconduct can occur between individuals regardless of gender, gender identity, gender expression, marital status and sexual orientation, as articulated in the Alberta Human Rights Act;
- 3.1.6. recognizing that individuals who have experienced Sexual Misconduct may experience emotional, academic or other difficulties;
- 3.1.7. assisting those who have experienced Sexual Misconduct by providing detailed information and support, including the provision of, and/or referral to, both counselling and medical care, and appropriate academic and other accommodation;
- 3.1.8. ensuring that those who file a Report and cooperate in Sexual Misconduct investigations are treated with dignity and respect throughout the process;
- 3.1.9. treating individuals who file a Report, or are otherwise affected by Sexual Misconduct, with compassion, recognizing that while victims of Sexual Misconduct are the final decision-makers with regard to their own best interests, the College may have an obligation to conduct an investigation of the information provided in a Report;
- 3.1.10. working in accordance with the College's policies and standards to achieve procedural fairness and maintain confidentiality to the extent possible when receiving, investigating and making determinations arising from a Report;
- 3.1.11. coordinating communication among Members of the College Community and any relevant external agencies who may provide support and accommodation in response to a Report;
- 3.1.12. providing appropriate education, awareness and training programs and other supports to Members of the College Community with regard to preventing and reducing the impact of Sexual Misconduct; and
- 3.1.13. monitoring and updating College policies to ensure they are effective and consistent with the College's existing policies and best practices.

## 4. Definitions

- 4.1. **Sexual Misconduct** is to be broadly defined and liberally interpreted for the purposes of this Policy. Sexual Misconduct includes, without limitation, the following:
  - 4.1.1. Sexual Assault;
  - 4.1.2. Sexual Harassment;
  - 4.1.3. Sexual Coercion;
  - 4.1.4. Accomplice Sexual Misconduct;
  - 4.1.5. Violation of the Age of Consent to Sexual Activity Laws;
  - 4.1.6. Drug Facilitated Sexual Assault; and
  - 4.1.7. Criminal Harassment.

- 4.2. **Members of the College Community** means all College employees, students, Board members, industry partners, contractors, agents, service recipients and visitors on College property, and volunteers.
- 4.3. **College Official** means a Member of the College Community holding any one of the following positions:
  - 4.3.1. Director, Human Resources;
  - 4.3.2. Director, Student Experience; or
  - 4.3.3. A Campus Security Officer.
- 4.4. A **Report** is a disclosure, whether verbal or written, made by any person to a College Official to advise of alleged Sexual Misconduct involving at least one Member of the College Community.
- 4.5. **Sexual Assault** is conduct that violates the sexual integrity of another person. Sexual Assault may include, without limitation, physical contact, the use of force, threats, or control of a person that makes that person uncomfortable, distressed, or frightened, and that is carried out in circumstances in which that person has not freely, clearly, completely, and unequivocally provided Consent, or is incapable of providing Consent, to the conduct.
- 4.6. **Sexual Harassment** is sexual behavior that is unwelcome or ought to be known to be unwelcome. Examples include, without limitation, Sexual Coercion, unwelcome flirtations, advances, or propositions, and comments about an individual of a sexual nature. Sexual Harassment may also include comments about an individual's appearance, gender, gender identity, gender expression or sexual orientation. It may include the display of sexually suggestive and/or inappropriate sexually suggestive written or graphic material or objects, including, without limitation, photos, videos, or degrading comments that may offend another individual. It also includes, without limitation, voyeurism or surveillance, dissemination of private images without explicit permission, physical stalking or cyber-stalking, leering, repeated non-consensual communications (including, without limitation, communications in person, via phone, via email, or via social media) or sending of unsolicited gifts, threatening or obscene gestures or utterances; or cyber-stalking; uttering threats, and indecent exposure, in addition to attempts and threats of any of the above activities.
- 4.7. **Sexual Coercion** is a form of Sexual Harassment that may lead to Sexual Assault. It is behaviour that attempts to coerce sexual activity from a party that would not otherwise consent. Sexual Coercion includes, without limitation, the use of physical pressure or intimidation, emotional manipulation, blackmail, the promise of rewards or special treatment in return for sexual activity, a pattern of insistence or repetitious requests despite prior refusal, and threats to individuals, including threats to an individual's family or friends.
- 4.8. **Consent** is the voluntary agreement to initiate and continuously engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific conduct and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words that indicate a willingness to participate in mutually agreed upon course of communication or activity. The following terms further explain Consent:
  - 4.8.1. Silence or non-communication is never Consent.
  - 4.8.2. A person is incapable of providing Consent if they are asleep, unconscious, or otherwise unable to communicate.
  - 4.8.3. A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in sexual activity cannot Consent.
  - 4.8.4. A person may be unable to Consent when they are under the influence of alcohol and/or drugs. Persons should exercise caution in proceeding with sexual activity when one or more of the parties are under the influence of alcohol and/or drugs. A person significantly intoxicated by

alcohol and/or drugs may not be able to Consent.

4.8.5. A person may be unable to Consent if they have a mental disability that diminishes the person's capacity.

4.8.6. The fact that agreement was provided in the past to a course of sexual activity does not mean that Consent is deemed to exist for any future sexual activity.

4.8.7. A person can withdraw Consent at any time, including during the course of sexual activity.

4.8.8. It is the responsibility of all parties to a sexual activity to obtain Consent from the other parties to the sexual activity at all stages of the sexual activity.

4.9. **Age of Consent for Sexual Activity** is the age at which a person can legally consent to sexual activity in accordance with Canadian law. Age of consent laws apply to all forms of sexual activity.

4.10. **Drug-Facilitated Sexual Assault** is the use of alcohol and/or drugs (prescription or non-prescription) by a perpetrator to control, manipulate, overpower or subdue another person for the purposes of sexual activity.

4.11. **Criminal Harassment** is prohibited by the *Criminal Code* of Canada and involves conduct that occurs on more than one occasion, and which collectively instills fear in the complainant or threatens the complainant's safety or mental health. Criminal harassment includes, without limitation, threats of harm to the target's friends and/or family, including, without limitation, voyeurism, stalking or otherwise following a person from place to place, non-consensual communications (including, without limitation, in person, or via phone, via email, and via social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; cyber-stalking; uttering threats; and indecent exposure.

4.12. **College Psychologist** is a mental health professional who is registered with the College of Alberta Psychologists and is employed by GPRC to provide expert and timely mental health services to GPRC students, provide proactive, preventative, and educational mental health programming to students and staff, and liaise with mental health professionals and stakeholders in the Grande Prairie area. The College Psychologist is not an instructor at GPRC, but is employed under the Student Experience Division of GPRC.

## 5. Reporting and Responding to Sexual Misconduct

5.1. Any Member of the College community may file a Report. The College encourages all Members of the College Community to file a Report immediately when the Member of the College Community has been subject to, witnessed, or learns of Sexual Misconduct, or has reasonable grounds to believe that Sexual Misconduct has occurred.

5.2. Members of the College Community who are the College's employees are required to file a Report promptly when the College employee becomes aware of circumstances that may reasonably be believed to be an incident of Sexual Misconduct involving a Member of the College Community, and failure to do so may result in discipline, up to and including termination.

5.3. College Officials receiving a Report will take prompt action to respond to the Report in accordance with the terms of this Policy.

5.4. An individual has the right to withdraw a Report at any time; however, the College may continue to act on the allegations identified in the Report in order to comply with both its obligations set out in this Policy, and its legal obligations.

5.5. Where a Report is filed, the College will exercise care to protect and respect the rights of the person filing the Report and all other persons directly affected by the Report. The College understands that individuals who have survived Sexual Misconduct may wish to control whether and how their experience

will be dealt with by the Police and/or the College. In most circumstances, the person will retain this control. However, in certain circumstances, the College may be required to initiate an investigation and/or inform the police of the need for a criminal investigation, even without the person's consent, if the College believes that the safety or well-being of other Members of the College Community are at risk.

- 5.6. A Report may also be referred to the Police, or to other community resources at the request of the victim of the Sexual Misconduct, where the persons involved are not Members of the College Community or in circumstances where the College is unable to initiate an investigation under this Policy.
- 5.7. The College reminds all Members of the College Community of the existence of the Child Abuse Hotline (1-800-387-5437). If Sexual Misconduct has occurred, or is reasonably believed to have occurred, in addition to any Report required to be made to the College under this Policy, Members may choose to contact the Hotline to make a further report of misconduct against a minor person.
- 5.8. The College Psychologist involved at any stage of a Report, including any investigation, corrective action, counselling or rehabilitation arising directly or indirectly from any Report, is required to adhere to all professional and privacy requirements of the College of Alberta Psychologists including but not limited to the *College of Alberta Psychologists Standards of Practice*, the *Canadian Code of Ethics for Psychologists*, as well as any relevant legislation including the *Health Professions Act* and the *Psychologists Profession Regulation*.

## 6. Protection from Reprisals, Retaliation or Threats

- 6.1. It is a violation of this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against any individual for having:
  - 6.1.1. filed a Report;
  - 6.1.2. pursued rights set out in this Policy, the Alberta Human Rights Act, or any other legislation;
  - 6.1.3. participated or co-operated in an investigation in accordance with this Policy, the Alberta Human Rights Act, or any other legislation; or
  - 6.1.4. associated with someone who has pursued rights in accordance with, this Policy, the Alberta Human Rights Act, or any other legislation.
- 6.2. Unsubstantiated Reports
  - 6.2.1. If a person files a Report in good faith that is not supported by evidence gathered during an investigation, the Report will be dismissed and no record of it will be maintained in the applicable records of any Members of the College Community named in, or affected by, the Report. However, Reports that are found to have been filed for the purpose of annoying, embarrassing or in any other way harming another person without just cause will be considered frivolous, vexatious, and filed in bad faith and may result in sanctions or discipline made against the person filing the Report, up to and including termination or expulsion.

## 7. Confidentiality

- 7.1. Confidentiality is particularly important to those who have filed a Report or otherwise been affected by Sexual Misconduct. In order to ensure they feel safe reporting or seeking support after Sexual Misconduct, the College will make reasonable efforts to maintain the confidentiality of the Report and any investigation arising from the Report, including maintaining the confidential information of the person filing the Report, and any Members of the College Community identified in the Report.
- 7.2. However, confidentiality may not be maintained where:

7.2.1. There is a risk of imminent harm to self or others; or

7.2.2. Reporting the information provided in a Report is required in law.

7.3. In circumstances where confidentiality may not be maintained, those affected will be informed and supported throughout the process, and information will only be disclosed to the extent necessary.

7.4. When a Report is filed, sufficient information will be disclosed to any Member of the College Community who is accused of Sexual Misconduct to the extent necessary to meet the requirements of procedural fairness.

7.5. Whether the College can maintain the confidentiality of a Report will be determined on a case by case basis, in consultation with relevant College management on an as needed basis.

## 8. Investigation Principles and Procedure

8.1. A person who files a Report shall be treated with dignity and respect.

8.2. Upon receipt of a Report, the College Official receiving the Report will work with the person who filed the Report, College administration, and external agencies, including the police, as deemed reasonably necessary on a case by case basis, to:

8.2.1. investigate the Report;

8.2.2. ensure the safety of all Members of the College Community affected by the Report;

8.2.3. ensure all Members of the College Community receive reasonable support and accommodation, as reasonably required; and

8.2.4. ensure that accused Members of the College Community receive procedural fairness in the course of the investigation.

8.3. Upon completion of the investigation, the College Official will make determinations of fact within 10 working days of receipt of the report filing, and if necessary apply discipline or sanctions, as the case may be.

## 9. Violations

9.1. Any Member of the College Community who violates this Policy has committed a serious offence and any violation of this Policy may result in discipline or sanctions, up to and including termination or expulsion, as the case may be, including for a single violation of this Policy.

## 10. Where the Respondent is a Student

10.1. Sexual Misconduct is a violation of the Policy. It is considered a serious offence and will be addressed in a manner that is consistent with other serious offences in accordance with student misconduct policies. A College student who violates this Policy may receive sanctions or discipline, up to and including expulsion for a single violation of this Policy.

## 11. Where the Respondent is a Faculty or Staff Member

11.1. Reports regarding College faculty and staff will be addressed in accordance with the procedures set out in this Policy, in any applicable collective agreement, and/or other applicable College policies. If the complaint is sustained following an investigation, appropriate disciplinary actions consistent with any applicable collective agreement and/or progressive discipline policy may be taken. Discipline may include termination for a single violation of this Policy. In the event of an inconsistency between

the terms of a policy and the collective agreement, the terms of the collective agreement will govern. If the Agreement is silent, the terms of the Policy will wholly govern the matter.”

## 12. Where the Respondent is not a Student, Faculty or Staff Member

12.1. College Contractors, suppliers, volunteers or visitors on campus may be subject to complaints in a Report if they engage in prohibited conduct set out in this Policy. Where a Report against a contractor, supplier, volunteer or visitor is substantiated, the College will take appropriate action. All contractual relationships entered into by the College will be governed by a standard contract compliance clause stating that contractors must comply with this Policy and the Alberta Human Rights Act, including cooperating in investigations. Breach of the clause may result in informing the local police, penalties, cancellation, or other sanctions, including prohibition from attendance on College property.

## 13. Multiple Proceedings

13.1. Where criminal and/or civil proceedings are commenced as a result of a Report or violation of this Policy, the College may conduct its own independent investigation, and it will make its own determination in accordance with its policies and procedures. Where there is an ongoing criminal investigation, the College will cooperate with the local authority conducting the investigation.

## 14. Other Resources and Supports Available

14.1. Please see Section 4.1 in Appendix 1 of this Policy for a list of Community Resources to support persons affected by Sexual Misconduct.

## 15. Roles and Responsibilities

Stakeholder	Responsibilities
Academic Council/ Executive Council	<ul style="list-style-type: none"> <li>Approve and formally support this Policy</li> </ul>
Vice-President, Academics and Research	<ul style="list-style-type: none"> <li>Policy monitoring &amp; refinement</li> <li>Relationship management: external agencies</li> <li>Manage implementation of investigation results</li> </ul>
Director, Human Resources	<ul style="list-style-type: none"> <li>Receive Reports from non-student Members of the College Community</li> <li>Determine responses to Reports based on known and available facts arising from the Report and related investigation</li> <li>Arrange for reasonable accommodation &amp; support for affected parties</li> <li>Develop and implement an information management strategy related to Reports</li> <li>Arrange for and oversee investigations arising from Reports</li> <li>Make recommendations based on investigation results</li> <li>Manage responses</li> </ul>
Director, Student Experience	<ul style="list-style-type: none"> <li>Determine whether academic support or accommodation is required arising from facts determined in a Report or investigation</li> <li>Receive Reports from students</li> <li>Develop and implement an information management strategy related to Reports</li> </ul>
Campus Security	<ul style="list-style-type: none"> <li>Receive Reports</li> <li>Provide immediate response to Reports, including identification of short-term response needs and initial data collection.</li> </ul>

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College Psychologist	<ul style="list-style-type: none"><li>• Receives reports and adhere to privacy legislation, including the Personal Information Protection Act (PIPA) that came into force in Alberta on January 1, 2004, to ensure that the collection, use and disclosure of personal information of College students and staff is protected as per the College of Alberta Psychologist requirement.</li></ul>
President and CEO	<ul style="list-style-type: none"><li>• Receive recommendations arising from investigations</li><li>• Confirm or refine recommendations</li><li>• Implement recommendations where appropriate</li></ul>

## 16. Exceptions to the Policy

16.1. There are no exceptions to this Policy.

## 17. Inquiries

17.1. All inquiries in regard to this Policy should be directed to the Director, Student Experience for College students, and to the Director, Human Resources for all non-student Members of the College Community.



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## Appendix 1 – Sexual Misconduct Protocol



1. If you are a student of the College who has experienced or witnessed Sexual Misconduct, the College encourages you to please visit or call the Director, Student Experience at 780-882-6065 and/or the College Psychologist at 780-296-5796 to make a Report. If you are a non-student Member of the College Community who has experienced or witnessed Sexual Misconduct, visit or call the Director, Human Resources at 780-876-6298 to make a Report. These individuals will assist you by providing resources and support.
2. Upon receiving a Report, College Officials will:
  - 2.1. provide support and ensure safety of the affected Members of the College Community;
  - 2.2. connect affected Members of the College Community to resources and services, as reasonably determined; and
  - 2.3. explain their duty to disclose the Report of Sexual Misconduct to appropriate individuals in accordance with this Policy.
3. It may be difficult to file a Report when you are the victim of Sexual Misconduct. It is entirely up to you whether you choose to file a Report when you are the victim of Sexual Misconduct; however, the College strongly encourages you to do so.
4. Members of the College Community who are victims of Sexual Misconduct have a number of resources available to them, including:
  - 4.1. Off-Campus Resources
    - 4.1.1. Victim Services  
To reach your local victim services office afterhours, contact your local RCMP Detachment or call 9-1-1. Most victim services offices provide crisis intervention, resources, victim programs, and court support.
      - Grande Prairie & District Victim Services  
780-830-5755
      - Fairview & District Victim Services  
780-835-4557
      - Jasper Victim Services  
780-852-2275
      - Hinton Victim Support Services  
780-740-2227
      - Edson & District Victim Services  
780-723-8813
      - Grande Cache Victim Services  
780-827-3440
    - 4.1.2. Pace Centre – Grande Prairie: 780-539-6692  
Monday to Friday, 8:30 am to 4:30 pm (closed from 12:00 pm-1:00 pm)  
Provides sexual violence trauma therapy, crisis intervention, and education.

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### 4.1.3. 24-Hour Helplines

- Mental Health Help Line: 1-877-303-2642 (available to all Alberta residents)
- Odyssey House Shelter for Women & Children 24-hour Crisis Line: 780-532-2672
- Fairview Crossroads: 1-877-835-2120
- Kids Help Phone: 1-800-668-6868 (up to age 20; available to all Canadians)
- AHS Addictions Help Line: 1-866-332-2322
- Indigenous Mental Health Help: 1-855-242-3310
- Bullying Help Line: 1-888-456-2323
- Family Violence Info Line: 310-1818
- Health Link: 811

## 5. If You Would like to File a Report

5.1. Director, Student Experience, or Director, Human Resources, can assist you with filing a Report and/or with contacting the local police.

## 6. What to Do if Someone Discloses Sexual Misconduct

6.1. A person may choose not to file a Report but instead to confide in a Member of the College Community who is not a College Official, such as a student, instructor, staff member, or coach about an act of Sexual Misconduct. An individual who has experienced Sexual Misconduct may also seek support and/or academic accommodation from a Member of the College Community who is not a College Official. A supportive response involves:

- 6.1.1. listening without judgement and accepting the disclosure;
- 6.1.2. communicating that Sexual Misconduct is not the fault of the victim;
- 6.1.3. helping the individual identify and/or access available on- or off-campus services, including emergency medical care and counselling;
- 6.1.4. respecting the individual's right to choose the support services the individual feels are most appropriate and to decide whether to file a Report to the police or a College Official;
- 6.1.5. recognizing that disclosing can be traumatic and an individual's ability to recall the events related to the Sexual Misconduct may be limited;
- 6.1.6. respecting the individual's choices as to what and how much they disclose about their experience; and
- 6.1.7. if you are a College employee, informing the individual that you cannot guarantee confidentiality, as you may be required to file a Report with regard to the information provided to you in accordance with this Policy, but that you will make all reasonable efforts to respect the confidentiality of the individual and all other affected parties.

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## Appendix 1 – Sexual Misconduct Protocol



### 7. Communicating with Individuals who have Experienced Sexual Misconduct

- 7.1. Sensitive and timely communication with, both, individuals who have experienced Sexual Misconduct, and their family members (when an individual consents to this communication), is a central part of the College's response to Sexual Misconduct. To facilitate communication, the College will:
- 7.2. designate staff members to be responsible for advocacy for Members of the College Community who have experienced Sexual Misconduct;
- 7.3. ensure College Officials respond in a prompt, compassionate, and personalized fashion upon receipt of a Report; and
- 7.4. ensure that persons filing a Report, and all directly affected Members of the College Community are provided with reasonable updates about the status of an investigation, as reasonably determined by the College Official overseeing the investigation.

### 8. Roles and Responsibilities of the College Community

- 8.1. While everyone on campus has a role to play in responding to incidents of Sexual Misconduct, some campus members will have specific responsibilities, which include:
- 8.2. on-campus health supports to provide psychological and emotional support, assist with safety planning, and make referrals to other services, including medical services;
- 8.3. faculty, staff and administrators to facilitate academic accommodations and other academic needs of those who have experienced Sexual Misconduct;
- 8.4. residence staff to facilitate safe living arrangements;
- 8.5. Human Resources staff to assist with any incidents relating to staff; and
- 8.6. security officials to assist with investigations and gathering evidence, implement measures to reduce Sexual Misconduct on campus, and collaborate with local police where appropriate.

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## Appendix 1 – Sexual Misconduct Protocol



### 9. Response to a Report of Sexual Misconduct

9.1. The diagram below indicates the overall framework the College will use to manage its response to disclosures or reports of sexual misconduct.

