

POLICY STATEMENT

Glenbow College will not tolerate any kind (sexual or non-sexual) harassment, violence and discrimination. All parties involved complaint are protected from intimidation or reprisal once a complaint has been made.

Sexual violence has no place on our campus. Glenbow College is committed to making and maintaining a safe and positive space where College community members feel able to work, learn and express themselves in an environment free from any kind of violence. Upon notification, the College will act proactively to make the issue of sexual violence visible, will strive to do better, and will use best practice approaches to prevent and respond to sexual violence. We will ensure that those directly impacted by violence are provided with the appropriate help to disclose, recover, heal and thrive. All reported incidents of sexual violence will be investigated to the best of the college's ability and in a manner that ensures due process. Where a finding is made, the perpetrators of sexual violence will be held accountable. Institutional policy will be enforced.

The College follows the outlines set by the Provincial Post-Secondary Framework on Sexual Violence that was approved by the Council of Post-Secondary Presidents of Alberta in 2016. This policy does not preclude individuals from placing a complaint with the Alberta Human Rights Commission or exercising any other legal rights.

Also refer to Code of Conduct Policy (GC-COC-015-V01).

PURPOSE

Glenbow College is committed to providing a safe practice for bringing complaints forward and to promoting an environment free of personal violence (sexual or non-sexual) harassment and

discrimination, where human rights are respected and where all members of the learning community (employees, students, clients, contractors, and visitors) are treated in a fair and respectful manner.

All members of the College have a right to work and study in an environment that is free from any form of violence. This document ensures that those who experience sexual or non-sexual violence are supported. Reports are assumed to be made in good faith, The College has a process of investigation that protects the rights of individuals, and that individuals who have committed an act of violence are held responsible.

SCOPE

This policy applies to all students and to Glenbow College employee and contractors to maintain a safe, respectful, friendly and proper educational service environment and regardless of location, including College authorized events at any location, or learning modality (such as traditional, distance, on-line, practicum, work placement).

PRINCIPLE

- Complaints of any kind (sexual and non-sexual) of violence, harassment and discrimination will be dealt immediately with confidentiality. The process, in a timely manner, for addressing complaints will focus on resolution of undesirable behavior at the earliest stage possible and will involve only the relevant parties to the complaint.
- Both the complainant (individual and or group making the complaint) and the respondent (individual and or group against whom a complaint has been made), have the right to have a representative or support person of their choice present as an observer during any steps in the procedures for towards resolutions.

- It will be assumed "Reasonable Person Standard" to determine whether alleged behavior constitutes personal violence/harassment/discrimination. That standard assumes that behavior will constitute personal violence/harassment/discrimination if a reasonable person in the position of the respondent must to have known that the conduct falls within the definition of personal violence/harassment/discrimination above. The sheer fact that the respondent did not know that his or her conduct constituted personal violence/harassment/discrimination or did not intend the conduct to be harassing or discriminatory or acting violent does not liberate the respondent of a finding that his or her conduct constituted personal violence/harassment/discrimination.
- The obligation for all parties to maintain confidentiality encompasses to all details regarding consultations, the complaint and its resolution, the identity of the parties, and all print material generated through the Procedures for Resolving Complaints. Information regarding the complaint may be revealed with the permission of the parties, where revelation is necessary in investigating the complaint or as may be necessary, in accordance with the law or with the Freedom of Information Protection of Privacy Act.
- If, through the investigative process, the complaint is determined to be incorrect or vexatious, this will result in punitive action up to and including termination or dismissal.
- Meddling or retaliations against any individual making a complaint or acting in any other role under this policy will result in disciplinary action up to and including termination of employment or dismissal.
- The Complainant may pull out the complaint at any time. The College reserves the right to continue to investigate in circumstances where there is possible risk of negative effects for other employees or where general issues may be involved.
- No record of a case will be kept on the personnel file of a complainant. If there is a verdict of violence or harassment or discrimination resulting in official disciplinary action, the record of the discipline will be placed in the respondent's file, as for other disciplinary actions.

- All complaints, including those resolved at the informal stage, will be recorded for the tracking and monitoring of organizational trends.

PROCEDURES

Step One – Verbal Two Way Communication

It is strongly recommended that any individual who feels that they have been subjected to personal violence or harassment or discrimination to immediately inform the individual concerned that the behavior is unwelcome and request that it stop immediately. For the record purpose this should be documented, including the dates, times, including any witnesses.

Step Two - Informal Complaint

- If Step One do not result in any positive outcome and It is acknowledged that here is a power imbalance, or other intimidation factors, a complainant may need assistance to address their distress. Complainants may communicate with their Supervisor, Division, School or Department Leader for assistance in speaking with the respondent. If the respondent is their supervisor, or Senior Administration Member, the next level of management may be contacted for assistance. If complainants find necessary they may contact the Health & Wellness Centre or a Human Resource Consultant for support. In the case of any kind of safety concerns, the Security will provide immediate assistance.
- The executive staff assisting the complainant reviews the options and procedures for resolving complaints and may facilitate a meeting between the complainant and the respondent to reach informal resolution of the complaint. After review, the staff reports the complaint to the office of the Vice President of Human Resources, remarking the nature of the complaint, the type of complaint, area of the College and resolution. The comprehensive report will be reviewed by the joint harassment and discrimination

advisory committee on a regular basis for the tracking and monitoring of organizational trends.

- Where it may be found necessary, both the complainant and the respondent may request that a representative of their choice be involved in the procedure in a personal support role.

In the case of refusal of a respondent to participate in the informal procedure automatically moves the complaint to the formal complaint stage.

Step Three - Formal Complaint

In a situation where the complaint/issue was not resolved through Step One and Step Two, the Complainant may file a formal complaint by submitting a Violence/Harassment/Discrimination Complaint Form to the Human Resources within ten (10) working days of failure to resolve.

- The Human Resources informs the respondent of the formal complaint and provides a copy of the Violence/Harassment/Discrimination Complaint Form submitted by the complainant. The appropriate officer from Human Resources will appoint two investigators within five (5) working days of receipt of the complaint form. During the investigator selection, at least one investigator is selected from the peer group of the complainant and one from the peer group of the respondent, if they are from different constituency groups.
- With ten (10) working days, separate and confidential interviews are conducted by the investigators with the complainant, respondent and witnesses. Designated support persons may be present.
- The investigators decide if a case of violence or harassment or discrimination has occurred and submit a report containing the determination and the facts of the case to the Human Resources within five (5) working days of conclusion of the investigation.

It is important to note that Investigators are not responsible for making recommendations.

- The Human Resources analyses the investigators' report as well as the complaint intake form and the complaint response form and prepares a written decision within five (5) working days of receipt of the report unless additional information is required. The decision may include remedial action or discipline up to and including termination of employment or dismissal. Execution of disciplinary action shall comply with the provisions of the appropriate collective. The Human Resources informs the respondent, the complainant, the President and all the as relevant parties, of the decision.
- If either the respondent or the complainant is not content with the ruling of the Human Resources, they may access the appeal processes provided for in the applicable collective agreement. Exempt staff may appeal to the President in writing. Individuals may follow external remedies (such as legal action) that may be available to them in the situations.
- Records of complaint records are filed in the office of the of Human Resources for 18 months and are then destroyed. Documentation of disciplinary actions is filed in the personnel file.

Special case – Sexual Violence

In case of sexual violence cases the College request all (student and non-students) to take the matter very seriously and assist those who disclose sexual violence by providing detailed information and support, including provision of and/or referral to counselling and medical care, options regarding formal reporting, and appropriate academic and other accommodation.

- The College presumes disclosures/reports of sexual violence are made in good faith and preserve individual's rights to dignity and respect throughout the process of disclosure, investigation and institutional response.
- Even is the individual chooses not to make a formal report to the institution and/or police the individual must be informed of the College investigation procedures.

- Raise awareness, by making the sexual violence as an issue, on the campus and supporting inclusive opportunities to explore the social and cultural roots of sexual violence in ways most relevant to the community.
- For continuous improvement and for the creation of a campus atmosphere in which sexual violence is not tolerated practice regular monitoring and updating of policies and procedures to ensure that they remain effective and in line with other existing policies and best practices.
- Align with the provincial Framework on Sexual Violence and use the related terms to allow for clear and consistent communications to students, employees, and others.

COMPLIANCE

All the Glenbow College employees, short/long term contractors, instructors and current students/learns are responsible of making themselves aware of the College procedures and policies.

CONTACT

Glenbow Educational Services Ltd./Glenbow College

www.glenbowcollege.ca

REVISIONS:

Only the Glenbow College Board can make exceptions/revision to this and any procedure and policy.

July 1, 2019 – V01

GC-VHR-016-V01: Effective as of July 1 2019