Original Approval Date: June 23, 2017
Most Recent Approval: November 22, 2022
Most Recent Editorial Date: February 1, 2023
Parent Policy: Sexual and Gender-Based Violence Policy

Sexual and Gender-Based Violence Disclosures Procedure

Office of Administrative Responsibility:	Provost and Vice-President (Academic) Associate Vice-President, Human Resources, Health, Safety and Environment
Approver:	Provost & Vice-President (Academic) Vice-President (University Services and Finance)
Scope:	Compliance with this University policy extends to all academic, support and excluded staff, postdoctoral fellows, and academic colleagues as outlined and defined in the Recruitment Policy (Appendix A and Appendix B: Definitions and Categories); undergraduate and graduate students and postgraduate learners; emeriti; and members of the Board of Governors.

Overview

The University is committed to responding to and reducing **sexual and gender-based violence (SGBV)** and addressing its effects by providing:

- supports and resources to **disclosers** and to any other member of the University community who has been affected by SGBV;
- a range of options for disclosers who choose not to make a **complaint**;

- thoughtful and transparent **corrective action,** including **modifications, interim measures** and **non-disciplinary accountability options** to ensure the safety of the **learning environment**;

- processes to fairly decide complaints of SGBV; and

- education and training to the University community about SGBV and, in particular, mandatory training for those investigating and deciding complaints of SGBV and those who advise them.

Purpose

The purpose of this procedure is to:

- provide guidance to members of the University community on receiving and responding to **disclosures** of SGBV;

- establish the **SGBV Options Navigation Network (ONN)**;

- outline supports, modifications, protections, and options the University may be able to offer to disclosers;

- provide authority for the application of interim measures to ensure the safety of the learning environment;

- identify the procedures through which complaints of SGBV will be addressed and, where warranted, discipline imposed;

- set out the rights of the parties to a complaint; and

- address education and training in, and awareness of, SGBV for the University community generally and, in particular, require training for those investigating and deciding complaints of SGBV and those who advise them.

Procedure

1. Guidance on Receiving and Responding to Disclosures

The University's response to a disclosure will, to the extent possible, be guided by the needs of the discloser and their right to a safe and supportive learning environment. In this regard, a discloser can ask the University to provide supports and resources; facilitate academic, residential, recreation and/or work modifications; consider the application of interim measures; request a voluntary non-disciplinary option; and initiate an investigation of a complaint in accordance with the procedures in applicable agreements or policies.

2. SGBV Options Navigation Network

a. The SGBV Options Navigation Network (ONN) is made up of University units with enhanced training to act as system navigators for those who have been subjected to SGBV and are seeking information on their options.

b. Members of the University community should direct disclosers to an ONN unit to be advised of available options**.** Designated ONN units are listed on the *SGBV Options Navigation Network* web page.

3. Modifications

a. Modifications are adjustments to the learning environment made for a discloser in order to reduce, to the extent possible, the negative impacts of the SGBV on their ability to access and participate in the learning environment.

b. Disclosers can request modifications from:

i. any university employee where it is within their area of authority;

ii. the Sexual Assault Centre;

iii. in the case of students, the Vice-Provost and Dean of Students, or delegate;

iv. in the case of faculty, the Provost and Vice-President (Academic), or delegate;

v. in the case of staff, the Vice-President (University Services and Finance), or delegate;

vi. in the case of postdoctoral fellows, the Provost and Vice-President (Academic), or delegate; or

vii. in the case of academic colleagues, the Dean of the Faculty in which they were appointed, or delegate.

4. Interim Measures

a. Interim measures are non-disciplinary conditions or restrictions that may be applied to a person under SGBV allegation. The University may apply interim measures in response to either a disclosure or a complaint where it receives reasonably credible information that:

i. would, if proven, constitute SGBV; and

ii. with regard to all of the circumstances, establishes there may be a risk to an individual, the learning environment or the integrity of any potential investigation.

b. The purposes of such interim measures are to establish or restore a safe learning environment for the discloser and/or the community, discourage or prevent further SGBV (including retaliation), protect confidentiality, minimize disruption to the learning environment and/or preserve the University's ability to conduct a thorough investigation.

c. Having regard to all of the circumstances, where interim measures are applied, they must have a rational connection to the purpose to be served, be proportionate to the impact of the alleged conduct, and be as minimally restrictive as possible to achieve their purposes. As a result, interim measures will be based on considerations including, but not limited to:

    i. the needs of the discloser, and their right to a safe and supportive learning environment;

    ii. the nature and/or impact of the alleged conduct;

    iii. reasonably credible information about patterns of conduct or previous history of SGBV or other misconduct;

    iv. the potential impact of the measures on the person(s) under SGBV allegation, including on their academic program and/or employment;

    v. the potential impact of the measures on the learning environment;

    vi. provisions or requirements set out in any relevant university policy or collective agreement; and

    vii. any other relevant consideration.

d. Examples of interim measures can be found in the University's *Interim Measures Examples and Supports* web page.

e. The decision to apply interim measures will be made by:

    i. in the case of students, the Vice-Provost and Dean of Students, or delegate;

    ii. in the case of faculty, the Provost and Vice-President (Academic) or delegate;

    iii. in the case of staff, the Vice-President (University Services and Finance), or delegate;

iv. in the case of postdoctoral fellows the Provost and Vice-President (Academic) or delegate; or

v. in the case of academic colleagues, the Dean of the Faculty in which they were appointed, or delegate.

f. Decision-makers may consult as needed in determining whether to apply interim measures and the nature of those measures.

g. In all cases, the decision to apply interim measures must be provided in writing to the individual to whom they are applied and include:

i. a description of the alleged conduct;

ii. the particulars of the measure(s);

iii. information about the right to request a reconsideration;

iv. information about relevant complaint processes, if applicable; and

v. referrals to supports and/or services.

h. The substance of the interim measures will also be communicated to the discloser and any individual, department or unit only as necessary to administer the interim measures.

i. The person(s) to whom interim measures are applied may request a reconsideration from the decision maker after sixty (60) days or such earlier time as agreed to by the decision maker, or at any time based on a change in circumstances or new information.

j. At any time, the decision-maker may, based on new information or a change in circumstances, reconsider the interim measures applied and renew, revise, or revoke any or all of the measures, or apply additional interim measures, with written reasons for any changes.

k. The decision-maker must review any existing interim measures, at a minimum, every four months and communicate any changes as a result of that review with reasons to the discloser, the person to whom the interim measures are applied and any other person as needed to administer the measures.

5. Procedures to Address Complaints

a. A complaint is the only option that can result in discipline or sanctions against the person under SGBV allegation. The procedure to address complaints of SGBV is determined by the status of the person under SGBV allegation, for example, whether they are a student, union member, or excluded employee.

b. In all cases, use of the procedures at the University does not preclude a report to the appropriate law enforcement agency, professional governing body, or pursuing any civil or other remedy available at law.

Students

c. Complaints of SGBV against students will be addressed using procedures outlined in one or more of the following documents. When the **respondent** is:

    i. a student, the *Student Misconduct Complaint Procedure*;

    ii. a student living in a University Residence, the breach of residence agreement process; and/or

    iii. a student and the alleged conduct occurred in a practicum placement, the *Practicum Intervention Policy*.

Employees, academically employed graduate students, postdoctoral fellows, academic colleagues

d. Complaints of SGBV against employees, academically employed graduate students (AEGS), postdoctoral fellows (PDF) or academic colleagues will be resolved in accordance with the procedures set out in their respective collective agreement, employment agreement or appointment. When the respondent is:

    i. a member of the Non Academic Staff Association (NASA), the processes outlined in the collective agreement between the University and NASA;

    ii. a member of the Association of Academic Staff, University of Alberta (AASUA), the processes outlined in the applicable collective agreement between the University and AASUA;

    iii. an employee, AEGS, PDF or academic colleague who is not subject to the above processes or, where no procedure exists or is specified in the collective agreement, employment agreement or appointment, the procedure will be determined on a case-by-case basis, ensuring that the parties to a complaint have the right to:

        1. an impartial and unbiased decision-maker;

2. reasonable disclosure of the allegations in the complaint;

3. an opportunity to respond to the allegations in the complaint;

4. an opportunity to respond to or explain any evidence that does not support their account of events;

5. be accompanied by an **advisor** or, in the case of employees subject to a collective agreement, a union representative; and

6. have their case decided within a reasonable time. Where a procedure does not specify time limits, and depending on the complexity of the complaint, the University will endeavour to complete an investigation normally within four months.

Additional and external procedures

e. Individuals who occupy multiple roles in the University may be subject to more than one of the above procedures and may, therefore, be subject to several procedures concurrently. Wherever possible, the parties will not be required to provide multiple statements.

f. In addition to the procedures outlined above for students, employees, AEGS, PDF and academic colleagues, the University may also address a complaint or disclosure concurrently through additional means including, but not limited to:

    i. the *Protocol for Urgent Cases of Disruptive, Threatening or Violent Conduct;*

    ii. the *Trespass to Premises Act* of Alberta;

    iii. the *Petty Trespass Act* of Alberta;

    iv. a report or complaint to law enforcement, and/or

    v. a report or complaint to a professional governing body.

g. When the respondent is not affiliated with the University and/or not subject to the *Sexual and Gender-Based Violence Policy*, the University may address the matter through means including, but not limited to, the *Trespass to Premises Act* of Alberta, the *Petty Trespass Act* of Alberta or reports or complaints to the appropriate law enforcement agency or professional governing body.

h. Where an incident constitutes a health and safety violation, a report to Health, Safety and Environment may also be required. Because these reports are not

confidential, any report in the HSE Reporting Portal should include only cursory information and should not identify any individuals.

i. University SGBV complaint processes are independent of any criminal, civil, regulatory or other proceedings. Any aspect of a SGBV complaint process may occur concurrently with, prior to, or following any criminal, civil, regulatory or other proceeding. In this regard:

    i. The University is responsible only for determining whether a person subject to this policy has violated this policy and is not responsible for determining violations in any criminal, civil, regulatory or other proceeding.

    ii. Subject to the provisions of any collective agreement, where an incident is also being addressed by another body or authority, the University may, in its sole discretion, proceed with or suspend an investigation or any aspect of the complaint process under this policy or its associated procedures.

6. Rights for Parties to a Complaint Process

a. The SGBV complaint processes are guided by the principles of **procedural fairness** and **trauma-informed** practices to ensure that the University's processes do not add to or compound the harm sought to be addressed. The process and outcome(s) of a SGBV complaint can have severe consequences and can itself be stressful, traumatizing and harmful for both **complainants** and **respondents**. Accordingly, the complaint process must be conducted with due regard to its effects on both **parties** and in a procedurally fair manner. Investigators and decision-makers will use trauma-informed practices and be mindful to conduct their functions in a way that reduces, to the extent possible, additional harm for both parties to the complaint. As one example, investigators and decision-makers will protect complainants from irrelevant questions or assumptions, including those based on sexual history or expression.

b. Subject to the provisions of any applicable collective agreement, employment agreement or appointment, the parties will have the right to:

    i. be accompanied by an advisor and/or support person or, in the case of an employee subject to a collective agreement, a union representative, throughout their participation in any investigation, **hearing** or other aspect of the complaint process, and to be advised of these rights;

    ii. be informed of, make and respond to procedural requests;

iii. at a hearing, make oral or written representations on their own behalf, through their advisor, support person or other appropriate person, regarding impact and sanction, without a face-to-face encounter; and

iv. receive written reasons for the decision.

7. Mandatory Training

a. In addition to training on the application and interpretation of this Policy suite and other role-specific training, investigators, those applying interim measures, and/or deciding complaints of SGBV, and anyone advising them, are required to complete appropriate training in:

   i. the dynamics and myths of SGBV;
   ii. trauma-informed practice;
   iii. procedural fairness; and
   iv. gender inclusion and anti-oppression.

b. Information on specific mandatory training is listed in the University's SGBV Education and Training web page.

c. All staff in designated units of the Options Navigation Network (ONN) are required to complete training as specified on the SGBV Education and Training web page.

8. Education and Prevention

a. Education and awareness are key to preventing SGBV. All community members subject to the *Sexual and Gender-Based Violence Policy* are encouraged to take advantage of essential learning opportunities related to SGBV. See the SGBV Education and Training web page for more information.

b. The University will provide education and awareness campaigns for the entire University community on SGBV including, but not limited to, policy awareness, **consent**, anti-oppression and responding to disclosures.

c. As other relevant training is developed, it will be offered to students and employees, such as, for example, training in bystander intervention and enhanced disclosure training.

d. For further information about:

   i. SGBV, see the Sexual Violence information website;

ii. receiving and managing a disclosure of SGBV, see the Responding to a Disclosure of Sexual Assault web page;

iii. options, support services and resources for persons affected by SGBV, see the Options, Services and Resources for Those who have Been Subjected to SGBV web page; and

iv. the steps or measures the University can take in the learning environment, including modifications to academic program(s), a workplace, University residence, recreational or other programs, in response to a disclosure of SGBV; interim measures, anonymous or third-party reports, and complaints, see the Options, Services and Resources for Those who have Been Subjected to SGBV web page.

Definitions

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use.	
Sexual and Gender-Based Violence (SGBV)	Any sexual act or act of a sexual nature, or act targeting sexuality, whether physical or psychological, committed without consent, or other forms of abuse and control over another person, based on their gender, gender expression, gender identity or perceived gender. This includes, but is not limited to the following: a. Sexual Assault - Any form of sexual contact without consent. This can include unwanted or forced kissing, fondling, vaginal or anal penetration or touching, or oral sexual contact. b. Sexual Harassment - may be broadly defined as unwelcome conduct or comment of a sexual nature which detrimentally affects the learning environment or otherwise leads to adverse consequences for the person who is the target of the harassment. It may consist of unwanted sexual attention, sexually oriented remarks or behaviours or the creation of a negative psychological and emotional environment based on gender, gender identity or sexual orientation. It may be an isolated act or repetitive conduct but cannot be trifling. Retaliaion or threat of retaliation

	against an individual for rejecting a sexual solicitation or advance may also constitute sexual harassment. The person(s) engaged in harassment need not have the intention to harass; it is the objective assessment of the circumstances that matters. How would a reasonable observer perceive the situation? A complainant need not expressly object to unwelcome conduct or comments, although any clear indication that the behaviour is unwanted will satisfy the test. A complainant's apparent passivity or failure to object overtly to sexual advances does not necessarily signal consent or welcomed behaviour, especially where a power imbalance exists between the individuals. c. Stalking - Repeated unwanted contact or communication directed at another person that causes reasonable fear or concern for that person's safety or the safety of others known to them. The harm may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of an individual. Stalking can occur physically (such as watching and monitoring, pursuing or following, making threatening or obscene gestures, sending unsolicited gifts), electronically (for example, continuously commenting or contacting via social media, surveillance, letters, text messages, emails or phone calls), directly and/or indirectly through a third party. d. Indecent Exposure - Exposing one's genitals, buttocks and/or breasts or inducing another to expose their own genitals, buttocks and/or breasts in non-consensual circumstances, in person or electronically. e. Voyeurism - Surreptitiously observing and/or recording another individual's full or partial nudity or sexual activity without the knowledge and consent of all parties involved. f. Distribution of Intimate Images - Includes showing, sharing, distributing or streaming of images, video or

	audio recording of a sexual activity or full or partial nudity of oneself or others, without the consent of all the recipient(s) and the subject(s) of the image or recording, or the threat to do the same. g. Nonconsensual condom removal – The act of intentionally removing a condom during sex without the consent of the partner. h. Inducing intoxication, impairment or incapacity for the purpose of making another person vulnerable to non-consensual sexual activity. i. Intimate partner violence (IPV), also known as dating violence or domestic violence - Abuse or aggression that occurs in a current or former romantic relationship. IPV can range from one episode of violence to chronic and repeated episodes over multiple years. IPV can include physical, sexual, and psychological abuse. j. Retaliation - Retaliating against another person in relation to a disclosure or complaint of SGBV. Retaliation includes taking, attempting to take or threatening to take any adverse action, reprisal or retribution of any kind against anyone involved in any process described in the *Sexual and Gender Based Violence Disclosures Procedure,* including the person who made a disclosure or complaint, and anyone involved in an investigation or resolution of an allegation of SGBV, or friends or family members of those individuals. Retaliation can take many forms, including threats, intimidation, pressuring, harassment, continued abuse, violence or other forms or threats of harm to others, and be carried out in varying modes, including in person, via electronic communication or through third parties. Retaliation can also include adverse employment or educational actions taken or threatened against an individual because of participation in the reporting, investigating and/or resolution of an alleged violation of

	this policy, or any conduct that would discourage a person from participating. k. Other analogous conduct.
Discloser	Any person within the scope of this policy who discloses having been subjected to SGBV.
Complaint	A type of disclosure made to a University official that alleges SGBV misconduct for the express purpose of initiating a formal University disciplinary process, including an investigation and decision on disciplinary action.
Corrective action	Measures undertaken by the University to address and prevent SGBV and ensure the safety of the workplace, including, but not limited to, education, training, improved procedures, physical alterations and/or restoration of respectful workplaces; interim measures, modifications, University-initiated discipline for faculty, staff or students, and/or non-disciplinary accountability options.
Modifications	Adjustments the University may be able to make for any person within the scope of this policy who discloses having been subjected to SGBV. The modifications may relate to their academic program, employment, University residence or recreational or other programs and are designed to mitigate the impact of SGBV on their access to or participation in the learning environment.
Interim measures	Non-disciplinary conditions or restrictions that the University may apply to a person within the scope of this policy alleged to have committed a violation under this policy. Such conditions may be applied in response to a disclosure or complaint. The purposes of interim measures are to ensure the discloser's safety or the safety of the University's learning environment, to remove barriers to the discloser's access to the learning environment, to discourage or prevent retaliation, prevent further harm and/or preserve the University's ability to conduct an investigation. Interim measures are not based on a finding of a policy violation, are not considered sanctions under any University

	complaint process, and will not be interpreted or used in a complaint as evidence that the person under allegation committed misconduct.
Non-disciplinary accountability options	Collaborative facilitated processes to explore interpersonal or institutional accountability options outside of a complaint. Typically requested by the discloser but voluntary for all parties, interpersonal accountability options are intended to be flexible and creative, and may include, but are not limited to: restorative practices, transformative justice, culturally-specific and appropriate practices, peacemaking circles, educational and other remedial activities. Institutional accountability options may include review of policy, procedure or practice to encourage disclosures and/or discourage SGBV; examination of factors contributing to or permitting SGBV in a specific department, unit or area; and initiatives or projects with the aim of creating or fostering a safe and supportive learning environment.
Learning environment	The learning environment is to be understood broadly to encompass all aspects of University life. It includes: ● physical and virtual spaces where University teaching, learning, work, research, residence, recreational and social activities take place; ● University activities, events and functions, including, but not limited to, teaching, research, studying, work, administration, meetings, public service, travel, conferences, and training; public lectures, performances, student group events, and social or sports activities.
Disclosure	Any verbal or written report or account by any person within the scope of this policy to a member of the University community that they have been subjected to SGBV, often for the purpose of seeking support or assistance.
SGBV Options Navigation Network (ONN)	Units or areas where specially trained staff review all options and resources available to a discloser or a person supporting a discloser, specific to the discloser's needs.

Procedural fairness	The elements of the process used by a decision-making body authorized by statute or policy to make a decision that affects an individual's rights, privileges, or interests, that give effect to an individual's right to reasonable notice of the case to meet, the opportunity to respond and the right to an impartial decision maker.
Trauma-informed	An approach to processes, procedures, and service provision that incorporates and responds to the effects of trauma. A trauma-informed approach takes into account the potential effects of trauma on cognition, memory and behaviour and incorporates steps to address the needs created by trauma and to prevent retraumatization.
Complainant	The person who makes or continues a complaint under this procedure.
Respondent	The person who is the subject of a complaint under this procedure.
Advisor	A person who assists a complainant or respondent during the disciplinary process. Assistance may be provided by the Office of the Student Ombuds, Student Legal Services, legal counsel or another advisor as the parties choose.
Party/Parties	A complainant or a respondent under this procedure.
Hearing	The opportunity for complainants and respondents to provide or respond to information, arguments, and evidence in a complaint process. A hearing can take the form of written document exchange and/or one or more oral meetings, either virtual or in-person, between the decision maker and each of the parties and witnesses, but will not involve face-to-face encounters between the parties, each other's advisors and/or witnesses.
Consent	Consent is a voluntary, ongoing, active and conscious agreement to engage in the sexual activity in question. Consent or a "yes" that is obtained through pressure, coercion, force, threats or by inducing intoxication, impairment or incapacity is not voluntary consent. Silence or ambiguity do not constitute consent. Additionally, there is no consent when:

	• it is given by someone else. • the person is unconscious, sleeping, highly intoxicated or high, or otherwise lacks the capacity to consent. • it was obtained through the abuse of a position of power, trust or authority. • the person does not indicate "yes", says "no" or implies "no" through words or behaviours. • the person changes their mind and withdraws their consent. Consent cannot be implied (for example, by a current or past relationship, by consent to another activity, or by failure to say "no" or resist). In addition, consent cannot be given in advance of sexual activity that is expected to occur at a later time. It is the responsibility of the person wanting to engage in sexual activity to obtain clear consent from the other and to recognize that consent can be withdrawn at any time.

Related Links

Supports and Resources

- Association of Academic Staff, University of Alberta (AASUA)
- Wellness Supports
- Counselling and Clinical Services
- Employee Family Assistance Program (EFAP)
- First Peoples' House
- Homewood Pathfinder
- Faculty of Graduate Studies and Research
- Graduate Students' Association
- Graduate Student Assistance Program (GSAP)
- Health, Safety and the Environment (HSE) Management System
- Human Resources, Health, Safety and the Environment
- Interfaith Chaplains' Association
- International Student Services
- the Landing
- Non Academic Staff Association (NASA)
- Office of the Dean of Students
- Office of Safe Disclosure and Human Rights
- Office of the Student Ombuds
- Peer Support Centre
- Postdoctoral Fellows Assistance Program (PDAP)
- Postdoctoral Fellows Association
- Residence Services
- Sexual Assault Centre

- Sexual Assault Centre of Edmonton
- Students' Union
- University of Alberta Protective Services

Information

- Sexual and Gender-Based Violence Information and Resources
- Sexual and Gender-Based Violence Prevention and Response
- Office of the Provost Sexual and Gender-Based Violence Prevention and Response
    - Options, Resources and Services for Those Who Have Been Subjected to SGBV
    - Interim Measures Examples and Supports
    - SGBV Education and Training
    - SGBV Options Navigation Network Expectations and Training
- Options for Survivors of Sexual Assault
- Responding to a Disclosure of Sexual Assault

Complaint mechanisms

- AASUA Common Agreement
- NASA Collective Agreement
- Postdoctoral Fellows Association Collective Agreement
- Postdoctoral Fellows Discipline Procedure
- Student Conduct Policy
- HSE Management System Reporting Portal (non-confidential)

Related policies

- Access to Information and Protection of Privacy Policy
- Discrimination, Harassment and Duty to Accommodate Policy
- Ethical Conduct and Safe Disclosure Policy
- Helping Individuals At Risk Policy
- Protocol for Urgent Cases of Violent, Threatening or Disruptive Behaviour
- Conflict Policy – Conflict of Interest and Commitment and Institutional Conflict
- Hazard Identification, Assessment, and Control Procedure Appendix B - Violence Prevention
- Community Standards Policy for University Residences

If any of the links are broken, please contact uappol@ualberta.ca