



SEXUAL VIOLENCE POLICY

Effective April 4, 2017

1.0 PURPOSE:

- 1.1** Sexual violence is a complex issue that needs attention and intervention throughout our society and within our institutions, especially given the prevalence of sexual assault on college and university campuses. The Purpose of this policy is to make clear Ambrose University's commitment to addressing sexual violence in its community through survivor support, awareness, education, training and prevention programs, and the appropriate handling of reports/complaints of incidents of sexual violence.
- 1.2** This policy is intended to set out a consistent process for responding to Sexual Violence that ensures that:
 - 1.2.1** Those who experience Sexual Violence are treated with dignity and respect and that their rights are respected.
 - 1.2.2** Members of the University Community understand their respective rights and obligations when reporting or responding to a Sexual Violence.
 - 1.2.3** Those who are accused of committing Sexual Violence are treated fairly and in a manner that ensures due process.

2.0 SCOPE:

- 2.1** This policy applies to actions, interactions and behaviours of Members of the University Community that take place:
 - 2.1.1** on University premises; or
 - 2.1.2** off University premises where a Member of the University Community is involved in the business of the University or activities related to the University, or is representing the University; or
 - 2.1.3** off University premises where such actions, interactions or behaviour have a negative impact on a Member of the University Community such that it materially interferes with their University learning, working or living environment.
- 2.2** This policy operates alongside other applicable University policies and procedures such as the Student Policies and Employee Policies. Where there is a conflict or inconsistency between the provisions of this policy and another University policy or procedure, this policy governs to the extent necessary to resolve the conflict or inconsistency. The University recognizes that sexual violence is a unique area which requires a unique set of policies and procedures.

3.0 DEFINITIONS:

Consent: Consent is the ongoing voluntary agreement to engage in the sexual activity in question.

Community Advocate: An appropriately trained individual who is designated by the University and who is the recommended first point of contact or referral for any Member of the University Community who has experienced Sexual Violence.

Complainant: A person who makes a Formal Report under this policy.

Disclosure: When an individual shares information about a personal experience of Sexual Violence which may be a violation of 4.1.3.

Employee Policies: Professional Working Environment Harassment, Discrimination and Bullying Policy (November 4, 2015), as amended.

Formal Report: A statement to the University by a Complainant seeking recourse pursuant to the violation of policy.

Key Staff: Staff at the director level and above, security staff and other staff identified by the Sexual Violence Response Team as likely to receive disclosures.

Members of the University Community: Those persons involved in conducting University affairs including all students, employees, volunteers, contractors and members of the Board of Governors of the University.

Procedures: Procedures adopted to carry out this policy, adopted in accordance with Section 9.2.

Respondent: The person alleged in a Formal Report to have violated this policy.

Retaliation: Any adverse action taken against a Member of the University Community because that person has, in good faith, made a Disclosure, filed a Formal Report, supported the filing of a Formal Report, disclosed information to the University about a Formal Report, and/or participated in an investigation of such Formal Report, and includes threats of Retaliation.

Senior Officer: Senior Officer means the most senior officer in student life, if an incident involves a student Member of the University Community and it means the most senior officer in human resources, if no student Member is involved. In the event that an individual who may be a Senior Officer pursuant to the foregoing is directly involved (or alleged to be involved) in an incident, Senior Officer shall mean the President of Ambrose University.

Sexual Assault: Sexual assault is nonconsensual sexual actions done by an individual to another. It includes any unwanted sexual acts and can involve a range of behaviours from unwanted touching to penetration, including through the use of force, threats, or control of another person that makes someone feel fearful, distressed, or threatened or is carried out in a way that an individual is not able to freely consent to such actions. Sexual consent is determined by lack of consent, and not by the act itself. Sexual assault is a criminal offense under the Criminal Code of Canada.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature. Incidents of sexual harassment include, but are not limited to, situations when:

- Such conduct has the purpose or effect of interfering with an employee's work performance or a student's academic performance, or creating an intimidating or hostile working or learning environment;
- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or of the teaching and learning process; or



- Submission to or rejection of such conduct is used in employment or academic decisions affecting that employee or student. Examples of sexual harassment include but are not limited to comments or conduct of a sexual nature such as leering, “dirty” jokes, gestures, pictures or pornographic materials, comments, suggestions, innuendos, requests or demands of a sexual nature.

Sexual Violence: Sexual Violence is any violence, physical or psychological, carried out without consent through a sexual means or by targeting sexuality. This includes, but is not limited to all Sexual Assault, Sexual Harassment, Stalking, indecent exposure, voyeurism, degrading sexual imagery, or the taking or distribution of sexual images or video of a Member of the University Community without their consent.

Sexual Violence Response Team: The group of Members of the University Community responsible for overseeing this policy.

Stalking: Unwanted and persistent behavior pursuing contact and/or harassing another in person or online.

Student Policies: Ambrose Community Standards, found in the Student Handbook and online at ambrose.edu/community-standards, as amended.

4.0 GENERAL RESPONSIBILITIES:

4.1 General Prohibitions and Responsibilities

- 4.1.1 The University will take measures aimed at promoting a University environment free from Sexual Violence.
- 4.1.2 The University will take reasonable action to prevent Sexual Violence through education and communications and will promote the safety of all Members of the University Community.
- 4.1.3 No Member of the University Community, or non-member while on University premises or participating in a University related event (on or off University premises), may engage in any form of Sexual Violence against another person.

4.2 Education, Training and Prevention

- 4.2.1 The University is committed to supporting ongoing education and awareness initiatives for Members of the University Community about Sexual Violence and Sexual Violence prevention and about responding to the reporting of incidents of Sexual Violence. The University will implement preventative strategies with respect to all forms of Sexual Violence.
- 4.2.2 The University will work with on and off campus partners to develop an annual education strategy that includes campaigns, training sessions, workshops, print and online resources, programs and events on a breadth of topics related to sexual violence on campus – topics that include but are not limited to rape culture, sexual violence awareness, how to seek support, resources for survivors, pornography, advice and resources for first responders, etc. The audience for these efforts would include staff, faculty, students and visitors to our campus. A particular emphasis will be placed on educating new Members of the University Community about this issue through student, staff and faculty orientation activities.
- 4.2.3 All Members of the University Community are responsible for contributing to the prevention of, intervention in, and effective response to, Sexual Violence through compliance with this policy and associated procedures.



4.2.4 All faculties and departments are encouraged to include education related to rape culture and sexual violence in course materials and other community programs where appropriate.

4.3 Consent

4.3.1 The University is committed to providing education on Consent and its relationship to Sexual Violence.

4.3.2 Consent is the ongoing voluntary agreement of a person to engage in the sexual activity in question. More specifically, Consent:

- is active, not passive or silent or the absence of “no”;
- cannot be assumed or implied from previous Consent to similar activities or from anything else;
- is required regardless of the parties’ relationship status or sexual history together;
- cannot be given by a person who is incapacitated by alcohol, drugs or some other reason, or who is unconscious, under the age of consent or otherwise incapable of providing consent;
- can be revoked at any time, whatever other sexual activities have taken place;
- can never be obtained through an abuse of power, threats, intimidations, coercion, manipulation, misrepresentation or other pressure tactics; and
- cannot be obtained if the individual abuses a position of trust or authority.

4.3.3 It is the responsibility of the initiator of sexual activity to obtain Consent at all stages of sexual engagement.

5.0 DISCLOSING AND RESPONDING TO SEXUAL VIOLENCE:

5.1 Responding to Sexual Violence

5.1.1 The University will maintain a webpage for Sexual Violence resources that can assist individuals who are subjected to, have witnessed or have knowledge of an incident of Sexual Violence.

5.1.2 The University will ensure that those likely to receive Disclosures, namely Key Staff members, full-time faculty and student leaders, receive training on responding to Sexual Violence and carrying out this policy. The University will also designate Community Advocates as recommended first points of contacts for Disclosures and ensure that they receive appropriate training or are appropriately equipped. Such persons likely to receive Disclosures are to attend such trainings and continue to stay current on this policy and its Procedures.

5.1.3 A Community Advocate is best suited as the first point of contact for anyone who has been subjected to Sexual Violence but Members of the University Community who become aware of a possible incident of Sexual Violence involving a Member of the University Community, whether through a Disclosure or otherwise, should:

- Assist the Member of the University Community in accessing available support services;



- Take appropriate action to prevent further Sexual Violence from occurring, including alerting campus security and calling 911 where there is imminent risk; and
- Report the incident to the applicable Senior Officer. University staff, faculty and student leaders are required to report such incidents to the applicable Senior Officer. Reporting may or may not need to include identifying information, depending on the circumstances and risk to other Members of the University Community. This should be discussed with the Senior Officer. A Community Advocate can help in this process but the number of people involved should be minimized.

5.1.4 Alerting security or reporting an incident to the Senior Officer does not constitute a Formal Report.

5.1.5 Where the University becomes aware of incidents of Sexual Violence by a Member of the University Community or against a Member of the University Community, the University will take reasonable steps to ensure the safety of individuals involved and the safety of Members of the University Community.

6.0 SUPPORT:

6.1 Support Services

6.1.1 Supports are available to any Member of the University Community making a Disclosure, irrespective of whether that individual also chooses to pursue a Formal Report or a criminal complaint. Available supports include counselling, pastoral care and referrals to off-campus services such as health services. An individual safety plan will be developed where necessary.

6.1.2 Members of the University Community who feel they are in need of academic or workplace modification should speak to the appropriate Senior Officer, with the assistance of a Community Advocate if preferred.

6.2 Interim Measures

6.2.1 The University may impose or facilitate interim measures to support the Complainant and/or Respondent during an investigation or a proceeding.

6.2.2 Without limiting the generality of section 6.2.1 above, the University may determine that there is to be no contact between a Complainant and a Respondent, and/or that the Respondent may be suspended from classes, the work place or residence (as the case may be) pending the conclusion of an investigation.

7.0 FORMAL REPORTING AND INVESTIGATIONS:

7.1 Formal Report Process

7.1.1 A Disclosure is not a Formal Report and will not trigger an investigation unless the University becomes aware of a risk to other Members of the University Community or a Senior Officer or President of the University otherwise determines an investigation is warranted.

7.1.2 The University recognizes its responsibility to respond to Formal Reports in a fair, effective, and timely manner and encourages the immediate reporting of all incidents of Sexual Violence.



7.1.3 Anyone who has witnessed or has been subject to Sexual Violence may but is not required to file a Formal Report and/or criminal complaint.

- Criminal complaints can be made to the appropriate law enforcement agency. If an individual chooses this route, they can seek the support of the Senior Officer, his/her designate or community advocate to facilitate making this report to the police.
- Non-criminal, campus Formal Reports can be made to the applicable Senior Officer, pursuant to the procedures set out for this policy or in accordance with other applicable University policies and procedures. The University will provide those who have experienced Sexual Violence or those who wish to file a report of Sexual Violence with comprehensive information about formal reporting options.

7.1.4 Formal Reports may be made anonymously but the Complainant should be aware that this may limit the ability of the University to respond and investigate.

7.2 Right to Forego or Withdraw a Formal Report and Limitations

7.2.1 A Complainant has the right to forego filing a Formal Report, or to withdraw a Formal Report at any stage of the process; however, the University reserves the right to act or continue to act on a Formal Report in order to comply with its obligations under this policy and/or its legal obligations, to ensure fairness to other persons including the Respondent, and/or if the University believes that the safety of other Members of the University Community or the external community is at risk.

7.2.2 Reasonable efforts shall be made by the University to minimize further distress to the Complainant or others that have witnessed or been subject to Sexual Violence when the need to involve law enforcement authorities arises.

7.3 Formal Report Review, Investigations and Outcomes

7.3.1 The University will handle Formal Reports and investigations in a fair and unbiased manner with due process in accordance with this policy and its Procedures.

7.3.2 The University will ensure that there are on-campus investigators available that are able to investigate Formal Reports and that appropriate training is provided to such investigators. For clarity, the University may, in addition to on-campus investigators, retain external investigators to investigate Formal Reports.

7.3.3 The University reserves the right to determine if it will conduct an investigation into an allegation of Sexual Violence whether or not law enforcement is involved and whether or not charges have been laid.

7.3.4 The University and investigators appointed to investigate Formal Reports are authorized to collect and use personal information and any other information that is reasonably necessary to manage and investigate Formal Reports.

7.3.5 The standard of proof for the finding of a breach of this policy is on a balance of probabilities.

7.3.6 Any Member or non-member of the University Community who is found to have committed Sexual Violence against another person will be held accountable and subject to sanctions and discipline.

7.3.7 Should the Respondent choose not to participate in the Formal Report investigation, the University reserves the right to take interim measures to ensure the safety of the University Community.



7.4 Appeal Process

7.4.1 A Respondent may appeal decisions made pursuant to investigations under this policy in accordance with the appeal procedures in the Employee Policies if the Employee Policies apply, and in accordance with the appeal procedures in the Student Policies otherwise.

7.5 Multiple Proceedings

7.5.1 Where criminal and/or civil proceedings are commenced in respect of conduct that forms the basis of, or is related to the subject matter of, a Formal Report, the University will conduct its own independent investigation into such Formal Report and will make its own findings in accordance with its policies and procedures. Where there is an ongoing criminal investigation into conduct that forms the basis of, or is related to the subject matter of, a Formal Report, the University will reasonably cooperate with the law enforcement authorities in conducting its investigations.

7.5.2 Notwithstanding, and in addition to section 7.5.1, the University retains the discretion to continue, suspend or terminate an investigation into a Formal Report where another proceeding concerning conduct that forms the basis of, or is related to the subject matter of, a Formal Report has been initiated.

7.6 Retaliation and False Accusations

7.6.1 It is contrary to this policy for anyone to Retaliate, or threaten to Retaliate against a person making a Disclosure, a Complainant or anyone else for i) making, intending to make or supporting a Disclosure or Formal Report in good faith in accordance with this policy or the Procedures; ii) pursuing rights or cooperating with investigations under other University policies or laws in relation to incidents of Sexual Violence.

7.6.2 Any Member of the University Community who undertakes, participates in or directs a Retaliation or who makes a complaint of Retaliation in bad faith, may be subject to disciplinary action, up to and including termination of employment, expulsion or termination of contract.

7.6.3 Formal Reports that are not made in good faith may result in sanctions against the Complainant and/or disciplinary action.

8.0 CONFIDENTIALITY AND INFORMATION TRACKING

8.1 Confidentiality

8.1.1 All persons involved in a report and/or investigation of Sexual Violence are expected to maintain confidentiality where appropriate. The University treats Formal Reports as confidential, subject to the following:

- When an individual is judged to be at imminent risk of harming self and/or others;
- There are reasonable grounds to believe that Members of the University Community or wider community may be at risk of harm;
- In order to promote fairness of process for all parties; and/or
- Reporting and/or conducting an investigation as required by law, by this policy, by the University's other policies, or by an external body with appropriate authority.



8.1.2 Confidentiality is subject to the provisions of applicable privacy legislation such as the *Freedom of Information and Protection of Privacy Act* (Alberta), other applicable legislation and law, and University policy.

8.2 Information Tracking and Retention of Records

8.2.1 The University will maintain information on the number of Disclosures, as well as the number and results of investigations and the corrective actions taken in response to recommendations arising out of investigations.

8.2.2 All records involving a Complainant and subsequent investigation of Formal Reports, but not including records related to results of investigations or corrective actions taken, will be kept in a file separate from student academic records and/or employee personnel files, however all such records may be used for purposes of future disciplinary processes.

8.2.3 Notwithstanding section 8.2.2, results of investigations and corrective actions taken may be included on a Respondents' student academic records and/or in employee personnel files in accordance with the Procedures.

9.0 OVERSIGHT & PROCEDURES

9.1 Sexual Violence Response Team

9.1.1 The President of Ambrose University, in consultation with the Senior Officers in student life and human resources, will appoint and maintain a Sexual Violence Response Team which will be responsible for overseeing the implementation of this policy and its Procedures.

9.1.2 The Sexual Violence Response Team will be co-chaired by the most senior officer in student life and the most senior officer in human resources.

9.1.3 The Sexual Violence Response Team will consist of at least one member of student life, one non-faculty staff member (both in addition to the co-chairs), one faculty member and one student leader. The Sexual Violence Response Team shall have a similar number of male and female members.

9.2 Procedures

9.2.1 The Sexual Violence Response Team may approve Procedures for carrying out this policy, which are secondary to and comply with this policy. Such Procedures shall be reviewed by the Sexual Violence Response Team on an annual basis.

9.3 Policy Review & Implementation

9.3.1 This policy will be reviewed as needed, at minimum every three years.

9.3.2 The University will carry out all necessary actions in order to implement this policy across the University and among all of the groups of Members of the University Community.

Approved by the President's Cabinet of Ambrose University on April 4, 2017

Amended by the President's Cabinet of Ambrose University on November 28, 2018

Amended by the President's Cabinet of Ambrose University on December 4, 2019

Reviewed by the SVRA on November 4, 2020

Reviewed by the SVRA on December 10, 2021