



GENDER-BASED AND SEXUAL VIOLENCE POLICY			
<b>Policy Type</b>	Student Life	<b>Initially Approved</b>	April 2017
<b>Policy Sponsor</b>	Vice President, Student Life	<b>Last Revised</b>	November 2018 December 2019 November 2022
<b>Administrative Responsibility</b>	Vice President, Student Life	<b>Review Scheduled</b>	As Needed
<b>Approver</b>	President's Cabinet		

### Purpose

The purpose of this policy is to make clear Ambrose University's (Ambrose) commitment to addressing Gender-Based and Sexual Violence in its community through providing survivor-centric, culturally appropriate, and trauma-informed support for those impacted. Ambrose is committed to building awareness, education, training, and prevention programs, and to the appropriate handling of reports/complaints of incidents of Gender-Based and Sexual Violence.

This policy is intended to set out a consistent process for responding to Gender-Based and Sexual Violence that ensures that:

- Those who are impacted by Gender-Based and Sexual Violence are treated with dignity and respect and that their rights are respected.
- Members of the Ambrose Community understand their respective rights and obligations when reporting or responding to Gender-Based and Sexual Violence.
- Those who are accused of committing Gender-Based and/or Sexual Violence are treated fairly and in a manner that respects their dignity, their rights, and that ensures due process.

### Statement

Gender-Based and Sexual Violence is a pervasive and 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 and the intersectional impacts on individuals.

### Scope

This policy applies to actions, interactions, and behaviours of Members of the Ambrose Community that take place:

- On Ambrose premises
- Off Ambrose premises where a Member of the Ambrose Community is involved in the business of the university or activities related to the university or is representing the university.
- Off Ambrose premises where such actions, interactions, or behaviour have a negative impact on

a Member of the Ambrose Community such that it materially interferes with their university learning, working, or living environment.

This policy operates alongside other applicable Ambrose policies and Procedures such as student policies and Ambrose policies. Where there is a conflict or inconsistency between the provisions of this policy and other Ambrose policies or Procedures, this policy governs to the extent necessary to resolve the conflict or inconsistency. Ambrose recognizes that Gender-Based and Sexual Violence is a unique area which requires a unique set of policies and Procedures. Restorative Resolutions, as outlined in the student policies, are an option for resolution of cases of Gender-Based and Sexual Violence involving students.

### **Definitions**

**Ambrose Policies:** All policies that relate to employees at Ambrose.

**Consent:** Ongoing voluntary agreement to engage in the sexual activity in question.

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

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

**Disclosure:** When an individual shares information about a personal experience of Gender-Based and/or Sexual Violence which may be a violation of 1.1.3.

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

### **Gender-Based and Sexual Violence:**

**Gender-Based Violence:** “Any form of abuse, assault, or harassment that originates from dominant societal norms surrounding gender” (Ottawa Coalition to End Violence Against Women). It is an umbrella term that includes Sexual Violence. It can take many forms including, but not limited to, sexual harassment, sexual exploitation, Stalking, emotional, psychological, physical, spiritual, and financial abuse, intimate partner violence, human trafficking, sexualized violence, Sexual Assault, technology-facilitated violence, stealthing (nonconsensual removal of protection), and threats of violence to coerce sex.

**Sexual Violence:** 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 Ambrose Community without their Consent.

**Gender-Based and Sexual Violence Response Team:** The group of Members of the Ambrose Community responsible for overseeing this policy.

**Interim Measures:** Non-disciplinary conditions or restrictions placed on a person who is alleged to have committed a Gender-Based and/or Sexual Violence.

**Key Staff:** Staff at the Director level and above, security staff, and other staff identified by the Gender-Based and Sexual Violence Response Team as likely to receive Disclosures.

**Members of the Ambrose Community:** Those persons involved in conducting Ambrose affairs including all students, faculty, staff, volunteers, invited guests to campus, alumni, contractors, and members of the Board of Governors.

**Procedures:** Procedures adopted to carry out this policy, adopted in accordance with section 6.2.

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

**Restorative Resolution:** An informal process that focuses on harm to the individual and community. A process that is centered on accountability where the person responsible for causing harm acknowledges harm and their obligations to make amends. A process that provides a framework for those harmed to articulate the negative effects of the behaviour and what they need to make it right.

**Retaliation:** Any adverse action taken against a Member of the Ambrose 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 Ambrose about a Formal Report, and/or participated in an investigation of such Formal Report, and includes threats of Retaliation.

**Senior Officer:** The most Senior Officer in Student Life if an incident involves a student member of Ambrose or the most Senior Officer in Human Resources if no student member is involved. If 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.

**Sexual Assault:** 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 by 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 a 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 a student's academic performance or an employee's work performance or creating an intimidating or hostile learning or working environment.
- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or of the teaching and learning process.
- Submission to or rejection of such conduct is used in academic or employment decisions affecting that student or employee. 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.

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

**Student Policies:** Ambrose Community Standards, found online at [Community Standards | Ambrose University](#).

## 1.0 General Responsibilities

### 1.1. General Prohibitions and Responsibilities

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

### 1.2. Education, Training, and Prevention

- 1.2.1. Ambrose is committed to supporting ongoing education and awareness initiatives for Members of the Ambrose Community about Gender-Based Violence, Sexual Violence prevention, and responding to the reporting of incidents of Gender-Based and Sexual Violence. Ambrose will implement preventative strategies with respect to all forms of Gender-Based Violence.
- 1.2.2. Ambrose 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, Gender-Based and Sexual Violence awareness, how to seek support, resources for survivors, pornography, advice and resources for first responders, etc. The audience for these efforts would be the Members of the Ambrose Community. A particular emphasis will be placed on educating new Members of the Ambrose Community about this issue through student, faculty, and staff orientation activities.
- 1.2.3. All Members of the Ambrose Community are responsible for contributing to the prevention of, intervention in, and effective response to Gender-Based and Sexual Violence through compliance with this policy and associated Procedures.
- 1.2.4. All faculties and departments are encouraged to include education related to rape culture and Gender-Based Violence in course materials and other community programs where appropriate.

### 1.3. Consent

- 1.3.1. Ambrose is committed to providing education on Consent and its relationship to Gender-Based and Sexual Violence.
- 1.3.2. 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.
- cannot be obtained if the individual abuses a position of trust or authority.

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

## **2.0 Disclosing and Responding to Gender-Based and Sexual Violence**

### **2.1. Responding to Gender-Based and Sexual Violence**

2.1.1. Ambrose will maintain a webpage for Gender-Based and Sexual Violence resources that can assist individuals who are subjected to, have witnessed, or have knowledge of an incident of Gender-Based or Sexual Violence.

2.1.2. Ambrose will ensure that those likely to receive Disclosures, namely Key Staff members, full-time faculty, and student leaders, receive training on responding to Gender-Based and Sexual Violence and carrying out this policy. Ambrose 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.

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

- Assist the Member of the Ambrose Community in accessing available support services.
- Take appropriate action to prevent further violence from occurring, including alerting Campus Security, and calling 911 where there is imminent risk.
- Report the incident to the applicable Senior Officer. Ambrose student leaders, faculty, and staff 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 Ambrose 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.

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

2.1.5. Where Ambrose becomes aware of incidents of Gender-Based or Sexual Violence by a Member of the Ambrose Community or against a Member of the Ambrose Community, Ambrose will take reasonable steps to ensure the safety of individuals involved and the safety of Members of the Ambrose Community.

## **3.0 Support**

### 3.1. Support Services

- 3.1.1. Supports are available to any Member of the Ambrose 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.
- 3.1.2. Members of the Ambrose Community who feel they need academic or workplace modification should speak to the appropriate Senior Officer, with the assistance of a Community Advocate if preferred.
- 3.1.3. Members of the Ambrose Community who support those impacted by Gender-Based and Sexual Violence will also have support available to them.

### 3.2. Interim Measures

- 3.2.1. Ambrose may impose or facilitate Interim Measures to support the Complainant and/or Respondent and to address safety concerns during an investigation or a proceeding. Ambrose will seek to implement the least disruptive measures that still promote safety and security.
- 3.2.2. Without limiting the generality of section 3.2.1, Ambrose may determine that there is to be no contact between a Complainant and a Respondent, and/or restricting access to campus or the workplace including that the Respondent may be suspended from classes, the workplace, or residence (as the case may be) pending the conclusion of an investigation.

## 4.0 Formal Reporting and Investigations

### 4.1. Formal Report Process

- 4.1.1. A Disclosure is not a Formal Report and will not trigger an investigation unless Ambrose becomes aware of a risk to other Members of the Ambrose Community, or a Senior Officer or President otherwise determines an investigation is warranted.
- 4.1.2. Ambrose recognizes its responsibility to respond to Formal Reports in a fair, effective, and timely manner and encourages the immediate reporting of all incidents of Gender-Based and Sexual Violence.
- 4.1.3. Anyone who has witnessed or has been subject to Gender-Based or 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 Ambrose policies and Procedures. Ambrose will provide those who have experienced Gender-Based or Sexual Violence or those who wish to file a Formal Report with comprehensive information about formal reporting options.
- 4.1.4. Formal Reports may be made anonymously or by a third-party, but the Complainant should be aware that this may limit the ability of Ambrose to respond and investigate.
- 4.1.5. Formal Reports may be filed by email, letter, or in person.
- 4.1.6. There are no time limitations on filing a Formal Report. However, individuals are encouraged to report at the earliest opportunity as the longer the time lapse between the incident and the filing of a Formal Report, the more difficult it becomes to investigate effectively.

- 4.1.7. A Complainant acting in good faith who discloses or reports Gender-Based or Sexual Violence will not be subject to actions for violations of Ambrose's policies related to drug and alcohol use at the time that the violence took place.
- 4.1.8. The Complainant and Respondent are allowed to bring a support person of their choice to accompany them through the process. This person is there solely for support and to listen and observe. They are bound by confidentiality and should not serve in the role of witness. There should be no interfering in the internal process. Because this is an internal review process, legal counsel is not permitted to attend.
- 4.2. Right to Forego or Withdraw a Formal Report and Limitations
  - 4.2.1. A Complainant has the right to forego filing a Formal Report, or to withdraw a Formal Report at any stage of the process. However, Ambrose reserves the right to act or continue to act on a Formal Report 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 Ambrose believes that the safety of other Members of the Ambrose Community or the external community is at risk.
  - 4.2.2. Reasonable efforts shall be made by Ambrose 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.
- 4.3. Formal Report Review, Investigations, and Outcomes
  - 4.3.1. Ambrose will handle Formal Reports and investigations in a procedurally fair and unbiased manner with due process in accordance with this policy and its Procedures.
  - 4.3.2. Ambrose will protect the Complainant from face-to-face encounters with the Respondent during the complaint process.
  - 4.3.3. Ambrose will ensure that there are on-campus investigators available that are able to investigate Formal Reports and that appropriate trauma-informed training is provided to such investigators. For clarity, Ambrose may, in addition to on-campus investigators, retain trained external investigators to investigate Formal Reports.
  - 4.3.4. Ambrose reserves the right to determine if it will investigate an allegation of Gender-Based or Sexual Violence whether law enforcement is involved and whether charges have been laid.
  - 4.3.5. Ambrose 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.
  - 4.3.6. The standard of proof for the finding of a breach of this policy is on a balance of probabilities.
  - 4.3.7. Any Member or non-member of the Ambrose Community who is found to have committed Gender-Based or Sexual Violence against another person will be held accountable and subject to sanctions and discipline.
  - 4.3.8. Should the Respondent choose not to participate in the Formal Report investigation, Ambrose reserves the right to take Interim Measures to ensure the safety of the Ambrose community.
  - 4.3.9. Ambrose retains the right to continue investigations if the Respondent ends their relationship with Ambrose.
- 4.4. Appeal Process
  - 4.4.1. A Complainant or Respondent may appeal decisions made pursuant to investigations under this policy in accordance with the appeal Procedures in the Ambrose policies if the



Ambrose policies apply, and in accordance with the appeal procedures in the student policies otherwise.

#### 4.5. Multiple Proceedings

4.5.1. 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, Ambrose 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, Ambrose will reasonably cooperate with the law enforcement authorities in conducting its investigations.

4.5.2. Notwithstanding, and in addition to section 4.5.1, Ambrose 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.

#### 4.6. Retaliation and False Accusations

4.6.1. 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 making, intending to make, or supporting a Disclosure or Formal Report in good faith in accordance with this policy or the Procedures or pursuing rights or cooperating with investigations under other Ambrose policies or laws in relation to incidents of Gender-Based or Sexual Violence.

### 5.0 Confidentiality and Information Tracking

#### 5.1. Confidentiality

5.1.1. All persons involved in a report and/or investigation of Gender-Based or Sexual Violence are expected to maintain confidentiality where appropriate. Ambrose 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 Ambrose Community or wider community may be at risk of harm.
- To promote fairness of process for all parties.
- When reporting and/or investigating are required by law, this policy or other Ambrose policies, or an external body with appropriate authority.

5.1.2. 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 Ambrose policy.

#### 5.2. Information Tracking and Retention of Records

5.2.1. Ambrose 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.

5.2.2. 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.

5.2.3. Notwithstanding section 5.2.2, 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.

### 6.0 Oversight and Procedures



6.1. Gender-Based and Sexual Violence Response Team

6.1.1. The Ambrose President, in consultation with the Senior Officers in Student Life and Human Resources, will appoint and maintain a Gender-Based and Sexual Violence Response Team which will be responsible for overseeing the implementation of this policy and its Procedures.

6.1.2. The Gender-Based and Sexual Violence Response Team will be co-chaired by the most Senior Officer in Student Life and the most Senior Officer in Human Resources.

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

6.2. Procedures

6.2.1. The Gender-Based and 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 on an annual basis.

6.3. Policy Review and Implementation

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

6.3.2. Ambrose will carry out all necessary actions to implement this policy across Ambrose and among all the groups of Members of the Ambrose Community.