

## Sexual and Gender-Based Violence Policy

<b>Classification</b> <a href="#">Health, Safety and Environment</a>	<b>Table of Contents</b>  1 Purpose ..... 1 2 Scope ..... 2 3 Definitions ..... 2 4 Policy Statement ..... 6 5 Responsibilities ..... 15 6 Related Policies ..... 16 7 Related Procedures ..... 16 8 Related Information ..... 16 9 History ..... 16
<b>Approval Authority</b> <a href="#">Board of Governors</a>	
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Any member of the University Community impacted by Sexual and Gender-Based Violence may contact the [Sexual Violence Response Office](#) for support.

### 1 Purpose

The University is striving to create an equitable, inclusive environment shaped by a culture of respect and safety. This includes efforts to provide an appropriate response to Sexual and Gender-Based Violence.

In a diverse university community like the University of Calgary, any response will need to reflect an intersectional lens and assess if Sexual and Gender-Based Violence are compounded by other potential vulnerabilities, including sexual orientation, gender identity, gender expression, indigeneity, cultural identity, race/ethnicity, religion, disability, or age.

The University of Calgary recognizes that Sexual and Gender-Based Violence is rooted in many forms of systemic oppression and that the prevalence of rape culture at post-secondary institutions across Canada is one outcome of systemic oppression. Sexual and Gender-Based Violence will not be experienced by everyone in the same way and each case will need to be assessed for differential impacts.

The University recognizes that some relationships within the University Community are characterized by power imbalances which may have a significant impact on an individual's experience of Sexual and Gender-Based Violence.

The purpose of this policy is to:

- a) affirm the University's commitment to addressing Sexual and Gender-Based Violence;
- b) commit to providing supports to individuals affected by Sexual and Gender-Based Violence;

- c) nurture and promote a culture of consent and safety;
- d) enable appropriate handling of Disclosures and Formal Reports related to Sexual and Gender-Based Violence; and
- e) outline the processes by which the University will respond to Disclosures and Formal Reports.

## 2 Scope

- 2.1** This policy applies to all members of the University Community (as defined below).
- 2.2** This policy applies to actions, interactions and behaviours of members of the University Community that take place:
- a) in or on University Facilities; or
  - b) off University Facilities where a member of the University Community is alleged to have violated this policy and is involved in the business of or activities related to the University (including Experiential Learning), or is representing the University; or
  - c) off University Facilities, including through social media, online communication platforms, remote work applications, or other online means, 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.
- 2.3** This policy operates alongside other applicable University policies and procedures. It should be read and interpreted in concert with the University's related policies on harassment, workplace violence, occupational health and safety, student conduct, and protected disclosure.
- 2.4** 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. However, this policy does not replace or supersede the provisions of any Collective Agreement. Consequently, if there is a conflict between the provisions of this policy and a Collective Agreement, the Collective Agreement governs to the extent necessary to resolve the conflict.

## 3 Definitions

In this policy:

- a) "Academic Staff Member" means an individual who is engaged to work for the University and is identified as an academic staff member under Article 1 of the applicable Collective Agreement.
- b) "Appointee" means an individual (non-employee) whose work is affiliated with the University, through a letter of appointment, including adjunct faculty, clinical appointments, and visiting researchers and scholars.
- c) "Appropriate Office" means the office identified in the table below that is responsible for the procedure that would be followed if a Formal Report is investigated.

Member of the University Community (Respondent)	Office	Procedure
Student, Academic Staff Member, Appointee, Contractor, Postdoctoral Scholar, Volunteer,	Protected Disclosure and Research Integrity	Protected Disclosure, Procedure for

Senior Leadership Team Member excepting Executive Leadership Team Members		
Employee	Protected Disclosure and Research Integrity	Workplace Investigation Procedure
Executive Leadership Team Member (excepting the President and Vice-Chancellor)	President and Vice-Chancellor	Protected Disclosure, Procedure for
President and Vice-Chancellor	Chair of the Board of Governors	Protected Disclosure, Procedure for

- d) “Business Days” means days that the University is open for business, excluding weekends and holiday closures.
- e) “Collective Agreement” means any collective agreement between the Governors of the University of Calgary and (i) the Faculty Association of the University of Calgary, (ii) the Alberta Union of Public Employees, (iii) the Graduate Students’ Association, (iv) the Postdoctoral Association of the University of Calgary, or (v) any other association or union representing Employees, in each case, in effect at the relevant time.
- f) “Complainant” means the individual who has made a Formal Report under this policy.
- g) “Consent” means the ongoing voluntary agreement of an individual to engage in the sexual activity in question, as more fully described in sections 4.6-4.8.
- h) “Coordinated Response Team (CRT)” means a multi-disciplinary resource team comprised of University staff members representing the Sexual and Gender Based Violence Prevention and Support Office, Campus Security, and ad hoc committee members that considers and coordinates the steps that the University may take in relation to allegations of Sexual and Gender-based Violence by or against a University Community member that become known to the University.
- i) “Contractor” means an individual or a sole proprietorship, or an individual acting on behalf of any other legal entity, who agrees to furnish materials to, or perform services for, the University for consideration.
- j) “Disclosure” means when an individual shares information about a personal experience of Sexual and Gender-Based Violence.
- k) “Employee” means an individual, other than an Academic Staff Member, or Postdoctoral Scholar, who is engaged to work for the University under an employment contract.
- l) “Executive Leadership Team” means the executive leadership team at the University, which is comprised of the President, Vice-Presidents, and General Counsel.
- m) “Experiential Learning” means the forms of experiential learning referenced in the University of Calgary calendar, such as co-curricular experiential learning, curriculum-integrated experiential learning, community-engaged learning, research-integrated experiential learning, and work-integrated learning.
- n) “Field Stations” means any of the following University Facilities:
- i. Rothney Astrophysical Observatory;

- ii. Barrier Lake Research Station;
  - iii. R.B. Miller Research Station; and
  - iv. Kluane Lake Research Station.
- o) “Formal Report” means a complaint to the University by an individual who is seeking recourse for an alleged violation of this policy.
  - p) “Gender-Based Violence” means any violence, physical or psychological, that is committed, threatened or attempted against an individual without the individual’s consent by targeting gender, gender identity, and/or gender expression.
  - q) “Interim Measures” means temporary, non-disciplinary restrictions or adjustments implemented in an effort to maintain a positive, productive, and respectful learning, working, and living environment on University Facilities, pending the resolution of a Formal Report, police investigation, or other process. Interim Measures may also be implemented to support a Victim-Survivor who is considering whether to proceed with a formal process or who has decided not to proceed with a formal process. Interim Measures may include protecting the Victim/Survivor from interaction, whether face-to-face, or through University controlled email or virtual meeting, with the person reported to have caused harm.
  - r) “Intersectional Lens” means an approach that seeks to understand and recognize the specific barriers individuals may face or have faced and considers ways multiple barriers may overlap to create a unique experience for that individual.
  - s) “Postdoctoral Scholar” means an individual who has completed a doctoral degree and is carrying out research at the University under the direction or mentorship of a supervising Academic Staff Member.
  - t) “Reprisal” means a Retaliatory Measure taken against an individual because they have or the Respondent believes they have sought advice about making a Disclosure or Formal Report; made a Disclosure or Formal Report in good faith; appointed an investigator for, investigated, or co-operated in an investigation of, a Formal Report; or declined to participate in behavior that would breach this policy.
  - u) “Respondent” means the member of the University Community identified in a Formal Report to have allegedly violated this policy.
  - v) “Retaliatory Measure” means any act intending to adversely affect an individual, which may include, but is not limited to, the breach of an informal resolution under this policy or an Interim Measure.
  - w) “Senior Leadership Team” refers to the individuals who, at the relevant time, are designated as members of the University’s Senior Leadership Team.
  - x) “Sexual and Gender-Based Violence” means any violence, physical or psychological, that is committed, threatened or attempted against another individual without the individual’s consent by targeting an individual because of their sex, gender identity, gender expression, and/or sexual orientation. This includes Gender-Based Violence, Sexual Assault, Sexual Harassment, stealthing, indecent exposure, voyeurism, creating, acquiring, or distributing degrading sexual imagery, the acquisition or distribution of a sexual image or video of a University Community member without their consent, and stalking that targets an individual based on their sex, gender identity, gender

expression or sexual orientation. It can include a single incident or a pattern of behaviour whether in person, online, or via other means.

- y) “Sexual Assault” means any type of unwanted sexual act done by one individual to another that violates the sexual integrity of the individual as more fully described in section 4.9.
- z) “Sexual Harassment” means one or more unwanted or demeaning remarks, behaviours or communications of a sexual nature and/or unwanted or demeaning remarks, behaviours or communications based on sex, gender identity, gender expression, or sexual orientation, where the individual responsible for the remarks, behaviours or communications knows or ought reasonably to know that these are unwanted or demeaning.
- aa) “Sexual and Gender-Based Violence Prevention and Support Office” means the University office which provides support to any University Community member who may have been impacted by Sexual and Gender-Based Violence and provides expert advice to members of the University Community who receive Disclosures and Formal Reports.
- bb) “Student” means an individual registered in a University course or program of study at the time the incident of Sexual and Gender-Based Violence is alleged to have occurred.
- cc) “Student at Risk Team” means a multi-disciplinary resource team comprised of University staff members identified in the Student-at-Risk Policy.
- dd) “Student Legal Assistance (SLA)” means the on-campus law clinic staffed by Students.
- ee) “Student Ombuds” means the Employee who has the title Student Ombuds and provides a safe place for Students to confidentially discuss Student related issues, academic and non-academic concerns, and other matters.
- ff) “Threat Assessment Committee” means a multi-disciplinary resource team comprised of University staff members identified in the Workplace Violence Policy.
- gg) “University” means University of Calgary.
- hh) “University Community” means all Academic Staff Members, Appointees, Employees, Postdoctoral Scholars, Students, Contractors and Volunteers.
- ii) “University Facilities” means all buildings and grounds, including athletic and recreational fields and Field Stations, owned, leased or operated by the University, except for property managed by University District Trust or University Innovation Quarter Trust.
- jj) “Victim/Survivor” means, an individual who has experienced Sexual and Gender-Based Violence. Not all people who have experienced Sexual and Gender-Based Violence identify with either term. Individuals can choose whether to be referred to as the victim, the survivor, the Victim/Survivor, or by name in any Disclosure. Individuals who have made a Formal Report will be referred to as Complainants.
- kk) “Volunteer” means an individual who, on a voluntary basis, provides a service or materials to the University.

## 4 Policy Statement

### General

- 4.1** All members of the University Community have the right to learn, work, and live in an environment where they are free from harassment, discrimination and violence, including Sexual and Gender-Based Violence. It is a violation of this policy for a member of the University Community to engage in Sexual and Gender-Based Violence.
- 4.2** The University:
- a) will promote a culture of respect so that those who make a Disclosure or Formal Report are treated respectfully;
  - b) has investigation processes that protect the rights of all individuals;
  - c) will make training available to Academic Staff Members, Appointees, Employees, Postdoctoral Scholars and Students on how to respond to a Disclosure; and
  - d) will implement awareness, education and risk management programs to address the prevention of Sexual and Gender-Based Violence, including the provision of education on Consent and its relationship to Sexual and Gender-based Violence.
- 4.3** The University respects the rights of Victim/Survivors to choose:
- a) the services and supports they feel are most appropriate;
  - b) to make a Disclosure, but request that the person receiving the Disclosure maintain confidentiality, subject to the limits of confidentiality in this policy or otherwise at law;
  - c) to report to the police or to file a Formal Report with the University and whether to engage in the resulting process(es);
  - d) not to report; or
  - e) to identify ways the University can support their healing.
- 4.4** The University's policies, administrative processes and discipline systems are independent of the civil and criminal justice legal systems. University Community members who are alleged to have engaged in Sexual and Gender-Based Violence may be subject to the University's administrative processes and discipline systems in addition to the civil or criminal legal system.
- 4.5** This policy will be reviewed at least every three (3) years.

### Consent

- 4.6** Consent is the ongoing voluntary agreement of an individual(s) to engage in the sexual activity in question. More specifically, Consent:
- a) is not silence or the absence of "no";
  - b) cannot be assumed or implied;
  - c) cannot be given by an individual incapacitated by alcohol, drugs or some other reason, or who is unconscious, under the age of consent or otherwise incapable of providing consent;
  - d) can be revoked at any time, whatever other sexual activities have taken place;
  - e) cannot be obtained through an abuse of power, threats, intimidations, coercion or other pressure tactics;
  - f) cannot be obtained through manipulation or misrepresentation; and
  - g) cannot be obtained if an individual abuses a position of trust or authority.

- 4.7** In Canada, the Criminal Code sets the age of consent to sexual activity at 16 years, with some exceptions. By law, an individual under the age of 18 cannot consent where there is a relationship of trust, authority, or dependency such as an instructor, coach, tutor, or mentor.
- 4.8** All sexual acts without Consent constitute Sexual Assault and are a violation of this Policy.

### **Sexual Assault**

- 4.9** Sexual Assault:
- a) includes a range of non-consensual sexual acts including oral contact (mouth to mouth, mouth to body part), groping, touching, oral sex, vaginal or anal penetration, and/or penetration with any object or body part;
  - b) can be committed by a spouse, intimate or dating partner, a friend or acquaintance, a known individual in a position of trust or authority, including a spiritual or faith leader, a coach or a mentor, or a complete stranger;
  - c) can occur regardless of sex, sexual orientation, gender, gender identity, gender expression, or relationship status; and
  - d) occurs when an individual(s) engages in sexual activity with another individual(s) they know, or reasonably ought to have known, is incapacitated (e.g., by drugs or alcohol, unconsciousness, blackout, or as a result of a disability).

### **Confidentiality**

- 4.10** All reasonable efforts will be made to maintain the confidentiality of anyone who reports or is involved in a Disclosure or Formal Report. There are limits on confidentiality. Information may be shared if disclosure or an action is required or permitted by law, including, but not limited to, if:
- a) an individual is judged to be at imminent risk of self-harm;
  - b) an individual is judged to be at imminent risk of harming another;
  - c) there is reason to believe that other University Community members or the broader community may be at risk of harm;
  - d) evidence of the reported Sexual and Gender-Based Violence is available in the public realm; or
  - e) the individual that the information is about has consented to the disclosure.
- 4.11** Subject to section 4.10, the names of any individuals involved in a Disclosure or Formal Report will not be disclosed by the University to any person except where disclosure is necessary for the purpose of addressing Interim Measures or addressing a Formal Report and taking any related disciplinary measures.

### **Interim Measures**

- 4.12** Where the University becomes aware of allegations of Sexual and Gender-Based Violence by a University Community member or against a University Community member, whether as a result of a Formal Report or otherwise, the University will take all reasonable steps to mitigate risks to the health and safety of the University Community and to meet any applicable legal obligations. As a part of this effort, the University may engage the CRT. It may also impose Interim Measures including, but not limited to:



- a) separation of the academic, living or workplace situations of any individuals involved in the Formal Report or Disclosure;
- b) academic accommodations; or
- c) no-contact orders issued by the University.

**4.13** The University may expand, adjust or remove existing Interim Measures as it deems appropriate. Any changes to Interim Measures will be communicated to the affected individuals.

**4.14** Any alleged breach(es) of Interim Measures by a member of the University Community may be considered by the University and, if substantiated, may result in disciplinary action up to and including termination of employment, expulsion from the University, or termination of any other relationship that the person has with the University.

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

**4.15** Members of the University Community with concerns about an incident of Sexual and Gender-Based Violence or who have received a Disclosure, or anyone who is seeking information about options for making a Disclosure or Formal Report are encouraged to contact the Sexual and Gender-Based Violence Prevention and Support Office.

**4.16** Support staff within the Sexual and Gender-Based Violence Prevention and Support Office provide confidential support and care for any University Community member impacted by Sexual and Gender-Based Violence. This can include assisting individuals in accessing supports, including culturally specific resources, and in understanding and navigating available reporting options.

**4.17** Sexual and Gender-Based Violence related supports are available to any University Community member. Supports are available no matter when or where the individual experienced or witnessed Sexual and Gender-Based Violence (including in the context of Experiential Learning), who may be responsible for the harm, or whether there is any ongoing process to consider a report of Sexual and Gender-Based Violence.

Supports available through the University include:

- a) trauma-informed Sexual and Gender-Based Violence response and education through the Sexual and Gender-Based Violence Prevention and Support Office;
- b) physical health services including sexually transmitted infection and pregnancy testing at Student Wellness Services are available to Students;
- c) mental health and wellness supports. Students may access supports through Student Wellness Services. Employees, Postdoctoral Scholars, and Academic Staff Members can access supports including mental health consultations, counselling, assistance in locating emergency child/elder care, and legal consultations through Staff Wellness and the University's Employee and Family Assistance Program;
- d) safety planning through the Sexual and Gender-Based Violence Prevention and Support Office and/or Campus Security;
- e) facilitation of safe living arrangements for Students living in residence; or
- f) workplace and academic accommodations or adjustments, which may include, if appropriate, measures to prevent further unwanted contact between the



Victim/Survivor and the member of the University Community reported to have caused harm.

- 4.18** Any individual impacted by Sexual and Gender-Based Violence and who is represented by a union or an association has the right to seek the assistance of that union or association.

### **Disclosure**

- 4.19** 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 the conduct otherwise requires an investigation under applicable law.
- 4.20** A Victim/Survivor who makes a Disclosure or makes a Formal Report will not be held responsible for any violation of the University's Alcohol Policy or Cannabis Policy related to the incident in the Disclosure or Formal Report.
- 4.21** Members of the University Community who receive a Disclosure should endeavour to listen compassionately, maintain confidentiality (subject to the limits of confidentiality in this policy), and provide information on resources available to the individual including information about the Sexual and Gender-Based Violence Prevention and Support Office.

### **Reporting Options**

- 4.22** Victim/Survivors have the option to make a Formal Report, make a criminal report, and/or file a complaint in other venues (as described in section 4.25). Victim/Survivors are not required to take any of these steps.
- 4.23** If a Victim/Survivor chooses to make a Formal Report, then this report should be made to the Appropriate Office for consideration of next steps, including whether Interim Measures should be imposed. A Formal Report is not a criminal report and relates to a process by the University.
- 4.24** If an individual chooses to make a criminal report, individuals may report independently through the criminal justice system by contacting the Calgary Police Service or, if known, the law enforcement agency in the jurisdiction where the incident occurred. If an individual would like the support of the University in making a report with the appropriate law enforcement agency, the Sexual and Gender-Based Violence Prevention and Support Office and Campus Security can facilitate making the report.
- 4.25** This policy does not preclude individuals from filing a complaint in other venues, such as under the grievance process of an applicable Collective Agreement or filing a complaint of harassment or discrimination with an appropriate tribunal, or in a court of law. Such other venues or processes may impose time limits for filing a complaint.

### **Formal Reports**

- 4.26** There is no time limit for making a Formal Report. However, the University encourages individuals to make a Formal Report as soon as they are able to do so,

recognizing that resolution may be more challenging the longer the period of time between an incident and a Formal Report.

- 4.27** Appropriate procedures for responding to a Formal Report will be followed to minimise the risk of traumatizing individuals and ensure due process.
- 4.28** A Victim/Survivor may make a Formal Report anonymously.
- 4.29** Only if the Victim/Survivor consents may a third-party file a Formal Report on the Victim/Survivor's behalf, such that the third-party is the Complainant. The Complainant should be aware that this may limit the ability of the University to respond and investigate the Formal Report.
- 4.30** A Complainant has the right to withdraw a Formal Report at any stage of the process. However, the University may have a duty to act on the issue identified in the Formal Report to comply with its obligations under this policy or at law. Interim Measures that do not materially interfere with the Respondent's access to the University may be maintained after a Formal Report is withdrawn.
- 4.31** The Appropriate Office will determine whether the University can investigate a Formal Report, taking into consideration whether it has jurisdiction to investigate a Formal Report, whether there is enough information to proceed with an investigation, and whether there is a legal obligation to investigate and report corrective actions. The Appropriate Office will also consider whether any other University policy or available alternate procedure should be considered.
- 4.32** If a Respondent advises the University that the subject matter of the Formal Report is also the subject of a process in another venue, then the University may consider this information when determining whether or when to proceed with action(s) relative to the Formal Report.
- 4.33** All members of the Appropriate Offices, Campus Security, CRT, Student Conduct Office, Threat Assessment Committee, and Student at Risk Team will complete and regularly update Sexual and Gender-Based Violence response and sensitivity training.
- 4.34** Subject to legislative requirements, a Complainant will ordinarily be informed of the following steps in resolving a Formal Report:
  - a) whether any Interim Measures have been or will be implemented, or any changes to Interim Measures with specifics of those Interim Measures only being provided to the Complainant if it impacts the Complainant;
  - b) whether the Formal Report will be investigated, or otherwise addressed by the University;
  - c) a summary of allegations to be investigated;
  - d) the availability of a resolution without an investigation (as described at sections 4.38-4.46);
  - e) the name of any investigator assigned;
  - f) when any investigation begins;
  - g) updates on the progress of an investigation as appropriate;
  - h) whether the investigator found the allegations in the Formal Report to be substantiated or unsubstantiated, as addressed in section 4.53; and
  - i) any corrective actions taken, if required. This does not include disciplinary actions or sanctions, unless it is relevant to them.

- 4.35** If a Formal Report will be investigated by the Appropriate Office, a Respondent will ordinarily be informed of the information in section 4.34 (other than the information about the availability of a resolution without an investigation), as well as any disciplinary action or sanctions imposed following any investigation. The Respondent will be informed about the availability of a resolution without an investigation if the Complainant is interested in pursuing that option to resolve a Formal Report.
- 4.36** If there is a Formal Report, the Sexual and Gender-Based Violence Prevention and Support Office will not support both a Complainant and Respondent who are involved in the same Formal Report and will refer University Community members to alternate supports if they are not able to provide support.
- 4.37** The following supports at the University are available to a Student, Academic Staff Member, Postdoctoral Scholar, or Employee, who is a Respondent in a Formal Report:
- a) Student Wellness Services or the Student Ombuds if they are a Student;
  - b) Staff Wellness and the Employee Family Assistance Program if they are an Employee, Postdoctoral Scholar, or Academic Staff Member;
  - c) Student Legal Assistance (SLA) for those who qualify, if it has capacity. If SLA is not able to assist, they may suggest alternate options; and
  - d) any applicable union or association.

#### **Informal Resolution Process**

- 4.38** The University recognizes that there may be circumstances in which a Complainant may wish to have a Formal Report addressed by the University, but not investigated. An alternative to an investigation of a Formal Report is addressing a Formal Report through an informal resolution process.
- 4.39** An informal resolution process is a voluntary, non-disciplinary process that may take various forms. Informal resolution process options may include, but are not limited to, educational programs and workshops, impact statement discussions, one-on-one meetings with trauma-informed staff or facilitators, or mediation, and should be informed by, or implement, restorative practices.
- 4.40** An informal resolution process may be an option when:
- a) the Complainant provides a written request to the Appropriate Office that a Formal Report be addressed through an informal process; and
  - b) the Respondent agrees, in writing, to participate in the informal process; and
  - c) the Appropriate Office determines, in its sole discretion and taking into account any obligations at law, that it is appropriate for an informal process to be initiated.
- 4.41** The Appropriate Office will advise the Complainant and the Respondent when an informal process is an available option and, if so, the form(s) of the informal process that is available.
- 4.42** Participation in an informal process is voluntary. Each of the Complainant and the Respondent can request to end the process at any time.
- 4.43** The Appropriate Office:

- a) after discussion with the Complainant and Respondent, will advise the Complainant and the Respondent of the informal process option(s) that may be available to them;
- b) will facilitate the informal process option, either directly or by engaging others, such as Sexual and Gender-Based Violence Prevention and Support Office, to take this step;
- c) will prepare or receive, as applicable, a report indicating whether the Formal Report has been resolved through an informal process and, if it has been resolved through an informal process, setting out any outcome or agreement of which the Complainant and Respondent want the Appropriate Office to be aware; and
- d) at the Complainant's request or otherwise if appropriate, may decide that it is appropriate to end an informal process prior to it resolving the Formal Report.

- 4.44** If the Appropriate Office is satisfied, in its sole discretion, that the report documenting the informal process that is referenced in section 4.43(c) brings the matter to an end, the Formal Report will be closed. If a Formal Report is closed, the Appropriate Office will advise the Complainant and Respondent of that closure and of any obligations arising for the Complainant or the Respondent from the informal process.
- 4.45** If an informal resolution process is unsuccessful or ended prior to the Formal Report being closed, then the Appropriate Office will determine next steps, which may include investigation of the Formal Report. If the Formal Report is to be investigated, the Appropriate Office will not share information with the investigator of the Formal Report that was provided by the Complainant or the Respondent through the informal resolution process. This provision does not apply to information known by the Appropriate Office independently from the informal resolution process.
- 4.46** A Complainant and Respondent that participate in an informal resolution process are expected to keep any information they learned from the other party in that process confidential, including in the context of an investigation of the Formal Report. This provision does not apply to information known to the Complainant or the Respondent independently from the informal resolution process.

### **Investigation of Formal Reports**

- 4.47** If a Formal Report is to be investigated, then the Appropriate Office will appoint a trained, trauma-informed investigator to undertake the investigation in accordance with the relevant University Procedure.
- 4.48** If a Respondent ceases to be a member of the University Community after receiving notice of an investigation, the Appropriate Office will conduct the investigation based on the information it is able to collect, regardless of whether the Respondent chooses to participate.
- 4.49** The investigation of Formal Reports must appropriately protect the rights of both the Complainant and the Respondent. An investigation of a Formal Report will usually include:
- a) interview(s) with the Complainant;
  - b) interview(s) with the Respondent;
  - c) interview(s) with witnesses and potential witnesses;

- d) the Complainant, the Respondent or both, having the opportunity to respond to information collected by the investigator that is inconsistent with information that they provided and will be relied upon in determining the Formal Report;
  - e) collection and review of evidence; and
  - f) findings of fact made on the balance of probabilities.
- 4.50** To ensure the integrity of an investigation into a Formal Report, the Complainant, Respondent and witnesses that are contacted about or participate in that investigation are required to keep the investigation and any information they learn as a result of participating in the investigation confidential.
- 4.51** The University is committed to the timely and appropriate investigation of a Formal Report. The timelines for investigation in other University policies or procedures are not applicable to an investigation under this Policy.

#### **Steps After Receipt of the Investigation Report**

- 4.52** Upon completion of the investigation, the investigator will prepare a report for the Appropriate Office based on the interviews, statements, and other evidence collected and determine whether the allegation(s) in the Formal Report is substantiated. If an allegation(s) in a Formal Report is substantiated, the report may document the impact of the Sexual and Gender-Based Violence or Reprisal on the Victim/Survivor, if that person chooses to provide that information.
- 4.53** Subject to legislative requirements, the Appropriate Office will advise the Complainant and the Respondent, in writing, whether the investigator found that the allegation(s) in the Formal Report to be substantiated or unsubstantiated, and a high-level summary of the factual basis for that finding.
- 4.54** If the allegation(s) in the Formal Report are indicated to be unsubstantiated and the Complainant believes that either:
- a) there was a substantial procedural error in the application of section 4.49 of the policy by the investigator; or
  - b) there is new evidence that could not have reasonably been presented earlier to the investigator,
- then they must advise the Appropriate Office of this belief and provide the supporting information on or before 11:59 PM (MT) on the tenth (10<sup>th</sup>) Business Day after the date of the written document set out in section 4.53.
- 4.55** The Appropriate Office will consider the information provided by the Complainant pursuant to section 4.54 and determine, in its discretion, whether further steps should be taken with respect to the Formal Report.
- 4.56** After the actions under sections 4.54 and 4.55 have occurred or the timeline under section 4.54 has ended, the Appropriate Office will advise the Complainant and Respondent, in writing, whether the determination of the allegation(s) in the Formal Report have changed or not and, if so, provide a summary of the factual basis for that change.
- 4.57** The Appropriate Office will provide a copy of the report received from the investigator, and correspondence to the Complainant and the Respondent regarding the finding of the allegation(s) in the Formal Report set out in this Policy to the individual(s)

responsible for disciplinary processes under the relevant University policies and Collective Agreements. The table below identifies who will receive the investigative report and determine appropriate disciplinary measures if an allegation is substantiated:

<b>Member of the University Community (Respondent)</b>	<b>Recipient of Information</b>
Student	Student Conduct Office
Academic Staff Member, Employee, Postdoctoral Scholar, Appointee	Senior Leadership Team Member for the faculty or department
Senior Leadership Team Member	Executive Leadership Team Member to whom they report.
Executive Leadership Team Member	The President and Vice-Chancellor
President and Vice-Chancellor	Chair of the University's Board of Governors
Contractors, Volunteers	Senior Leadership Team Member for the unit, faculty, or department who engaged the Respondent

#### **Unsubstantiated Formal Reports**

- 4.58** If a Complainant, in good faith, makes a Formal Report and the investigator determines that the allegation(s) in the Formal Report are not substantiated, no record of the Formal Report or the investigator's report will be placed in the Complainant's or Respondent's student or human resource file. The University will retain a record in compliance with the University's legal obligations.

#### **Substantiated Formal Reports**

- 4.59** If the investigator determines that the allegation(s), in whole or in part, in a Formal Report are substantiated such that the Respondent is found to have breached this policy, then the Respondent may be subject to disciplinary action up to and including termination of employment, suspension or expulsion from the University or termination of any other relationship they have with the University.
- 4.60** If the Respondent is a unionized employee, then disciplinary action will be taken in accordance with the provisions of any applicable Collective Agreement.
- 4.61** If the Respondent is a Student and based on the information provided by the Appropriate Office to the Student Conduct Office, then:
- The Student Conduct Office will issue a written decision on sanction pursuant to the Student Non-Academic Misconduct Policy and Procedure.
  - Prior to making this decision, the Student Conduct Office will invite the Respondent to make written submissions on the issue of sanction only and, if appropriate, may offer a meeting with a Hearing Officer on the issue of sanction.
  - For the purposes of an appeal of the determination that a Student breached a policy or committed Student Non-Academic Misconduct as a result of a breach of this policy, the date of the written document setting out the decision being appealed is the date of the written decision letter from the Student Conduct Office with respect to sanction.

### Reprisals

- 4.62** An individual who is found to have acted in Reprisal may be subject to disciplinary action up to and including termination of employment, suspension or expulsion from the University or termination of any other relationship they have with the University. Disciplinary action will be taken in accordance with the provisions of any applicable Collective Agreement.
- 4.63** An individual who believes they may be the subject of Reprisal may notify the Sexual and Gender-Based Violence Prevention and Support Office, or the Appropriate Office. If the individual wishes to proceed with a Formal Report relating to the Reprisal, then the Appropriate Office will address the Formal Report or refer it to an alternate process at the University to be addressed.

### Records

- 4.64** Records pertaining to the administration of this policy are the property of the University and will be retained in accordance with University document retention rules.

### Reporting

- 4.65** All Formal Reports will be tracked by the Appropriate Office for administrative purposes.
- 4.66** The University will report to the Board of Governors on the number of Formal Reports and the number of requests for services received by the Sexual and Gender-Based Violence Prevention and Support Office, as well as the number of services provided by and education offered by the Sexual and Gender-Based Violence Prevention and Support Office. This data will not include any personal information that may identify a University Community member or that may otherwise cause an individual to be identifiable.

## 5 Responsibilities

- 5.1** All members of the University Community will:
- a) make themselves aware of this policy and their responsibilities under the policy; and
  - b) if an individual approaches them with concerns about Sexual and Gender-Based Violence, encourage the individual to consult the Sexual and Gender-Based Violence Prevention and Support Office, and other supports or resources that may be available to them.
- 5.2** The Sexual and Gender-Based Violence Prevention and Support Office will:
- a) provide support including confidential consultation, safety planning, emotional support, and assistance in accessing resources both on and off campus for any member of the University Community who is seeking support in relation to Sexual and Gender-Based Violence;
  - b) discuss options for resolution with Complainants, including reporting options, both on and off campus; and
  - c) provide educational resources and training initiatives related to Sexual and Gender-Based Violence to the University Community



**5.3 Campus Security will:**

- a) respond to any calls they receive related to Sexual and Gender-Based Violence and refer members of the University Community to the Sexual and Gender-Based Violence Prevention and Support Office, and individuals who are not members of the University Community to off campus resources available to them; and
- b) provide emergency, after-hours supports such as safety planning and, if requested, assistance in connecting with the appropriate emergency services, such as police personnel for those individuals who choose to report to police.

**5.4 The Appropriate Office will:**

- a) provide guidance on the procedure to address Formal Reports and options available to Complainants in that process; and
- b) be responsible for the procedure followed for investigating a Formal Report.

**6 Related Policies**

[Code of Conduct](#)  
[Graduate Student Supervision Policy](#)  
[Harassment Policy](#)  
[Privacy Policy](#)  
[Student Non-Academic Misconduct Policy](#)  
[Student at Risk Policy](#)  
[Workplace Violence Policy](#)

**7 Related Procedures**

[Student Non-Academic Misconduct Procedure](#)  
[Workplace Investigation Procedure](#)  
[Protected Disclosure, Procedure for](#)

**8 Related Information**

[Sexual and Gender-Based Violence Support](#)  
[List of External Resources](#)  
[Support at a Glance – visual desktop guide to supports](#)  
[University Facilities and Field Station Maps](#)  
[Courage to Act Summary of Recent Statistics Canada reports on Gender-Based Violence and Public Safety](#)  
[Responding to Disclosures of Sexual and Gender-Based Violence](#)

**9 History**

May 26, 2017	Approved.
June 1, 2017	Effective.
March 8, 2018	Editorial Revision.
June 19, 2020	Revised.
December 1, 2020	Editorial Revision. Updated links.
March 26, 2021	Revised. Also note this policy has been renamed to Sexual and Gender-Based Violence Policy from Sexual Violence Policy.
December 9, 2022	Revised.

October 23, 2023	Editorial Revision.
July 1, 2025	Revised.