

1.0 ASSOCIATED POLICY

- Sexual and Gender-Based Violence Policy

2.0 DEFINITIONS

Complainant

A person who files a Complaint against a Respondent.

Complaint

A report of Sexual or Gender-Based Violence submitted to the University in accordance with this procedure and the Sexual and Gender-Based Violence Policy, for the express purpose of initiating a formal University investigation.

Disclosure

When someone chooses to inform a Member of the University Community about an incident of Sexual or Gender-Based Violence, often for the purpose of seeking support or assistance.

Faculty

A member of the Grant MacEwan University Faculty Association.

Gender-Based Violence

Any form of violence, discrimination, harassment or abuse based on gender norms and unequal power dynamics, perpetrated against someone based on their actual or perceived sex, gender identity, gender expression, or sexual orientation, including without limitation, all forms of Sexual Violence as well as Intimate Partner Violence.

Investigation Owner

The individual responsible for overseeing and adjudicating an investigation.

Interim Measures

Non-disciplinary actions taken during an investigation or proceeding in accordance with processes outlined in a collective agreement, if applicable, to ensure the safety of the Complainant, Respondent, or of the University's learning, working and residence environment, to discourage or prevent retaliation, and preserve the University's ability to conduct a thorough investigation. Interim Measures may include but are not limited to that there is to be no contact between a Complainant and a Respondent, and/or that the Respondent may be removed or restricted from classes, the workplace, or residence pending the conclusion of an investigation.

Members of the University Community

Persons involved in conducting University affairs, including all Students, employees, volunteers, contractors, and members of the Board of Governors.

Modification

Making reasonable changes to certain rules, standards, policies, workplace cultures and physical environments to mitigate the impact of Sexual or Gender-Based Violence on a Survivor's ability to access and participate in the University learning, working and/or living environment. These changes may include Interim Measures while an investigation is ongoing.

Reporter

An individual who makes a Disclosure or files a Complaint, but is not the Survivor in the incident of Sexual and Gender-Based Violence being disclosed or reported. A Reporter may file a complaint on behalf of the Survivor.

Respondent

A Member of the University Community against whom a Complaint has been filed in accordance with this procedure and the Sexual and Gender-Based Violence Policy.

Retaliate

Taking actual or threatened adverse action against a Member of the University Community because that person has made a Disclosure or filed a Complaint, supported the making of a Disclosure or filing of a Complaint, disclosed information to the University about a Disclosure or Complaint, participated in an investigation of a Disclosure or Complaint, and/or pursued their rights under this policy.

Sexual Violence

Any sexualized act or act targeting a person's sexuality that is committed, threatened, or attempted against a person without that person's consent. Sexual Violence varies in severity, can be physical or psychological in nature, and may include but is not limited to all forms of Sexual Assault, Sexual Harassment, Stalking, Technology-Facilitated Sexual Violence, Image-Based Sexual Abuse, Sexual Exploitation, Indecent Exposure, Voyeurism, and other analogous conduct.

Sexual Violence Response Team

The group of University employees responsible for overseeing the University's response to Sexual and Gender-Based Violence.

Staff

An individual employed by the University who is not Faculty, including members of the MacEwan Staff Union and employees not included within the scope of either the MacEwan Staff Union or the Grant MacEwan University Faculty Association

Survivor

A Member of the University Community who has been subjected to Sexual or Gender-Based Violence and who may or may not make a Disclosure or file a Complaint.

Trauma-Informed

An approach to process, procedure, and service provision that is rooted in an understanding of trauma, including intergenerational trauma, and its impacts on individuals and communities.

A trauma-informed approach (1) acknowledges the impacts of trauma on emotional, cognitive, physical, sexual, and relational well-being; (2) recognizes the potential effects of trauma on cognition, memory, and behaviour, and (3) takes preemptive steps to address the needs created by trauma, to facilitate recovery and empowerment, and to prevent retraumatization.

When applied to the University's response to Complaints of Sexual and Gender-Based Violence, a Trauma-Informed approach includes not requiring any meetings between the Survivor and the Respondent as part of an investigation, preventing re-victimization of the Survivor, ensuring all parties have access to support persons throughout, and ensuring transparency of process throughout the investigation.

3.0 PROCEDURE ELEMENTS

3.1 Reporting

- 3.1.1 After experiencing, witnessing or becoming aware of an incident of Sexual or Gender-Based Violence, a Member of the University Community has the option of making a Disclosure, filing a Complaint under the Sexual and Gender-Based Violence Policy and/or pursuing a criminal report. Members of the University Community can make a Complaint at any time, including after they have made a Disclosure.
- 3.1.2 A Member of the University Community may make a Disclosure at any time after an incident of Sexual or Gender-Based Violence. Survivors are encouraged to make a Disclosure to whomever they are most comfortable. This may include their direct supervisor, their instructor, support services within Student Affairs, the Grant MacEwan University Faculty Association or the MacEwan Staff Union for bargaining unit members, or to the following MacEwan resources, which have a specific mandate to receive disclosures:
 - 3.1.2.1 Sexual Violence Response Coordinator (Office of Sexual Violence Prevention, Education and Response);
 - 3.1.2.2 Wellness and Psychological Services; or
 - 3.1.2.3 Senior Program Manager, Sexual Violence Prevention and Education (Office of Sexual Violence Prevention, Education and Response).
- 3.1.3 A Member of the University Community may file a Complaint at any time after an incident of Sexual or Gender-Based Violence to any of the following:
 - 3.1.3.1 Sexual Violence Response Coordinator;
 - 3.1.3.2 Security Services;
 - 3.1.3.3 Human Resources;
 - 3.1.3.4 Student Conduct Officer;
 - 3.1.3.5 Office of Investigations; or
 - 3.1.3.6 via Confidence Line.
- 3.1.4 The Office of Sexual Violence Prevention, Education and Response will maintain up-to-date contact information for individuals trained to receive both Disclosures and Complaints on its website.
- 3.1.5 The University will review all Complaints regardless of when the Sexual or Gender-Based Violence occurred. To conduct an effective investigation, the University encourages Members of the University Community to file a Complaint soon after the occurrence of Sexual or Gender-Based Violence. Delay in filing a Complaint may impede the University's ability to conduct an investigation or take appropriate action.
- 3.1.6 Where there is a need for an immediate response to safety threats or medical emergencies, the responding Member of the University Community will assist the Survivor in contacting University Security Services or local law enforcement.
- 3.1.7 A criminal report may be pursued by a Survivor at any time even if non-criminal options are also being pursued.

- 3.1.8 While Survivors and Reporters can make anonymous Disclosures and Complaints through Confidence Line or other means, the University may be limited in its ability to respond due to available information. In all cases, the Sexual Violence Response Team will review and document the Disclosure or Complaint and ensure support services are offered.
- 3.1.9 Complainants will not be subject to discipline for actions that occurred at the time of the Sexual or Gender-Based Violence that may violate University policies relating to intoxication or the use of illegal substances.

3.2 Responding to Disclosures

- 3.2.1 A Member of the University Community responding to a Disclosure will:
 - 3.2.1.1 Refer the Survivor or Reporter to appropriate support services if desired;
 - 3.2.1.2 Inform Security Services if they believe that there is an imminent or ongoing risk to the safety and well-being of an individual or Members of the University Community; and
 - 3.2.1.3 Not Retaliate or take disciplinary action against an individual relating to an incident of Sexual or Gender-Based Violence.
- 3.2.2 Members of the University Community responding to Disclosures are encouraged to consult with the Sexual Violence Response Coordinator if they have questions about how to respond, wish to debrief or receive support after receiving a Disclosure, or have concerns about the safety or well-being of an individual(s).
- 3.2.3 The University will provide all Survivors and Reporters who are registered students, Staff, or Faculty with the following supports:
 - 3.2.3.1 Trauma-Informed counselling and related support through Wellness and Psychological Services for students, or applicable employment benefits for Faculty and Staff;
 - 3.2.3.2 Modification options through the Sexual Violence Response Coordinator, Wellness and Psychological Services, Access and Disability Resources, Associate Vice-President in Student Affairs, or Human Resources, as appropriate;
 - 3.2.3.3 Referrals to medical care;
 - 3.2.3.4 Reporting options;
 - 3.2.3.5 Referrals for support and advocacy from the Grant MacEwan University Faculty Association or MacEwan Staff Union for bargaining unit members; and/or
 - 3.2.3.6 Referrals to community agencies that provide medical, counselling, law enforcement, legal, culturally-specific and/or other appropriate services.
- 3.2.4 Survivors and Reporters who are not registered students, Staff, or Faculty will be provided with referrals to community agencies that provide medical, counselling, legal, law enforcement, culturally-specific and/or other appropriate services.
- 3.2.5 Security Services will immediately notify the Sexual Violence Response Team and the Sexual Violence Response Coordinator upon becoming aware of a Disclosure.
- 3.2.6 The Sexual Violence Response Coordinator will immediately notify the Sexual Violence Response Team upon becoming aware of a Disclosure in which there is a duty to disclose information. If it is unclear whether there exists a duty to inform, or other obligation to disclose information, the Sexual Violence Response Coordinator will first consult with the

Chair of the Sexual Violence Response Team prior to notification of the Sexual Violence Response Team.

- 3.2.7 The Sexual Violence Response Team may, without the permission of the Survivor, act or continue to act on a Complaint or a Disclosure where an investigation is needed to comply with the University's legal obligations, or the safety of other Members of the University Community or the external community is at risk.

3.3 Responding to Complaints

- 3.3.1 The Sexual Violence Response Coordinator, Human Resources representative, Student Affairs representative, Security Services representative, or Confidence Line designate will refer the Complainant to appropriate support services if desired.
- 3.3.2 The University will provide all registered students, Staff, and Faculty who are Respondents, Complainants, Reporters or Survivors, with the following supports:
- 3.3.2.1 Trauma-Informed counselling and related support through Wellness and Psychological Services for students, or applicable employment benefits for Faculty and Staff;
 - 3.3.2.2 Modification options through the Sexual Violence Response Coordinator, Wellness and Psychological Services, Associate Vice-President in Student Affairs, or Human Resources, as appropriate;
 - 3.3.2.3 Referrals to medical care;
 - 3.3.2.4 Reporting options;
 - 3.3.2.5 Support and advocacy from the Grant MacEwan University Faculty Association or MacEwan Staff Union for bargaining unit members; and/or
 - 3.3.2.6 Referrals to community agencies that provide medical, counselling, law enforcement, legal, culturally-specific and/or other appropriate services.
- 3.3.3 Survivors and Reporters who are not registered students, Staff, or Faculty will be provided with referrals to community agencies that provide medical, counselling, legal, law enforcement, culturally-specific and/or other appropriate services.
- 3.3.4 Individuals who receive a Complaint will, within three business days of receiving a Complaint, contact the Sexual Violence Response Team and provide all relevant information about the Complaint.
- 3.3.5 The Sexual Violence Response Team will communicate about a Complaint, no later than three business days after becoming aware of a Complaint, to:
- 3.3.5.1 delegate individuals to coordinate referrals to support services for each of the Complainant, Respondent, Survivor, Reporter, and other persons involved in the Complaint review and investigation processes.
 - 3.3.5.2 determine whether an investigation should be recommended based on the matters described in the Complaint by considering whether the Complaint is within the scope of the University's ability to investigate;
 - 3.3.5.3 recommend or help facilitate Interim Measures;
 - 3.3.5.4 determine the appropriate Investigation Owner and provide all necessary information to the Investigation Owner; and

- 3.3.5.5 determine what limits need to be placed on personal information during the management and investigation of the Complaint, which will be done through consultation with the General Counsel or designate.
- 3.3.6 If, after assessing the information with respect to a Complaint, the Sexual Violence Response Team determines that an investigation is not recommended, the Sexual Violence Response Team will document the rationale for not recommending an investigation and, through the individual who received the Complaint, will advise the Complainant of the reasons for not doing so.
- 3.3.7 In the event an investigation of a Complaint is required, the Sexual Violence Response Team will recommend the appointment of an appropriate investigator(s) to the Investigation Owner as soon as possible after receipt of the Complaint by the Sexual Violence Response Team. The investigator(s) may be an employee of the University or an external person and may include members of the Sexual Violence Response Team. Any external investigators must be approved by General Counsel and the Office of Investigations. Reasonable efforts will be made to ensure that the investigator(s) are trained in current best practices in Trauma-Informed interviewing and investigations.
- 3.3.8 University Investigations will be conducted in a manner which has regard for procedural fairness, which includes:
 - 3.3.8.1 Both the Complainant and the Respondent have the right to have a support person present during the investigation process. Such support persons may be present with the party but may not advocate on the party's behalf or otherwise intervene in such a fashion as to interfere with the collection of objective and accurate information which could undermine the conduct of an unbiased, objective investigation.
 - 3.3.8.2 Complainants or Respondents who are members of the MacEwan Staff Union or the Grant MacEwan University Faculty Association have the right to representation by their bargaining unit. Out-of-scope employees may request support from another employee or a Human Resources representative.
 - 3.3.8.3 The investigator will provide the Respondent with sufficient details of the Complaint to understand the allegations being made against them.
 - 3.3.8.4 The investigation will be conducted in accordance with the MacEwan Investigations Framework, which outlines the process and timelines for MacEwan investigations.
 - 3.3.8.5 The investigator will keep the Complainant and the Respondent informed of the investigation timeline and provide updates throughout the process, including when the investigation is complete.
- 3.3.9 Investigations will be conducted in an objective, systematic, and discreet manner, in accordance with the MacEwan Investigations Framework, and will:
 - 3.3.9.1 obtain informed consent from all witnesses, including the Complainant and the Respondent, detailing how the witness statement will be used;
 - 3.3.9.2 compile information relating to the Complaint as quickly as possible (including, if applicable, taking steps to protect or preserve documents, materials and other evidence);

- 3.3.9.3 consider the information collected and present all findings objectively and impartially;
- 3.3.9.4 maintain procedural fairness in the treatment of witnesses, the Complainant and the Respondent; and
- 3.3.9.5 make all reasonable efforts to utilize a Trauma-Informed approach to the treatment of the Complainant, the Respondent, and witnesses.
- 3.3.10 The investigator will provide the Investigation Owner with a written investigation report. The report may include but is not limited to:
 - 3.3.10.1 all relevant facts and accompanying analysis;
 - 3.3.10.2 witness statements;
 - 3.3.10.3 objective findings and information that inform reasonable conclusions relating to the occurrence of any event and/or the credibility of any witness within the investigation;
 - 3.3.10.4 description of any Interim Measures instituted;
 - 3.3.10.5 investigation findings with supporting evidence;
 - 3.3.10.6 assessment of whether or not a policy breach may be substantiated; and
 - 3.3.10.7 a recommendation of whether sanctions or disciplinary measures are warranted, if requested by the Investigation Owner.
- 3.3.11 On receiving and approving the written investigation report, the Investigation Owner or their delegate will, subject to any limitations regarding the need to maintain confidentiality or privacy in accordance with the Sexual Violence Policy, this procedure or applicable laws:
 - 3.3.11.1 Provide an investigation summary report to the Sexual Violence Response Team and indicate whether or not there are any outcome actions
 - 3.3.11.2 Provide the Complainant and/or Survivor with a written overview of the outcomes, including:
 - That the investigation is complete;
 - whether the Complaint was found to be substantiated, unsubstantiated, or inconclusive;
 - for the Survivor, when the Complaint has been substantiated, if there are any conditions placed on the Respondent that have a direct impact on the Survivor; and
 - information about available support resources.
 - 3.3.11.3 Provide the Respondent with a written update informing them that the investigation is complete and sharing information about available support resources. This will be followed by an outcome letter in accordance with disciplinary process from the applicable policy or collective agreement, indicating whether the complaint was found to be substantiated, unsubstantiated, or inconclusive, and any disciplinary outcomes; and
 - 3.3.11.4 Close the investigation.

3.4 Confidentiality

- 3.4.1 To the extent possible, the confidentiality and privacy of all persons involved in a report of Sexual or Gender-Based Violence must be strictly observed from the outset of a Disclosure or Complaint being received through to the end of the investigation process and outcome.
- 3.4.2 The Sexual Violence Response Team and investigators appointed to investigate Complaints are authorized to collect, use, or disclose personal information and any other information that is considered necessary to manage and investigate Complaints or respond to Disclosures when there may be a risk to the safety of an individual or Members of the University Community.
- 3.4.3 The details of an investigation will not be disclosed or discussed with any person other than the Complainant, the Respondent, and those Members of the University Community where it is reasonable and necessary for the performance of their duties and responsibilities, or where required to fulfill other legal or contractual obligations. However, the Chair of the Sexual Violence Response Team may at any time report information in relation to any Complaint, investigation or investigation outcome to senior administration, the University Board of Governors, University solicitors and/or law enforcement agencies, if deemed appropriate, or otherwise when required by law.
- 3.4.4 The General Counsel may impose a legal hold on all records relating to a Complaint in accordance with the University's Legal Hold Procedure. Records will be retained in accordance with the University's Records Management Policy.

3.5 Conflicts of Interest

- 3.5.1 Members of the investigation team and persons involved with the assessment and review of the Complaint will not, to the extent possible, include any individuals who have a potential, perceived or real conflict of interest in the matter or persons involved in the Complaint. The Sexual Violence Response Team will recommend the appointment of appropriate persons to conduct the investigation in order to avoid a conflict of interest.

3.6 Sexual Violence Response Team Reporting

- 3.6.1 On a quarterly basis, the Chair of the Sexual Violence Response Team will prepare a summary report of all Sexual and Gender-Based Violence investigations held during the relevant time period for review by senior administration.

4.0 RELATED POLICIES, PROCEDURES, FORMS AND OTHER DOCUMENTS

- Employees' Code of Conduct
- Grant MacEwan University Faculty Association University Collective Agreement
- Harassment and Violence Policy
- Health, Safety, and Environment Policy
- Human Rights and Accessibility Policy
- Legal Hold Procedure

- MacEwan Investigations Framework
- MacEwan Staff Union Collective Agreement
- Records Management Policy
- Respectful Workplace Policy
- Safe Disclosure Policy
- Safe Disclosure Reporting Procedure
- Student Code of Conduct
- Student Non-Academic Misconduct Policy
- Student Non-Academic Misconduct Procedure

5.0 ACCOUNTABILITY

Responsible Office

Office of the Associate Vice-President, Student Experience & Development
Human Resources

6.0 HISTORY

Relevant Dates

Approved: **25.09.16**

Effective: **25.10.16**

Next Review: **30.10**

Modification History

15.09.24: New Procedure. Approved by President's Policy Committee on June 15, 2015.

18.11.19: Comprehensively revised. Approved by President's Policy Committee on November 19, 2018.

22.02.01: Comprehensively revised. Approved by President's Policy Committee on February 1, 2022.

22.11.16: Minor revision to update definitions and titles, as well as to clarify language. Approved by Policy Sponsor.

25.09.16 Procedure comprehensively revised, including title (formerly titled Responding to Sexual Violence). Approved by President's Policy Committee Action Log Reference 2025.09.16-03.1 PPC, to be effective October 16, 2025 upon approval of the revised Sexual and Gender-Based Violence Policy by the Board of Governors.