

SEXUAL ASSAULT, SEXUAL VIOLENCE, AND GENDER-BASED VIOLENCE - REPORTING

Section:	Health, Safety and Environment (HS)
Subject:	Health, Safety and Environment
Legislation:	<i>Criminal Code, R.S.C. 1985, c.C-46; Occupational Health and Safety Act (RSA 2000 c0-2) and related legislation.</i>
Effective:	September 20, 2023
Revision:	

APPROVED: _____
President and CEO

POLICY

The policy of the Board of Governors is that SAIT neither accepts nor tolerates sexual or gender-based violence in its workplace or learning environments.

DEFINITIONS

- Complainant** A member of the SAIT community or a visitor to SAIT who makes a report of having been subjected to an act of sexual assault, sexual violence, or gender-based violence by a member of the SAIT community.
- Consent** The voluntary and explicit agreement to engage in the sexual activity in question. Consent is freely given, without coercion, and can be revoked at any time.
- Employee** A person employed on SAIT’s payroll (whether paid by annual salary or hourly wage).
- Gender-based violence (GBV)** Violence specifically directed at someone because of their biological sex or gender identity. It can occur publicly or privately. It includes verbal, physical, sexual, and psychological abuse, as well as threats, coercion, and deprivation of resources.

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PROCEDURE



Report	The act of informing a designated office at SAIT about an incident of sexual assault, sexual violence, or gender-based violence for the purpose of initiating an investigation.
Respondent	A member of the SAIT community alleged to have committed an act of sexual assault, sexual violence, or gender-based violence.
SAIT community	All persons employed on SAIT's payroll (whether paid by annual salary or hourly wage), members of SAIT's Board of Governors, SAIT Student Association employees, students, contractors, consultants, agents, and volunteers.
Sexual assault	Any type of unwanted sexual act done by one person to another that violates the sexual integrity of the survivor and involves a range of behaviours from unwanted touching to penetration.
Sexual violence	Any violence, physical or psychological, carried out through sexual means or by targeting sexuality. Sexual violence may be characterized by a broad range of behaviours that involve the use of force, threats, threats to a third party, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which that person has not freely agreed, consented to or is incapable of consenting to. Examples of sexual violence include, but are not limited, to stalking, indecent exposure, voyeurism, distribution of sexually explicit photographs or recordings, online activities and stealthing (i.e. removing a condom without the consent of a sexual partner) This definition applies to either a single incident or a pattern of behaviour.
Survivor	A member of the SAIT community who has been subjected to an act of sexual assault, sexual violence, or gender-based violence., 'A person who experienced sexual violence' is another appropriate term that can be used. The term 'complainant' is used in this procedure to refer to a survivor who makes a report

PROCEEDURE

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GOVERNING PRINCIPLE

1. This procedure is governed by the principles outlined in policy [HS.1.6 Preventing and Responding to Sexual Assault, Sexual Violence, and Gender-Based Violence](#) and procedure [HS.1.6.1 Sexual Assault, Sexual Violence, and Gender-Based Violence - Principles and Support](#), and should be read and interpreted in conjunction with those documents.

PROCEDURE

A. Report of Sexual Assault, Sexual Violence, or Gender-Based Violence

1. A survivor (hereafter referred to as the “complainant”, as per the definition in this procedure) who wishes to make a report of sexual assault, sexual violence, or gender-based violence under this procedure should do so as soon as possible, although there is no time limit on when a complainant can initiate a report under this procedure.
2. A report can be made as follows:
 - a) A report involving a student respondent should be made to the Office of Community Conduct. The report will be investigated and managed according to procedure [AC.3.4.4 Student Non-Academic Conduct](#).
 - b) A report involving a SAIT employee respondent should be made to the Employee Services Department. The report will be investigated and managed according to procedure [HS.1.2.1 Prevention of Violence](#). Note that if a report involves a bargaining unit employee as either the complainant or the respondent, and if the terms of their collective agreement apply to the circumstances, the collective agreement provisions will prevail as appropriate unless otherwise agreed by SAIT and the applicable union.
 - c) A report can be made to Safety and Community Services (SCS), which will direct reports involving students or employees to the Office of Community Conduct or to Employee Services respectively. SCS will determine the appropriate investigative process for reports involving a member of the SAIT community who is not a student or employee and will consider the needs of the ongoing safety of the SAIT community.
 - d) A report involving a respondent who is not a member of the SAIT community should be made to Calgary Police Services.

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3. A complainant may pursue other processes external to SAIT against the respondent, such as civil and criminal complaints, in addition to submitting a report to SAIT.
4. SAIT shall deal with all reports of sexual assault, sexual violence, and gender-based violence in a fair, unbiased, and timely manner and in accordance with relevant collective agreements and with other applicable procedures, including procedures [AC.3.4.4 Student Non-Academic Conduct](#) and [HS.1.2.1 Prevention of Violence](#). The investigative process should normally conclude within 45 business days after the initial complaint is filed, as is reasonably possible. Specific timelines are set out in the referenced procedures.
5. Employees investigating reports will apply trauma-informed principles to those investigations. They are required to treat the complainant with compassion, dignity, and respect, and should be sensitive to this individual's identity and cultural context.
6. The investigation should include individual interviews with the complainant, the respondent, and any witnesses to the incident. The complainant shall not be asked to meet with or face the respondent in any capacity. The investigator shall not make comments, ask questions, or include any judgement/blame regarding the complainant's dress, conduct, emotional disposition, sexual history, or timing of the report.
7. The SAIT department investigating the report will provide the complainant and the respondent with reasonable periodic updates about the status of the investigation.
8. The SAIT department investigating the report will consult with the complainant and may identify and implement interim and/or permanent measures that are reasonably necessary to protect and support the complainant and the SAIT community, in compliance with SAIT's policies and procedures, SAIT collective agreements and Alberta law. The respondent's rights in this situation are set out in Governing Principle 8.b) of procedure [HS.1.6.1 Sexual Assault, Sexual Violence, and Gender-Based Violence - Principles and Support](#).
9. SAIT will advise the complainant about the length of time that may be required to institute these measures and will periodically update the complainant on the measures taken. These measures may include but are not limited to:
 - a) Implementing alternate academic or workplace accommodations and arrangements, such as extensions, excused absences, alternative assignments in courses or modified duties and/or working location in the workplace.
 - b) Implementing voluntary measures to which the respondent has agreed.

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- c) Implementing a no-contact/no-communication ban between the complainant and the respondent to limit face-to-face contact as much as is reasonably possible.
 - d) Temporarily restricting the respondent from the SAIT campus or from parts of the SAIT campus.
 - e) Limiting the respondent's role, privileges, or duties.
 - f) Issuing a trespassing notice to a visitor who is not a member of the SAIT community, as per procedure [AD.4.2.1 Trespassing](#).
 - g) Supporting complainants who are pursuing peace bonds or restraining orders.
10. The investigative process will continue until its completion, even if the complainant and/or respondent is no longer a member of the SAIT community.
11. When the investigation is completed, the investigator will inform the complainant and respondent that the investigation is finished and will provide Employee Services, the Office of Community Conduct or Safety and Community Services, as applicable, with a report setting out the investigation's findings and recommendations. The applicable SAIT department will inform the complainant and respondent whether the allegation is substantiated or unsubstantiated.
12. If the complainant's report is substantiated, sanctions will be applied to the respondent as per procedure [HR.4.4.1 Corrective Action Procedures](#) and the applicable collective agreement (for a respondent who is an employee), as per procedure [AC.3.4.4 Student Non-Academic Conduct](#) (for a student respondent), or as otherwise determined by Safety and Community Services (for a respondent who is not a student or employee). Complainants cannot be advised of the specific sanctions applied to a respondent, due to confidentiality requirements.
13. If the complainant's report is unsubstantiated, SAIT will dismiss the report and the respondent shall not be subjected to any consequences.
14. A complainant can appeal a decision that the allegation against the respondent is unfounded and/or about the interim and/or permanent measures that have been imposed on a respondent, as follows:
- a) A student complainant's appeal is governed by the provisions of Schedule C, procedure [AC.3.4.4 Student Non-Academic Conduct](#).
 - b) In the case of an employee complainant who is a member of one of SAIT's unions, that employee may appeal a finding through a grievance filed in accordance with the relevant collective agreement.

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- c) In the case of a complainant who does not fall under the preceding two paragraphs, the appeal should be directed to the Safety and Community Services Department.

For an appeal to proceed, it must be based on new information not available at the original disclosure that may change the outcome of the case or on a breach of procedural fairness that occurred during the process. This may be different in the case of a grievance brought under paragraph 14.b).

- 15. A complainant has the right to be advised of and to participate in an appeal that the respondent has initiated in relation to a decision made concerning the complainant's report.
- 16. A respondent can appeal a decision that the allegation against them is founded, appeal the sanction imposed on them, and/or appeal the interim and/or permanent measures that have been imposed on them.
 - a) A student respondent's appeal is governed by the provisions of Schedule C, procedure [AC.3.4.4 Student Non-Academic Conduct](#).
 - b) In the case of an employee respondent who is a member of one of SAIT's unions, that employee may appeal a finding through a grievance filed in accordance with the relevant collective agreement.
 - c) In the case of a non-union employee, that appeal is governed by the processes under procedure [HR.4.4.1 Corrective Action Procedures](#).
 - d) In the case of a respondent who does not fall under the preceding three paragraphs, the appeal should be directed to the Safety and Community Services Department.

For an appeal to proceed, it must usually be based on new information not available during the original process that may change the outcome of the case or on a breach of procedural fairness that occurred during the original process. This may be different in the case of a grievance brought under paragraph 16.b).

- 17. A respondent has the right to be advised of and to participate in an appeal that a complainant has initiated in relation to a decision made about the respondent.

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B. Protection from Reprisals or Retaliation

1. No one shall retaliate, engage in reprisals, or threaten to retaliate against an individual for making a report in good faith under this procedure, for having participated or cooperated in an investigation or having been associated with someone who has proceeded under this procedure.
2. Anyone engaged in such conduct will be subject to the sanctions set out in procedure [HR.4.4.1 Corrective Action Procedures](#) (in the case of an employee), the non-academic misconduct provisions of procedure [AC.3.4.4 Student Non-Academic Conduct](#) (in the case of a student) or as otherwise determined by Safety and Community Services (in the case of a respondent who is not a student or employee).

POLICY/PROCEDURE REFERENCE

HS.1.6	Preventing and Responding to Sexual Assault, Sexual Violence, and Gender-Based Violence policy
HS.1.6.1	Sexual Assault, Sexual Violence, and Gender-Based Violence - Principles and Support procedure
HS.1.6.2	Sexual Assault, Sexual Violence, and Gender-Based Violence - Disclosures procedure