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Sexual Violence Policy

Office of Accountability:	Provost and Vice-President (Academic) Vice-President (Finance and Administration)
Office of Administrative Responsibility:	Vice-Provost and Dean of Students Vice-Provost and Associate Vice-President (Human Resources)
Approver:	Board of Governors
Scope:	Compliance with this University policy extends to all members of the University community .

1. Overview

- a. **Sexual violence** is a complex and serious problem in society and on university campuses. Sexual violence can affect individuals of all gender identities, gender expressions, and sexual orientations, as well as those from all ages, abilities, racial, cultural and economic backgrounds.
- b. The University recognizes the harm caused by a culture in which common attitudes, norms and practices tolerate, normalize, trivialize, excuse or outright condone sexual violence. Sometimes called rape culture, it is perpetuated through images, television, music, jokes, advertising, jargon, words and figures of speech that normalize sexual coercion and shift blame onto those who have experienced sexual violence. As an institution that exists in the context of that culture, the University takes seriously its responsibility to reduce sexual violence by fostering a culture of **consent** and support through education, training and policy.
- c. This policy is guided by the following principles:
 - i. the need for safety in the work, study and student residence environment, providing a community in which sexual violence is not tolerated,
 - ii. the inherent dignity of all members of the University community,
 - iii. the importance of fostering a culture of consent and support through education, training and policy initiatives,
 - iv. the need to identify and dismantle barriers to making a **disclosure** and/or **complaint**,
 - v. access to support for anyone in the University community who discloses that they have experienced or been affected by sexual violence, and
 - vi. procedural fairness and support for the parties to formal complaint processes related to sexual violence.

2. Purpose

The purpose of this policy is to state the University's commitment to addressing sexual violence through education and awareness, providing access to comprehensive support for those who have experienced or been affected by sexual violence and implementing transparent and fair processes to resolve and adjudicate complaints of sexual violence.

3. POLICY

- a. It is the policy of the University of Alberta that sexual violence committed by any member of the University community is prohibited and constitutes misconduct. Prohibited conduct includes: sexual violence, **sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, and distribution of intimate images.**
- b. Any member of the University community who discloses having experienced sexual violence will have access to support, whether or not the sexual violence took place on University property or in relation to University activities. Where the University has jurisdiction, complaints will be addressed under the applicable policies or procedures, including, for example, the *Code of Student Behaviour*, the *Postdoctoral Fellow Policy*, NASA, AASUA or GSA collective agreements, or other applicable employment contracts and agreements.

4. COMMITMENT TO THOSE WHO HAVE EXPERIENCED SEXUAL VIOLENCE

- a. Sexual violence can have serious and enduring negative effects on physical, mental, emotional and spiritual health and wellness. The University recognizes the possible effects of trauma on those who have experienced sexual violence and supports the efforts of individuals to seek support and recover. Regardless of where or when it took place, any person who discloses and/or makes a complaint of sexual violence can expect to be:
 - i. treated with respect, dignity and compassion,
 - ii. informed about on- and off-campus resources and supports,
 - iii. provided with access to support which is non-judgmental, coordinated and comprehensive
 - iv. offered options for academic, recreational, University residence and/or workplace **modifications** to prevent further unwanted contact with the subject of the disclosure and ameliorate, to the extent possible, the negative impacts of the sexual violence on the person's working, study or student residence environment,
 - v. provided with information about available complaint processes should they wish to pursue a complaint within the University and/or to an external law enforcement agency, and
 - vi. offered safety planning assistance.
- b. Subject to the limitations set out in section 6 of this policy, those who experience sexual violence will be considered the primary decision-maker in matters pertaining to themselves. As such, can determine whether, to whom and what to disclose, and whether to make a complaint within the University and/or an external law enforcement agency.

5. RESPONSIBILITIES

- a. The University recognizes its institutional responsibility to:
 - i. provide an effective policy and procedures to address and prevent sexual violence,
 - ii. raise awareness about the policy and procedures and relevant support services on campus through institution-wide education,
 - iii. raise awareness of consent, sexual violence, prevention, and appropriate responses to disclosures of sexual violence through institution-wide education,
 - iv. balance the duty to ensure procedural fairness for any person accused of sexual violence with support and fairness for the complainant within the University's complaint processes,
 - v. maintaining safe, confidential and neutral mechanisms for individuals to disclose or make a complaint of sexual violence,
 - vi. ensuring the safety of the working, learning and student residence environment by various means, including the imposition of **interim measures**, where appropriate,
 - vii. provide coordinated and comprehensive supports for those who disclose sexual violence, and
 - viii. ensure that all individuals investigating or adjudicating complaints of sexual violence in any University complaints process have appropriate training.
- b. All senior leaders, including the President, Vice-Presidents, Deans, Directors and Chairs and other officers of the University exercise administrative responsibility to implement this policy and the related procedures within their respective areas of responsibility, including by creating, supporting and

maintaining a work, study and student residence environment that promotes a culture of consent, free from sexual violence.

- c. All members of the University community are responsible for promoting respect and dignity for each other by encouraging a culture of consent; and for contributing to work, study and student residence environments in which individuals can disclose experiences of sexual violence without fear of disbelief, disrespect or reprisal.

6. PRIVACY AND CONFIDENTIALITY

- a. Privacy and confidentiality are essential for creating an environment where those who have experienced sexual violence feel safe in disclosing their experience and seeking support. The privacy and confidentiality of those involved in a disclosure of sexual violence will be protected. However, it is important to note that there may be limits to the University's ability to do so, when:
 - i. there is a likely risk of harm to self or others, or
 - ii. reporting or action is required or authorized by law.
- b. Whether or not the University can maintain the privacy and confidentiality of a disclosure will be determined on a case by case basis, in consultation with relevant University officials.
- c. In relation to complaints, all University disciplinary processes are confidential. In any complaint process, sufficient information must and will be disclosed to the accused in order to meet the requirements of procedural fairness.
- d. Whether in the context of a disclosure or a complaint, all parties will be informed of the limits of privacy and confidentiality. In cases where confidentiality cannot be maintained, those affected will be informed and supported throughout the process. In such cases, only necessary information will be disclosed, and only to those with a need to know.

7. STATEMENT AGAINST RETALIATION

Retaliation against any person involved in a disclosure or complaint of sexual violence is prohibited. Where it has jurisdiction, the University will investigate all reports of retaliation in accordance with the appropriate complaints processes.

8. BAD FAITH COMPLAINTS

The University recognizes the serious nature of complaints made under this policy, and may take disciplinary action where allegations of sexual violence are shown to be malicious, fraudulent, and/or vexatious. A complaint made in good faith is not a violation of this policy even if it is not proven in a complaint process.

9. REVIEW

This policy will be reviewed from time to time, as necessary.

DEFINITIONS

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. [\[▲Top\]](#)

University community

Includes all academic staff and colleagues, administrators and support staff as outlined and defined in *Recruitment Policy* (Appendix A and Appendix B) as well as third party contractors, visiting speakers, volunteers, professors emeriti, undergraduate students, graduate students, postdoctoral fellows and visitors to

	campus.
Sexual violence	Any sexual act or act of a sexual nature, or act targeting sexuality, whether physical or psychological, committed without consent. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, distribution of intimate images, inducing intoxication, impairment or incapacity for the purpose of making another person vulnerable to non-consensual sexual activity, and other analogous conduct.
Consent	<p>Consent is a voluntary, ongoing, active and conscious agreement to engage in the sexual activity in question. Consent or a “yes” that is obtained through pressure, coercion, force, threats or by inducing intoxication, impairment or incapacity is not voluntary consent. Silence or ambiguity do not constitute consent.</p> <p>Additionally, there is no consent when:</p> <ul style="list-style-type: none"> • it is given by someone else. • the person is unconscious, sleeping, highly intoxicated or high, or otherwise lacks the capacity to consent. • it was obtained through the abuse of a position of power, trust or authority. • the person does not indicate “yes”, says “no” or implies “no” through words or behaviours. • the person changes their mind and withdraws their consent. <p>Consent cannot be implied (for example, by a current or past relationship, by consent to another activity, or by failure to say “no” or resist). In addition, consent cannot be given in advance of sexual activity that is expected to occur at a later time. It is the responsibility of the person wanting to engage in sexual activity to obtain clear consent from the other and to recognize that consent can be withdrawn at any time.</p>
Disclose/Disclosure	A verbal or written report or account by any person to a member of the University community that they have experienced sexual violence.
Complaint	Usually a written report or statement alleging sexual violence misconduct made to a University official under a University process for the purpose of initiating an investigation and resolution process.
Sexual assault	Any form of sexual contact without consent. This can include unwanted or forced kissing, fondling, vaginal or anal penetration or touching, or oral sexual contact.
Sexual harassment (see also Discrimination, Harassment and Duty to Accommodate Policy)	<p>Conduct or comment of a sexual nature, which detrimentally affects the work, study or living environment or otherwise leads to adverse consequences for the target of the sexual harassment. It can be either one-time or repeated and:</p> <ol style="list-style-type: none"> a) is demeaning, intimidating, threatening, or abusive; and b) is not trivial or fleeting in nature; and c) causes offence and should have reasonably been expected to offend; and d) serves no legitimate purpose for the work, study or living environment, and e) undermines authority or respect in the work, study or living

	<p>environment, or impairs work or learning performance, or limits opportunities for advancement or the pursuit of education or research, or creates an intimidating, hostile or offensive work or learning environment.</p> <p>It may consist of unwanted sexual attention, sexually oriented remarks or behaviours, or the creation of a negative psychological and emotional environment based on gender, gender identity or sexual orientation. It may be an isolated act or repetitive conduct, but cannot be trifling. A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance may also constitute sexual harassment.</p> <p>The person(s) engaged in harassment need not have the intention to harass; it is the objective assessment of the circumstances that matters. How would a reasonable observer perceive the situation. A complainant need not expressly object to unwelcome conduct or comments, although any clear indication that the behaviour is unwanted will satisfy the test. A complainant's apparent passivity or failure to object overtly to sexual advances does not necessarily signal consent or welcomed behaviour, especially where a power imbalance exists between the individuals.</p>
Stalking	<p>Repeated unwanted contact or communication directed at another person that causes reasonable fear or concern for that person's safety or the safety of others known to them. The harm may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of an individual.</p> <p>Stalking can occur physically (such as watching and monitoring, pursuing or following, making threatening or obscene gestures, sending unsolicited gifts), electronically (for example, continuously commenting or contacting via social media, surveillance, letters, text messages, emails or phone calls), and/or through a third party.</p>
Indecent exposure	<p>Exposing one's genitals, buttocks and/or breasts or inducing another to expose their own genitals, buttocks and/or breasts in non-consensual circumstances, in person or electronically.</p>
Voyeurism	<p>Surreptitiously observing and/or recording another individual's full or partial nudity or sexual activity without the knowledge and consent of all parties involved.</p>
Distribution of intimate images	<p>Includes showing, sharing, distributing or streaming of images, video or audio recording of a sexual activity or full or partial nudity of oneself or others, without the consent of all parties involved, or the threat to do the same.</p>
Modifications	<p>Adjustments the University may be able to make at the request of a person who has made a disclosure or complaint of sexual violence. The modifications may relate to their academic program, employment, University residence or recreational or other programs.</p>
Interim measures	<p>Non-disciplinary conditions that the University may impose on a person alleged to have committed sexual violence. Such conditions may be imposed in response to a disclosure or complaint. The purposes of interim measures are to ensure the safety of the person who disclosed or of the University's learning, working and University residence</p>

	<p>environment, to discourage or prevent retaliation, prevent further sexual violence and/or preserve the University's ability to conduct a thorough investigation. They are not considered sanctions under any University complaint process.</p>
<p>Retaliation</p>	<p>Taking, attempting to take or threatening to take any adverse action or retribution of any kind against anyone involved in a sexual violence process including the person who made a disclosure or complaint, and anyone involved in an investigation or resolution of an allegation of sexual violence, or friends or family members of the same.</p> <p>Retaliation can take many forms, including threats, intimidation, pressuring, harassment, continued abuse, violence or other forms or threats of harm to others, and in varying modes, including in person and in electronic communication or through third parties. Retaliation can also include adverse employment or educational actions made or taken against an individual because of participation in the reporting, investigating and/or resolution of an alleged violation of this policy, or any conduct that would discourage a person from engaging in the same.</p>

RELATED LINKS

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Supports and Resources

[Association of Academic Staff, University of Alberta \(AASUA\)](#) (University of Alberta)
[Community Social Work Team](#) (University of Alberta)
[Counselling and Clinical Services](#) (University of Alberta)
[Employee Family Assistance Program](#) (University of Alberta)
[Faculty of Graduate Studies and Research](#) (University of Alberta)
[Graduate Students' Association](#) (University of Alberta)
[Human Resource Services](#) (University of Alberta)
[Interfaith Chaplains' Association](#) (University of Alberta)
[the Landing](#) (University of Alberta)
[Non Academic Staff Association \(NASA\)](#) (University of Alberta)
[Office of the Dean of Students](#) (University of Alberta)
[Office of Safe Disclosure and Human Rights](#) (University of Alberta)
[Office of the Student Ombuds](#) (University of Alberta)
[Peer Support Centre](#) (Students' Union)
[Postdoctoral Fellows Association](#) (University of Alberta)
[Protocol for Urgent Cases of Violent, Threatening or Disruptive Behaviour](#) (University of Alberta)
[Sexual Assault Centre](#) (University)
[Sexual Assault Centre](#) of Edmonton: <https://www.sace.ab.ca/>
[Students' Union](#) (University of Alberta)
[University of Alberta Protective Services](#) (University of Alberta)

Information

[Options, Resources and Services for those who have Experienced Sexual Violence Information Document](#) (UAPPOL)
[Sexual Violence Interim Measures Information Document](#) (UAPPOL)
[Sexual Violence Education and Training Information Document](#) (UAPPOL)
[Options for Survivors of Sexual Assault](#) (Sexual Assault Centre, University of Alberta)
[Responding to a Disclosure of Sexual Assault](#) (University of Alberta)
[Review of the University of Alberta's Response to Sexual Assault](#)

Complaint mechanisms

[Faculty Agreement](#) (University of Alberta)

[Librarian Agreement](#) (University of Alberta)
[Administrative and Professional Officer Agreement](#) (University of Alberta)
[Code of Student Behaviour](#) (University of Alberta)
[Community Standards Policy for University Residences](#) (University of Alberta)
[Contract Academic Staff: Teaching Agreement](#) (University of Alberta)
[Faculty Service Officer Agreement](#) (University of Alberta)
[Graduate Student Assistantship Collective Agreement](#) (University of Alberta)
[NASA Collective Agreement](#) (University of Alberta)
[Postdoctoral Fellows Policy](#) (University of Alberta)
[Sessional and Other Temporary Staff \(SOTS\) Agreement](#) (University of Alberta)
[Trust/Research Academic Staff \(TRAS\) Agreement](#) (University of Alberta)

Related policies

[Access to Information and Protection of Privacy Policy](#) (University of Alberta)
[Discrimination, Harassment and Duty to Accommodate Policy](#) (University of Alberta)
[Ethical Conduct and Safe Disclosure Policy](#) (University of Alberta)
[Helping Individuals At Risk Policy](#) (University of Alberta)
[Protocol for Urgent Cases of Violent, Threatening or Disruptive Behaviour](#) (University of Alberta)
[Conflict Policy – Conflict of Interest and Commitment and Institutional Conflict](#) (University of Alberta)

PUBLISHED PROCEDURES OF THIS POLICY

[Sexual Violence Disclosures and Complaints Procedure](#)