

GENDER-BASED AND SEXUAL VIOLENCE POLICY

Policy Section:	Student and Academic Support Services	Effective Date:	January 25, 2023
Policy Owner:	Associate Vice President, People and Culture and Associate Vice President, Student Experience & Registrar	Last Revised:	June 25, 2023
Policy Administrator:	Associate Vice President, People and Culture and Associate Vice President, Student Experience & Registrar	Review Scheduled:	August 28, 2025
Approver:	Executive Committee		
The official controlled version of this document is held with the Policy & Procedure Coordinator			

A. POLICY STATEMENT

Keyano College is committed to sustaining a trauma-informed work and learning environment in which gender-based and sexual violence is not tolerated. The college takes seriously its responsibility to address gender-based and sexual violence that is pervasive in society through education, training, and response.

Each individual's experience of gender-based and sexual violence is unique. The college recognizes there are likely compounding factors that make up an individual's experience that significantly impacts how they access services and support. Such factors may include the level of risk or threat the individual is facing, impacts to their health and safety, impacts to their mental health, access to available emergency supports outside of the college, the impacts of discrimination and harassment including, but not limited to sex, ancestry, race, ethnicity, culture, language, disability, creed, age, socioeconomic status, sexual orientation, and gender expression.

The college is committed to an intersectional approach reflective of and relevant to its diverse college community. The college recognizes that gender-based and sexual violence often intersects with acts of racism, ableism, homophobia, or transphobia and has long contributed to the harms associated with campus rape-culture.

The college recognizes that gender-based and sexual violence can have severe and lasting impacts on the physical, mental, and emotional well-being of individuals affected by gender-

based and sexual violence. The college community members will treat individuals that have experienced gender-based and sexual violence with dignity and respect.

1. CONFIDENTIALITY AND PRIVACY

- 1.1 The college will treat disclosures and reports of an allegation or incident of gender-based and/or sexual violence confidentially in accordance with the *Freedom of Information and Protection of Privacy (FOIP) Act*.
- 1.2 The college will limit the sharing of information within the college to those who need to know the information to implement this policy.
- 1.3 Where a complainant wishes to make a report, fairness to the respondent will require disclosure of the complainant's identity and the material allegations being made, albeit, a complainant will not be compelled to come face to face with the respondent at any point in the process
- 1.4 Confidentiality cannot be assured if:
 - a. A student or college representative is judged to be at risk of self-harm;
 - b. A student or college representative is at risk of harming another college community member;
 - c. There is reason to believe that other college community members or the broader community members may be at risk of harm;
 - d. Reporting or action is required by law; and/or
 - e. Evidence of the alleged gender-based and/or sexual violence is available in the public realm;
 - f. Information must be shared as a follow-up to an Investigation of an allegation or incident of gender-based and/or sexual violence.
- 1.5 In recognition that individuals may be hesitant to disclose or report an incident of gender-based and/or sexual misconduct where the individual was consuming alcohol while underage or in excess, or using drugs, an individual who, acting in good faith, makes a disclosure or report of gender-based and/or sexual misconduct will not be subject to actions by Keyano College for any violation of applicable Keyano College policy, rules or regulations related to drug or alcohol use.

2. REPRISALS

- 2.1 The college will not tolerate any retaliation, through any means, including through social or other electronic media, against anyone who discloses or reports an incident or allegation of gender-based and/or sexual violence or anyone who cooperates in an Investigation of gender-based and/or sexual violence.

B. DEFINITIONS

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| <p>(1) Collective Agreement:</p> | <p>means any collective agreement between the Board of Governors of the college and</p> <ul style="list-style-type: none"> i. The Keyano College Faculty Association ii. The Canadian Union of Public Employees, Local 2157 (CUPE), or iii. Any other association or union representing college representatives, in each case, in effect at the relevant time. |
| <p>(2) College:</p> | <p>means Keyano College.</p> |
| <p>(3) College Community Member:</p> | <p>means individuals directly connected to any College activities and initiatives and includes all college representatives and students, or persons accessing any of the college services.</p> |
| <p>(4) College Representative:</p> | <p>means individuals who are college community members, excluding students. This term includes faculty (retired and visiting), contractors, members of the Board of Governors of the college, volunteers, or other individuals who work, study, conduct research, or otherwise carry on business on or for the college.</p> |
| <p>(5) Complainant:</p> | <p>means the individual who reports a gender-based and/or sexual violence allegation or incident that that individual experienced to a college community member under this policy.</p> |
| <p>(6) Confidentiality:</p> | <p>means the privacy of those involved in a disclosure or report of gender-based and/or sexual violence.</p> |
| <p>(7) Consent:</p> | <p>means the ongoing voluntary agreement of an individual to engage in the sexual activity in question.</p> |
| <p>(8) Disclosure:</p> | <p>means the sharing of information by an individual with a college community member or other individual regarding an incident of gender-based and/or sexual violence experienced by that individual, which involves a college community member or another individual.</p> |
| <p>(9) Duty to Inquire:</p> | <p>means when the college inquires whether the individual would benefit from access to supports offered by the college community.</p> |
| <p>(10) Early forced marriage:</p> | <p>means that a person is forced to marry and engage in sexual relationships and or pregnancy before a person is willing and ready.</p> |
| <p>(11) Emotional or psychological abuse:</p> | <p>means a form of abuse by a person subjecting or exposing another person to behaviour that can result in psychological trauma, including anxiety, depression, or post-traumatic stress disorder.</p> |

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| (12) Gender-Based and/or Sexual Violence Report: | means a formal written complaint to the college by an individual seeking recourse for a violation of this policy. |
| (13) Genital mutilation and/or Cutting: | includes piercing, cutting, removing, or sewing closed parts of a person's external genitals for no medical reason. |
| (14) Human Trafficking: | means forced fraud, coercion to obtain labour or a commercial sex act. |
| (15) Interim Measures: | means temporary restrictions or adjustments implemented to maintain a positive, productive, and respectful learning, working, and living environment on college property, pending the resolution of a formal report, police investigation, or other process. Interim measures may also be implemented to support a 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 survivor from interaction, whether face-to-face, or through college-controlled email or virtual meeting, with the person reported to have caused harm. |
| (16) Intimate Partner Violence: | means domestic violence by a current or former spouse or partner in an intimate relationship against another spouse or partner. IPV can take numerous forms, including physical, verbal, emotional, economic, and sexual abuse. |
| (17) Investigation: | means a formal gathering of facts and evidence following a report or disclosure of gender-based and/or sexual violence led by an individual who is not the Investigation Lead. |
| (18) Investigation Lead: | means an individual who is not the Associate Vice President of People and Culture who plans and leads the Investigation process. The Investigation Lead is separate to allow for a neutral investigation. However, they will be a delegate of the Associate Vice President of People and Culture. |
| (19) No Contact Directive: | means a directive issued by the college administration prohibiting contact between students when there exists a reasonable concern that physical or psychological harm may result from such contact. |
| (20) Policy: | means the Gender-Based Violence and Sexual Violence Policy at Keyano College. |
| (21) Rape: | means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral |

- penetration by a sex organ of another person, without the 'person's consent.
- (22) **Rape-Culture:** refers to an environment in which rape and other forms of sexual violence are normalized, trivialized, or ignored due to prevailing societal attitudes about gender, sexuality, and violence. It manifests through victim-blaming, sexual objectification, and the perpetuation of myths about rape and sexual assault. The term underscores how society can inadvertently perpetuate the problem of sexual violence by failing to acknowledge its severity or by perpetuating harmful stereotypes.
- (23) **Report:** means when the college receives an allegation or incident of gender-based and/or sexual violence, through various sources, including from individuals not related to the college. A report can be verbal or written and is formally submitted to the Associate Vice President of People and Culture in relation to college representatives, as required.
- (24) **Reprisal:** means retaliatory measures taken against an individual because they have sought advice about making a disclosure or report, made a disclosure or report in good faith, co-operated in an investigation of a report, or declined to participate in behaviour that would breach this policy.
- (25) **Respondent:** means someone against whom a college community member has made an allegation of gender-based violence and/or sexual violence.
- (26) **Response Team:** means a multi-disciplinary resource team comprised of a multi-disciplinary resource team comprised of individuals from the various departments that coordinate intervention and supports for students. The complainant will be asked to provide input as to whom they would prefer not to be a part of this team to ensure safety, and confidentiality and to preserve integrity.
- (27) **Sexual Assault:** means a criminal offence under the Criminal Code of Canada. Sexual Assault is any type of unwanted sexual act done by one individual to another that violates the sexual integrity of the individual and involves a range of behaviours from unwanted touching to penetration. It is an aspect of gender-based violence and/or sexual violence.

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| (28) | Sexual Harassment: | means unwanted remarks, behaviours, or communications of a sexual nature and/or unwanted comments, behaviours, or communications based on gender or sexuality. The individual responsible for the remarks, behaviours, or communications knows or ought reasonably to know that they are unwelcome. |
| (29) | Sexual Violence: | means any violence, physical or psychological, that is committed, threatened, or attempted against an individual without the individual's consent through a sexual means or by targeting gender identity, sexuality, or gender expression. This includes, but is not limited to, Sexual Assault, Sexual Harassment, indecent exposure, voyeurism, degrading sexual imagery, and distribution of sexual images or video of a college community member without their consent. It can include a single incident or a pattern of behaviour, whether in person, online, or via other means. |
| (30) | Stalking: | means the act or a crime of willfully and repeatedly following or harassing another person with the intent to cause fear of injury or death. |
| (31) | Stealthing or Non-consensual Condom Removal | means the removal of protective barriers (e.g., condoms) during sexual intercourse without the consent of the sex partner that can expose victims to sexually transmitted infection. |
| (32) | Student: | means an individual registered in a current college credit or non-credit course or program of study. |
| (33) | Technology-Facilitated Violence: | means the misuse of technology by perpetrators to commit violent, abusive acts, including domestic violence, harassment, sexual assault, impersonation, extortion, and the non-consensual filming and sharing of intimate images. |
| (34) | Third-Party Reporter: | means an individual who discloses information that gender-based violence and/or sexual violence has occurred. |
| (35) | Trauma-Informed Approach: | means that the investigator or adjudicator is aware of the trauma. |
| (36) | Witness: | means an individual who observed or participated in events that may fall under this policy. |

C. RELATED POLICIES

- Keyano College Student Non-Academic Misconduct Policy and Procedure

- Keyano College Student Conduct Policy
- Keyano College Respectful Workplace Policy
- Protected Disclosure (Whistleblower) Policy
- Progressive Discipline Policy

D. RELATED LEGISLATION

- *Alberta Freedom of Information and Privacy Act*
- *Alberta Human Rights Act*
- *Criminal Code of Canada – R.S.C., 1985, c. C-46 (Section 153.1)*
- *Post Secondary Learning Act*
- *Occupational Health and Safety Regulation*
- *Occupational Health and Safety Codes*

E. RELATED DOCUMENTS

- Courage to Act: Developing a National Draft Framework to Address and Prevent Gender-Based Violence at Post-Secondary Institutions in Canada (Khan F., Rowe, C.J., and Bidgood, R (2019).
- Provincial Post-Secondary Framework of Sexual Violence, 2016.

F. REVISION HISTORY

Date (mm/dd/yyyy)	Description of Change	Sections	Person who Entered Revision (Position Title)	Person who Authorized Revision (Position Title)
08/28/2021	Revisions for clarity of language and process, compliance of process with legislation, and template change.	All	C. Gresku Manager, Student Academic Support Services	Sandra Efu, Director of Student Services
05/09/2022	For post-secondary institutions, to review the sexual violence policy create and assess a GBV in alignment with national best and promising practices (i.e., trauma-	Guiding principles Definition	Priscilla Lothian Director, Student Services Kyle Pellegrini Manager, Accessibility and Wellness Services	Priscilla Lothian, Director Student Services

	informed, and survivor-driven).			
06/25/2023	Clarified who will oversee complaints against staff (Associate Vice President, People and Culture) or students (Associate Vice President, Student Experience & Registrar).	Procedure: All Previous Sexual Violence Policy was rescinded.	Kyle Pellegrini Manager, Accessibility and Wellness Services	Susie Bowles Associate Vice President, Student Experience & Registrar