

**SEXUAL ASSAULT, SEXUAL VIOLENCE, AND GENDER-BASED VIOLENCE –
DISCLOSURES**

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

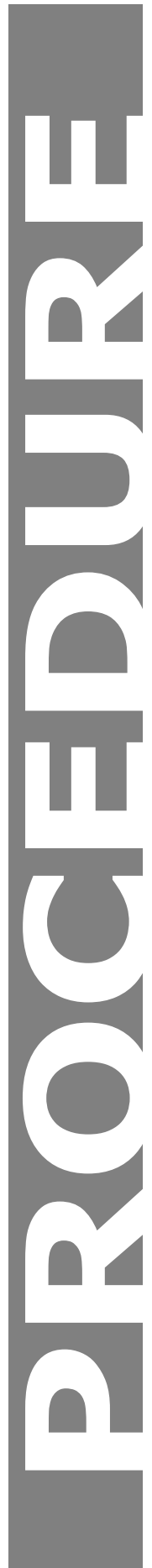
POLICY

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

- 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.
- Disclosure** The act of informing a member of the SAIT community about an incident of sexual assault, sexual violence, or gender-based violence for the purpose of seeking support. A disclosure does not initiate an investigation unless the survivor makes a report to the appropriate office at SAIT or SAIT is required to launch an investigation.
- 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.
- 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.

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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 term that can be used.

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.

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PROCEDURE

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

1. A member of the SAIT community who has been subjected to sexual assault, sexual violence, or gender-based violence may choose to disclose the experience by telling another member of the SAIT community. Individuals can also make a confidential disclosure to SAIT's Discrimination and Harassment hotline.
2. As defined above, a disclosure is different from a report. It normally does not initiate an investigation unless the survivor makes a report to the appropriate office at SAIT or unless SAIT is required to launch an investigation as provided in Governing Principle 7.b) of procedure [HS.1.6.1 Sexual Assault, Sexual Violence, and Gender-Based Violence - Principles and Support](#). See procedure [HS.1.6.3 Sexual Assault, Sexual Violence, and Gender-Based Violence – Reporting](#) for information on the reporting process.
3. Employees who receive a disclosure are required to:
 - a) Treat the survivor with compassion, dignity, and respect, and should be sensitive to this individual's identity and cultural context.
 - b) Ensure that the survivor is aware of this procedure.
 - c) Inform the survivor that Safety and Community Services is available to provide the survivor with confidential, ongoing, and coordinated support, referrals, and information.
 - d) Follow the processes set out in this procedure.
 - e) Honor the choices of the person making the disclosure. They should not submit a report that could interfere with the decision of the survivor making the disclosure, unless required to as provided in Governing Principle 7.b) of procedure [HS.1.6.1 Sexual Assault, Sexual Violence, and Gender-Based Violence - Principles and Support](#).
 - f) Offer to make a referral to Safety and Community Services and/or the appropriate investigative body.
4. Safety and Community Services and/or the investigative body will consult with the survivor and may identify and implement interim and/or permanent measures that are reasonably necessary to protect and support the survivor and the SAIT

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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](#).

5. SAIT will advise the survivor about the length of time that may be required to institute these interim and/or permanent measures and will periodically update the survivor 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.
 - c) Implementing a no-contact/no-communication ban between the survivor and the respondent to limit face-to-face contact as much as is reasonably possible.
 - d) Issuing a trespassing notice to a visitor who is not a member of the SAIT community, as per procedure [AD.4.2.1 Trespassing](#).
 - e) Supporting survivors who are pursuing peace bonds and restraining orders.
6. SAIT reserves the right to initiate an investigation in accordance with this procedure and/or to report the disclosure to Calgary Police Services even without the consent of the survivor, as provided in Governing Principle 7.b) of procedure [HS.1.6.1 Sexual Assault, Sexual Violence, and Gender-Based Violence - Principles and Support](#). Where actions are taken without the survivor's consent, all reasonable efforts will be taken to preserve the survivor's confidentiality. The survivor will be notified of the actions that SAIT intends to take so that the survivor can work with SAIT to take any additional safety precautions that may be required.
7. A survivor can appeal a decision about the interim and/or permanent measures that have been imposed on a respondent, as follows:
 - a) A student survivor'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 survivor 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 survivor who does not fall under the preceding two paragraphs, the appeal should be directed to the Safety and Community Services Department.

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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 7.b).

8. A survivor 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 survivor's disclosure.
9. A respondent can appeal a decision about the interim and/or permanent measures that have been imposed on them, as follows:
 - 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 respondent, 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 9.b).

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

B. Protection from Reprisals or Retaliation

1. No one shall retaliate, engage in reprisals, or threaten to retaliate against an individual for making a disclosure in good faith under this procedure 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

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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.1.6.3 Sexual Assault, Sexual Violence, and Gender-Based Violence – Reporting procedure.

PROCEDURE

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