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POLICY

NAME	Gender-Based Violence
CATEGORY	Human Resources
POLICY NUMBER	HR15
ACCOUNTABILITY	
Office of Accountability	President
Office of Administrative Responsibility	Dean of Students / Human Resources
Approved By	President's Council
RELEVANT POLICY DATES	
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Review Frequency	3 years
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Dec 2022 – Replaces Sexual Violence Policy	

POLICY STATEMENT

1. PURPOSE

- 1.1. Gender-Based Violence is a pervasive, systemic, and often unaddressed issue in society. The King's University believes the campus community has a right to study, live and /or work in an environment that is free from Gender -Based Violence. Gender-based Violence is unacceptable and will not be tolerated. This policy addresses the University's commitment to strive towards an environment completely free from Gender-Based Violence in all forms and establishes the principles and processes that support this commitment.
- 1.2. Gender-Based Violence is defined as "any form of abuse, assault, or harassment that originates from dominant societal norms surrounding gender." (Ottawa Coalition to End Violence Against Women) It is an umbrella term that encompasses Sexual Violence. Gender-Based Violence can include physical, verbal, or emotional acts of violence and psychological harm. Certain groups may be more susceptible to Gender-Based Violence due to their intersectionality. This includes Indigenous, Black Indigenous Person(s) of Colour (BIPOC), people with disabilities, newcomers to Canada and 2slgbtqia+ communities. Gender-Based Violence is a form of discrimination covered in the Alberta Human Rights Act.

Gender-Based Violence includes but not limited to:

- Sexual Harassment
- Emotional, Verbal or Psychological Abuse
- Financial Abuse
- Intimate Partner Violence
- Spiritual Abuse
- Sexual Exploitation
- Technology-Facilitated Violence
- Sexual Assault
- Threats of Violence (including self harm) to Coerce Compliance
- Human Trafficking
- Neglect

- 1.3 Gender-Based Violence is a violation of this community's values as a Christian University dedicated to equipping students to bring renewal and reconciliation into every walk of life as followers of Jesus Christ, the Servant-King. This policy informs members of The King's University community about behavioural expectations so that incidents of Gender-Based Violence are dealt with from a trauma informed lens, are procedurally fair, reduce harm and are effective. The King's University commits to continuing education and dialogue on the issue of Gender-Based Violence as education and promotion of a culture of consent and gender equality are the best tools for eliminating Gender-Based Violence.
- 1.4 Any member or non-Member of the University Community who is found to have committed Gender-Based Violence against a Member of the University Community will be held accountable and subject to outcomes as outlined in University Policy.

2. PRINCIPLES GUIDING GENDER-BASED VIOLENCE INTERVENTION AND PREVENTION

- 2.1. Gender-Based Violence has arisen in a climate of colonialism, oppression, inequality, and a rape culture due to our failings as humans and sin. As a Christian University, King's recognizes that responding to Gender-Based Violence involves acknowledging the harm and trauma that has occurred over-time and how we are called to be the light in the world. In recognizing this, the University ensures that policies and procedures utilize a trauma informed perspective and reduce possible harm to victims and survivors and encourage good character and behaviour.
- 2.2. The King's University recognizes that Gender-based Violence can occur between individuals regardless of sex, gender identity, gender expression, sexual orientation and relationship status as articulated in the Alberta Human Rights Code. The University also recognizes that individuals who have experienced Gender-Based Violence may experience emotional, psychological, academic, or other difficulties that require support and accommodation.
- 2.3 Individuals who use Gender-Based Violence may intentionally harm others but more often the harm occurs through lack of knowledge of appropriate behaviour, copying societal norms and gender stereotypes or one's own history of abuse. The King's University recognises that education is a preferred piece of accountability rather than using punitive measures. The desired outcome is behaviour change; thereby preventing further harm to others. Individuals who are questioning their own behaviour should be encouraged and supported.
- 2.4 Gender-Based Violence is a term used to describe many types of behaviour that can vary in psychological harm as interpreted by individual. Therefore, outcomes of the behaviour must be individualized to:
 - The severity of the behaviour.
 - Possibility of future harm to the Community and Individual harmed.
 - Accountability from the Respondent and/or
 - Whether a criminal act has occurred.
- 2.5 All individuals Who Have Experienced Gender-Based Violence can expect and have the right to, subject to reasonable limits:
 - Be provided with safety planning assistance.
 - Be informed about available on- and off-campus support services and resources; and
 - Decide whether to report anonymously or make a formal complaint regarding an incident of Gender-Based Violence.
- 2.6 A fundamental goal of this policy is the establishment of a Culture of Consent throughout The King's University. A Culture of Consent is an environment where asking for voluntary agreement to participate in

sexual activity or behaviour is normalized. Consent Culture is not exclusive to sex or sexual activity (for instance, asking for Consent before insisting that someone try a bite of food, talk about religious views, or be hugged). Consent Culture at The King's University recognizes that everyone is created in the image of God and the whole person, including their physical body is sacred and precious. Consent Culture believes that individuals have been given the power of choice over their own bodies, and that coercion is a violation of this gift. Each person, then, should choose what is best for themselves based on their values and preferences.

2.7 The King's University acknowledges that individuals may want to disclose their experience of Gender-Based Violence anonymously, make an informal report, or make a formal complaint. They may also disclose to one of many possible first responders on campus before reporting formally. Working from a survivor-centric perspective, the University will always take into consideration the needs and wishes of the Individual Who Has Experienced Gender-Based Violence unless there is possible harm to the health and safety of a Community member or the University. In this circumstance, the University will intervene but continue to support the Individual who has come forward. When systems intervene there is a duty to manage the risk to the health and safety of the Community and there is a duty to reduce harm for Individuals Who Have Experienced Gender-Based Violence and may feel that their disclosure is no longer under their control.

2.7. The King's University commits to providing training opportunities to Members of the Community who will be providing intervention based on their role. From First Responders to Lead Responders, training and support will assist Members with intervening appropriately and reducing the risk of vicarious trauma. Training will include current legislation and best practices, and responding in a trauma-informed, harm reduction and procedurally fair model.

2.8. The standard of proof for the finding of a breach of this policy is on a balance of probabilities. A balance of probabilities means that the evidence supports or does not support that an act is more likely than not to have occurred and is not dependent upon proof beyond a reasonable doubt.

3. JURISDICTION/SCOPE

3.1. This policy applies:

To any Member of the University Community while on University property or at a University-related event in any location where involved parties are acting in a capacity defined by their relationship to the University. Including, but not limited to:

- Registered University Students
- Employees
- Volunteers
- Contract workers
- Emeritus workers
- Members of the Board of Governors and Senate; or
- Employees of organizations representing the University when on University property.

To any Member of the University Community experiencing Gender-Based Violence by a non-member that is alleged to have occurred either on University premises or at a University related event on or off University premises.

To all virtual environments such as any form of electronic communication, virtual presence, or social media.

3.2. The King's University has other policies in place that may pertain to Gender-Based Violence, such as the Harassment Policy, Health and Safety Policy, Personal Information Protection Policy, Student Handbook, and Faculty Handbook. This policy complements other such policies and shall be read in a manner which operates

in conjunction with, and not as conflicting with, those policies. When complementation is not possible, this policy supersedes all others when the complaint involves Gender-Based Violence. The University recognizes that Gender-Based Violence is a specialized area which requires a unique set of principles and policy statements. The pertinent policy will be determined during the investigation process.

3.3 The King's University will not investigate or act upon the criminal aspects of a complaint under this policy. It is the role of local law enforcement to speak to and act under the Criminal Code of Canada. The King's University will act on complaints of Gender-Based Violence to determine if University policy has been violated. An investigation by The King's University into the violation of this policy may occur concurrently with a Criminal Investigation. Any decision to pursue a criminal complaint shall be left to the Individual Who Has Experienced Gender-Based Violence. Where there is an ongoing Criminal Investigation into the same complaint, the University will reasonably cooperate with the law enforcement authorities in conducting its investigations but will not suspend or cease its internal investigation pending the Criminal Investigation and prosecution process.

4. AMNESTY FOR INDIVIDUALS WHO HAVE EXPERIENCED GENDER-BASED VIOLENCE AND WITNESSES

The King's University encourages the disclosure of Gender-Based Violence from those who have experienced it and Witnesses. Sometimes Individuals who have experienced Gender-Based Violence or Witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as on-campus drinking at the time of the incident. To create a community that is free of Gender-Based Violence, it is important that the University be made aware of its occurrence.

It is in the best interests of this Community that Individuals who have experienced Gender-Based Violence choose to report to University officials or disclose on REES, and that Witnesses come forward to share what they know. To encourage reporting, the University pursues a policy of offering Individuals Who Have Experienced Gender-Based Violence, Complainants, Respondents, and Witnesses amnesty from university policy violations related to the incident.

5. CONFIDENTIALITY

5.1. Ensuring confidentiality is key to creating an environment and culture where individuals feel safe to disclose, report and / or make a formal complaint of Gender-Based Violence against another Member of the University Community and to seek appropriate supports and accommodations. All persons involved in a disclosure, complaint and/or investigation of Gender-Based Violence are expected to maintain confidentiality. The University will strictly maintain confidentiality unless there is reason to believe there is risk of self-harm or harm to others. In cases where confidentiality cannot be maintained, information will be shared on a need-to-know basis. Under no circumstances would the name of anyone involved in the complaint be released to the public by the University.

5.2. The University treats complaints as confidential unless:

- An individual is judged to be at **imminent** risk of harming self and/or others.
- There are reasonable grounds to believe that Members of the University Community or wider Community may be at risk of **imminent** harm.
- Reporting and/or conducting an investigation is required by law such as a criminal investigation, or by an external body with appropriate authority.

5.3. Confidentiality is subject to the provisions of the Personal Information Protection Act (PIPA), other legislation, and the University's Personal Information Protection Policy.

6. RETALIATION AND FALSE ACCUSATIONS

It is contrary to this policy for anyone to retaliate or threaten to retaliate against anyone involved in a Formal Complaint. Individuals who retaliate or report false accusations will be held accountable and subject to outcomes as per University Policy.

7. RIGHT TO APPEAL

The process to appeal a decision or outcome is a right of both the Complainant and the Respondent. The appeal process is outlined in the Gender-Based Violence Procedure document.

8. COMMUNITY RESPONSIBILITY

All Members of the University Community can assist with maintaining an educational and working environment free from Gender-Based Violence by:

- Modelling healthy and respectful behavior in all relationships at the University.
- Speaking out against conduct that may encourage or condone Gender-Based Violence.
- Speaking out against behavior that discourages reporting of Gender-Based Violence.
- Promoting the University's safe Disclosure policies and procedures; and
- Intervening in situations that may constitute, or lead to, Gender-Based Violence

9. POLICY REVIEW

This Policy will be reviewed every three years, to ensure that it is effective and aligns with current procedures and practices. The Review will be completed by the Dean of Students and the Director of Human Resources.

10. DEFINITIONS

Alberta Human Rights Act	Legislation that aims to protect individuals from discrimination by establishing grounds on which individuals cannot be discriminated against and setting out a complaint process for individuals experiencing discrimination based on those grounds.
Coercion	Within the context of Gender-Based Violence, coercion is an unreasonable and persistent pressure for compliance. Coercion can be through emotional manipulation, extortion, threats to family or friends, the promise of rewards or special treatment to persuade someone to do something that they would otherwise not, such as being sexual or performing sexual acts.
Complainant	The person who has indicated that they have personally experienced a violation of University Policy and makes a formal complaint.
Consent	The voluntary agreement to engage in specific sexual activity or behaviour requiring that a person be able to freely articulate a choice, which includes the possibility of refusal. This means that there must be a verbal and ongoing exchange of affirmative words or conduct which indicates a willingness to participate in mutually agreed upon sexual activity. For the purposes of this definition, Consent can never be given in circumstances such as those below: <ul style="list-style-type: none">- A person is silent, not communicative, or unable to communicate.

- A person is asleep, unconscious, or incapacitated.
- A person has been threatened or coerced (i.e., is not agreeing voluntarily) into engaging in the sexual activity.
- A person is under the influence of alcohol and/or drugs.
- A person withdraws Consent at any time before or during a sexual encounter.
- The consent is a result of a someone abusing a position of trust, power or authority.

The fact that Consent was given in the past does not mean that Consent is deemed to exist for present and future sexual activity.

Criminal Investigation	Individuals may report Gender-Based Violence through the Criminal Justice System by contacting the police service nearest to them in the jurisdiction where the criminal act is alleged to occur. If an individual chooses this route, the First Responder(s) or other trusted member of The King’s University Community may assist the individual with the process if requested.
Disclosure	When an individual shares information about a personal experience of Gender-Based Violence to someone who did not previously know.
Financial Abuse	<p>“Financial abuse involves a perpetrator using or misusing money which limits and controls their partner’s current and future actions and their freedom of choice. It can include using credit cards without permission, putting contractual obligations in their partner’s name, and gambling with family assets.”</p> <p>Women’s Aid. (2022). What is Financial Abuse? [Article]. Retrieved from https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/financial-abuse/</p>
First Responder	The first person told about an incident of Gender-Based Violence who is in a position to provide support. Initial responses to Disclosures have a lasting effect on an individual’s willingness to continue to seek help and ability to heal.
Formal Complaint	A written statement to the institution by an Individual Who Has Experienced Gender-Based Violence and is seeking recourse pursuant to the violation of this policy.
Gender-Based Discrimination	Discrimination based on sex, gender identity, sexual orientation, and gender expression as set out and defined in the Alberta Human Rights Act.
Harm Reduction	<p>Previously used in substance use programs to help individuals who continue to use substances reduce the harm from their use. Institutional practices by their authoritarian nature can create harm to individuals. In this policy, harm reduction refers to measures an institution takes to reduce harm to:</p> <ul style="list-style-type: none"> - Individuals who are involved in the Complaints process. - Protection from Vicarious Traumatization (First Responders and Lead Responders) and, - Exposure to Trauma (Witnesses).
Individual Who Has Experienced Gender-Based Violence	A member of the University Community who has experienced Gender-Based Violence directly. People may label themselves as a victim and / or a survivor based on their personal and unique experience of the trauma and healing process.

Human Trafficking	<p>“Human trafficking involves recruiting, moving, or holding victims to exploit them for profit, usually for sexual reasons or forced labour. Traffickers can control and pressure victims by force or through threats, including mental and emotional abuse and manipulation.”</p> <p>Government of Canada. (July 7, 2021) What is Human Trafficking? [Article] Retrieved from https://www.justice.gc.ca/eng/cj-jp/tp/what-quoi.html</p>
Intersectionality	<p>Intersectionality recognises that we operate withing socio/political environments and that no experience of Gender-Based Violence is the same. Some individuals will experience violence at higher levels due to their connectedness along lines of gender identity and expression, age, sex, racial or ethnic background, language, social status, ability, indigeneity, and sexual orientation.</p>
Intimate Partner Violence	<p>Intimate partner violence (IPV) is abuse or aggression that occurs in a romantic relationship. “Intimate partner” refers to both current and former spouses and dating partners. IPV can vary in how often it happens and how severe it is. Centres for Disease Control and Prevention, (October 11, 2022). Fast Facts: Prevention Intimate Partner Violence. [Article]. Retrieved from https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html</p>
Lead Responder	<p>The person who coordinates and manages complaints of Gender-Based Violence, usually the Dean of Students and / or Director of Human Resources as appropriate.</p>
Members of the University Community	<p>Those persons involved in conducting University affairs including all registered University students, University employees, volunteers, contract workers, emeritus workers, members of the Board of Governors and Senate, and employees of organizations representing the University while they are either on or using University property or participating in University programs and activities, on or off University premises.</p>
Modification/Interim Measure	<p>Making reasonable changes to certain rules, standards, policies, academic expectations, workplace cultures, class schedules, and physical environments in the University to reduce negative impacts on individuals.</p>
Rape Culture	<p>A society or environment whose prevailing social attitudes have the effect of normalizing or trivializing sexual assault and abuse.</p>
REES	<p>REES (Respect, Educate, Empower Survivors) is a simple, secure online platform for reporting campus sexual violence. REES allows a person who has experienced sexual misconduct, harassment, or assault to Create a Record of the incident and choose from multiple online reporting options.</p>
Reporter	<p>An individual who files a Complaint as a third party, and who is neither a Complainant, an Individual Who Experienced Gender-Based Violence, nor Respondent.</p>
Respondent	<p>The person alleged to have violated the Gender-Based Violence Policy. If an institutional practice is the cause of the alleged policy violation, the Respondent shall be the department head responsible for the practice.</p>
Sexual Assault	<p>Sexual Assault is a non-consensual sexual act done to an individual. It includes any unwanted sexual acts and can involve a range of behaviours from unwanted touching to penetration using force, threats, coercion, or control of another person that makes</p>

someone feel fearful, distressed, or threatened or is carried out in a way that an individual is not able to freely consent.

Sexual Exploitation	<p>“Sexual exploitation refers to any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.” World Health Organization. Sexual Exploitation and Abuse [Pamphlet]. Retrieved from https://www.who.int/docs/default-source/documents/ethics/sexual-exploitation-and-abuse-pamphlet-en.pdf?sfvrsn=409b4d89_2</p>
Sexual Harassment	<p>Unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature. Sexual Harassment can include:</p> <ul style="list-style-type: none">- When the behaviour interferes with an employee’s work performance or student’s academic performance and creates an intimidating, hostile, or offensive working or learning environment.- The employee or student is required to submit to the abusive conduct as a condition of employment or the teaching and learning process. Threats can be made explicitly or implicitly.- Submission to or rejection of such conduct is used in employment or academic decisions affecting that employee or student. For example, a raise or demotion or passing or failing a class. <p>Examples of Sexual Harassment include but are not limited to comments or conduct of a sexual nature such as leering, “dirty” jokes, gestures, pictures or pornographic materials, comments, suggestions, innuendos, requests or demands of a sexual nature.</p> <p>The behaviour need not be intentional to be considered Sexual Harassment.</p>
Spiritual Abuse	<p>“Spiritual abuse involves coercion, control, or exploitation by another person in a spiritual context. It can come from a faith leader or a partner who uses spiritual or religious beliefs or doctrine to exert power over you. Spiritual abuse can involve verbal, emotional, and/or physical violence.”</p> <p>Turner, Meaghan. (October 11, 2022). Spiritual Abuse: Definitions, Signs & How to Heal. [Blog] Retrieved from https://www.choosingtherapy.com/spiritual-abuse/</p>
Stalking	<p>Unwanted and persistent behavior, pursuing contact and/or harassing another in person or online or through other communication means such as phone, written notes, packages, etc.</p>
Survivor-centric	<p>Placing the control and decision-making back into the harmed person’s hands.</p>
Technology Facilitated Violence	<p>“Technology-facilitated GBV is action by one or more people that harms others based on their sexual or gender identity or by enforcing harmful gender norms. This action is carried out using the internet and/or mobile technology and includes stalking, bullying, sexual harassment, defamation, hate speech and exploitation.” International Center for Research on Women. (2018). Technology Facilitated Gender-Based Violence: What is It and How do We Measure it? [Presentation]. Retrieved from https://www.svri.org/sites/default/files/attachments/2018-07-24/ICRW_TFGBVMarketing_Brief_v8-Web.pdf</p>
Trauma Exposure	

Trauma Informed	<p>Trauma exposure is when someone witnesses the trauma of another.</p> <p>Trauma informed practice recognises the most people have experienced trauma and interventions need to be sensitive to past trauma and focus on Survivor-centric language and reducing further harm.</p>
Vicarious Trauma	<p>Psychological harm that may occur when hearing of someone else's trauma, especially if the trauma was severe or graphic. Vicarious trauma can also occur over time when hearing multiple trauma stories. First Responders and Lead Responders can be susceptible to this and should have support.</p>
Witness	<p>An individual who is observing an incident of Gender-Based Violence taking place.</p>

PROCEDURES

NAME	Gender Based Violence
CATEGORY	Human Resources
POLICY NUMBER	HR15
APPROVAL/EFFECTIVE DATE	14 December 2022

PROCEDURE STATEMENT

1. PURPOSE

- 1.1. This document outlines The King's University's procedures for responding to Gender-Based Violence and is intended to inform Members of the University Community about responding to Gender-Based Violence should it be encountered or observed. The University is committed to promptly, thoroughly, and impartially responding to complaints of Gender-Based Violence in a manner that ensures due process and fairness.
- 1.2. This document is intended to set out a consistent framework for responding to Gender-Based Violence which ensures that:
 - Individuals Who Have Experienced Gender-Based Violence, and Witnesses are treated with dignity and respect; that their rights are respected; and that they are provided with supports as soon as possible after a Disclosure
 - Members of the University Community understand their respective rights and obligations when reporting or intervening in an act of Gender-Based Violence
 - Respondents are treated fairly and in a manner that ensures procedural fairness and harm reduction.

2. DISCLOSURES OF GENDER-BASED VIOLENCE

- 2.1. Individuals Who Have Experienced Gender-Based Violence can choose to Disclose their experience and seek guidance, supports and resources or they may make a Formal Complaint about a violation of the Gender-Based Violence policy. This decision rests solely with the Individual Who Has Experienced Gender-Based Violence.
- 2.2. A Disclosure of Gender-Based Violence may be made to any Member of the University Community.
- 2.3. A Member of the University Community who receives a Disclosure will encourage and / or support the Individual to seek further support from dedicated First Responders:

Where the Individual Who Has Experienced Gender-Based Violence is a **Student**:

- Dean of Students
- Campus Minister
- Accessibility Services
- Residence Life Coordinator
- Wellness and Counselling Services

Where the Individual Who Has Experienced Gender-Based Violence is an **Employee**:

- Director of Human Resources
- FSEAP Family Services Employee Assistance Program 1-800-661-8246

REES (Respect, Educate, Empower Survivors) is a simple, secure online platform for reporting campus sexual violence. REES allows a person who has experienced sexual misconduct, harassment, or assault to Create a Record of the incident and choose from multiple online reporting options. The REES Program is a tool where any Community Members can disclose an act of Gender-Based Violence and choose between three options:

Anonymous Report allows you to provide anonymous data about an incident of campus-related sexual violence without making a formal complaint. REES will provide a summary of the data from Anonymous Reports to your post-secondary institution to inform policy, prevention education and security on campus.

Connect to My Campus allows you to reach out to your Designated Campus Contact to report an incident of sexual violence and/or access supports and resources. You can choose to include your Record and/or Narrative along with your contact information and they will contact you.

Repeat Perpetrator Identification (RPI) is a feature of REES that helps to identify a person whose behaviour has harmed multiple people. If more than one survivor identifies the same person, your Designated Campus Contact is notified. You can use RPI without creating a Record.

REES also provides a list of support options.

The King's University encourages the use of REES whether or not there is a formal complaint. This tool allows the Campus to be able to keep track of incidents on Campus and provides the option of anonymous reporting. The King's University has committed to promoting the tool and providing ongoing awareness of the tool on Campus. See REES's Privacy Policy for more information.

<https://reescommunity.com/campus/>

2.4. Getting Medical Attention

If a Sexual Assault occurred or if the Individual requires medical attention, the individual is encouraged to go to the nearest hospital. The closest hospitals to King's are The Grey Nuns, Royal Alexandra, and University of Alberta. They have the Sexual Assault Response Team (SART) that will collect forensic evidence in case the individual wants to report the Sexual Assault or injuries to police. Even if the individual is not sure if they want to report, the SART Team can collect the evidence just in case. It is important that the individual go to the hospital as soon as possible after the event and refrain from changing clothing, using the toilet, showering, eating, or brushing their teeth. Testing for STDs and pregnancy are also recommended.

2.5. Disclosing To Community Supports:

The Individual Who Has Experienced Gender-Based Violence may prefer to seek support outside of The King's University Community. Though not exhaustive, the following supports may be helpful to individuals and the First Responders who are supporting them:

- Sexual Assault Centre of Edmonton (SACE)
<https://www.sace.ab.ca/>
24-hour Crisis Line: 780-423-4121
- Sexual Assault Response Team (SART)
Specially trained Registered Nurses with specialized education in Sexual Assault care. The SART offers victims of Sexual Assault compassionate, confidential, and non-judgmental care. This service is provided with or without police involvement in emergency rooms of eleven hospitals in Edmonton Zone including The Grey Nuns, University of Alberta Hospital, and the Royal Alexandra.
- Saffron Centre in Sherwood Park
<https://saffroncentre.com/>

780-449-0900

- University of Alberta Sexual Assault Centre
<https://www.ualberta.ca/current-students/sexual-assault-centre>
2-705 Student's Union Building
- Inform Alberta- Alberta-wide database of community services
https://informalberta.ca/public/common/index_ClearSearch.do

3. MAKING A FORMAL COMPLAINT

A Disclosure is not a Formal Complaint and will not trigger an investigation unless the University becomes aware of a risk to other Members of the University Community.

Should an Individual Who Has Experienced Gender-Based Violence wish to make a Formal Complaint to the University they should do so in writing to a Lead Responder. The two designated Lead Responders are the Dean of Students and the Director of Human Resources. The Complaint may also be made through any member of The King's University staff or faculty who will deliver the Complaint to a Lead Responder or consult with a Lead Responder to determine the best way to move forward. The Lead Responders can assist Members of the University Community to understand the various reporting options.

3.1. Documentation

Although an Individual Who Has Experienced Gender-Based Violence may not choose to make a Formal Complaint immediately, it is helpful to document the incident(s) in case they decide to report in the future.

Formal Complaint documentation should include:

- The date the document was written
- Clear accusation of a Gender-Based Violence Policy violation.
- A detailed, accurate log that includes names, dates, times, locations, witnesses, and other details. It is preferred that this documentation is recorded as soon as possible after the event.
- Requested outcome if a policy violation is proved.
- The Student's or Employee's King's University email address to maintain privacy

The information can be submitted through REES or included in a Formal Complaint at the time of submission.

Due to the nature of trauma processing, an Individual who has Experienced Gender-Based Violence may not have a clear memory of details, events, or times. Encouraging them to write down what they can remember at the time and not pressing for details is preferred. Documentation can be edited over time as new details emerge.

3.2. Delivery of the Formal Complaint

A Formal Complaint to a Lead Responder may be filed via REES, e-mail or letter or a Complainant may request an in-person meeting to make their report or complaint.

3.3. Allowable Third Parties

University officials are open to the Complainant and the Respondent requesting an Allowable Third-Party support person to accompany them through the process. This person is chosen by the Complainant or the Respondent and observes and listens at proceedings and investigations in support of either the Complainant or the Respondent. The support person should not be a Witness. This is usually a close and trusted friend, family member, mentor, or colleague. Because an investigation is an internal review

process of The King's University, legal counsel of the student, employee, or of the University is not allowed to attend meetings that are held during any step of the process. Examples of Allowable Third Parties include a representative from The King's University Students' Association, a Resident Assistant, or a colleague of the Complainant or the Respondent. The Lead Responder should be informed of who has been chosen as the support person.

3.4. Criminal Report

Reports can be made to the police to pursue criminal charges under the Criminal Code of Canada. It is always the choice of the Individual Who Has Experienced Gender-Based Violence whether to report the crime to the police. If reported, the police will take a statement, investigate the matter, and determine if there is enough evidence to lay charges. The police and the Crown will require participation in what can become a public process. If the matter proceeds to court, the Individual Who Has Experienced Gender-Based Violence will likely be called to testify. More information, including three ways of reporting, can be found on the Edmonton Police Service website: A Criminal Report is separate from a Formal Complaint. First Responders and Lead Responders can assist Individuals Who Have Experienced Gender-Based Violence to contact the police or RCMP if the individual would like to pursue criminal charges.

<http://www.edmontonpolice.ca/CommunityPolicing/PersonalPropertyCrimes/SexualAssault/ReportingSexualAssault.aspx>

4. RESPONDING TO COMPLAINTS

4.1. Lead Responder(s):

- If both the Complainant and the Respondent are employees, the Lead Responder will be the Director of Human Resources or a trained designate of this office.
- If both the Complainant and the Respondent are students, the Lead Responder will be the Dean of Students or a trained designate of this office.
- If the complaint involves both employees and students, then both the Director of Human Resources and Dean of Students will co-lead the response.

4.2. If there is a perceived conflict of interest with the Designated Lead Responder, the other Lead Responder may be substituted. Likewise, if the designated Lead Responder is not comfortable with or able to serve in this capacity, the other Designated Lead Responder will act. If a Complainant has a conflict of interest with both the Director of Human Resources and Dean of Students, they may submit their Formal Complaint directly to the University President, who will subsequently appoint an appropriate Lead Responder.

4.3. The Lead Responder will respond to a complaint within 72 hours of becoming aware of a Complaint and will handle the matter in accordance with the Gender-Based Violence Policy and this procedure. The Lead Responder may request further information, indicate that an investigation will be conducted, and / or lay out modifications or interim measures. When appropriate, the Lead Responder may contact the Respondent to inform them of the complaint and possible investigation and offer support options.

4.4. The Lead Responder is responsible for keeping parties aware of the state of the process and/or investigation as it moves forward. The Lead Responder shall clearly describe to the parties the processes involved, informing them of the policy and procedures and their rights and responsibilities. Sensitive and timely communication with Individuals Who Have Experienced Gender-Based Violence and Respondents is a goal of the University's response.

4.5. Any Modifications or Interim Measures required because of a Complaint will be provided in accordance with sections 5.0 and 11.0 of this procedure before an investigation begins.

4.6. Where a complaint of Gender-Based Violence involves a minor, the University will adhere to all legal reporting requirements.

5. INTERIM MEASURES

The University may impose or facilitate interim measures to support the Complainant, and/or Respondent during a formal investigation process. Interim measures are not indicative of the Respondent's guilt. Such measures may include but are not limited to:

5.1. When the Respondent is a Student:

Separation of the academic and/or resident living situations of any students involved in a Formal Complaint of Gender-Based Violence such as reassignment to a different section of an academic course, interim removal from a course, interim removal from a club or team, restriction of access or times of access to locations such as the Workout Centre or cafeteria, etc.

Student Respondents involved in a University inquiry and / or Criminal Investigation for an alleged act of Gender-Based Violence against another Member of the University Community may have conditions, limitations and expectations imposed upon them up to and including temporary suspension. Access to University programs and services may be restricted or withdrawn.

5.2. When the Respondent is an employee:

Separation of employees within a work area where there has been a complaint of Gender-Based Violence.

Employees may be placed on administrative leave, be subject to restrictions and possible temporary suspension if they are involved in an inquiry for an alleged act of Gender-Based Violence against another Member of the University Community.

Legal judicial orders put in place by the police and/or the courts will be supported by University administration.

6. COMPLAINT REVIEW AND INVESTIGATIONS

6.1. The Lead Responder will determine whether the matters described in the Complaint should be investigated. In determining whether a Complaint will be investigated, the Lead Responder will consider whether the alleged behaviors are within the scope of and in violation of the Gender-Based Violence Policy. The Lead Responder will consider each situation carefully and individually. Unless there is immediate compelling evidence to the contrary, the testimony of an Individual who has Experienced Gender-Based Violence will be believed and used as evidence in determining whether to investigate.

6.2. An investigation will not be conducted into a Complaint if:

- Clear evidence exists that the Complaint was made with intent to deceive.
- The Complaint does not provide sufficient information to permit an investigation.

6.3. If necessary, the Lead Responder may consult the non-designated Lead Responder, the President, or legal counsel for help in determining whether to move forward with an investigation. Should such consultation be necessary, only situational information will be communicated. Names of the Complainant, Respondent and witnesses will not be shared.

6.4. If, after assessing the information with respect to a Complaint, the Lead Responder determines that an investigation will not be pursued, the Lead Responder will document the rationale for not initiating an

investigation and will advise the Complainant and the Respondent of the reasons for not pursuing an investigation.

- 6.5. In the event an investigation of a Complaint is required, the Lead Responder will appoint an Investigator(s) within five (5) business days of receipt of the Complaint. The Investigator(s) may be an employee of the University or an external person. In either case the Investigator will be trained in trauma-informed investigation and reporting techniques.
- 6.6. The Lead Responder will consider all relevant factors and circumstances when determining the Investigator(s), including:
 - The nature of the complaint.
 - The ability for objectivity and lack of bias in the investigation (i.e., no investigation team members with real, potential, or perceived conflicts of interest or biases).
 - The ability to maintain the confidentiality of all information.
 - Knowledge of trauma-informed interview techniques
 - Knowledge of legal and compliance requirements of the core nature/subject matter of the allegation.
 - Potential investigation team member's ability to identify and access the appropriate resources to conduct the investigation in a timely manner; and
 - The need to retain external Investigators or experts in highly sensitive, specialized, or confidential matters.
- 6.7. Terms of reference will be established with the Investigator(s) for each investigation to best support the context of the alleged incident and to define, among other matters, the scope of the investigation and the projected timeline to complete the investigation.
- 6.8. The Lead Responder(s) and Investigator(s) appointed to investigate Complaints may at any time collect, directly or indirectly, use and disclose personal information, individually identifying information and any other information from any Member of the University Community that is considered necessary to manage and investigate Complaints.
- 6.9. The investigation will be completed as expediently as possible, in most cases within thirty (30) business days of the date the Complaint was filed.
- 6.10. Both the Complainant and the Respondent have the right to have an Allowable Third-Party support person present during the investigation process. Refer to 3.3. in this policy.
- 6.11. Investigations will be conducted in a systematic, orderly, and discreet manner and confidentiality will be maintained wherever possible. The objectives of an investigation will be to:
 - Compile information relating to the Complaint as quickly as possible (including, if applicable, taking steps to protect or preserve documents, materials, and equipment).
 - Consider the information collected and draw conclusions objectively and impartially; and
 - Maintain procedural fairness in the treatment of witnesses, the Complainant, and the Respondent.
- 6.12. Investigations will be conducted in a manner which has regard for procedural fairness.
- 6.13. The Investigator may, where required by the circumstances, assess the credibility of the Complainant, the Respondent, and all other witnesses.
- 6.14. Where possible, the Complainant and the Respondent will be notified when the investigation is complete.

7. OUTCOMES

- 7.1. The Investigator will provide the Lead Responder with a written investigation report. The report will include:
 - All relevant facts and accompanying analysis.
 - Witness statements.
 - Witness credibility assessment and, where appropriate, conclusions as to credibility.
 - Description of any interim measures instituted by the Lead Responder.
 - Investigation findings with supporting evidence; and
 - Assessment of whether the allegations are sustained.
- 7.2. A summary of findings from the investigation will be shared with the Complainant and Respondent with consideration of confidentiality and privacy legislation.
- 7.3. If requested by the Lead Responder, the Investigator may include any recommendations arising from the investigation and whether any corrective measures, sanction and/or disciplinary measures are warranted.
- 7.4. If the Investigator concludes there has been a breach of the Gender-Based Violence Policy or another University policy, the Lead Responder will consider outcomes up to and including expulsion, termination of employment, or termination of contract. For students, such outcomes will normally be equated with a Level 3 offense in the Student Accountability Process with the highest level being Disciplinary Dismissal from the university. If the Investigator makes no findings that establish a breach of policy or law, the Lead Responder will close the Complaint and take no further action.
- 7.5. In the case of a breach of the Gender-Based Violence Policy, the Respondent, or the Complainant (in the event a Complaint is made in bad faith) will be subject to outcomes as outlined in the University Gender-Based Violence Policy. Either party have a right to submit an appeal. See section 8 for Appeal Procedure.
- 7.6. The Lead Responder will provide a report of their findings, decision, and any outcomes to both the Respondent and Complainant.
- 7.7. If necessary, the Lead Responder may consult the non-designated Lead Responder, the President, or legal counsel for help in determining outcomes. Should such consultation be necessary, only situational information will be communicated. Names of the Complainant, Respondent and witnesses will not be compromised.
- 7.8. In cases where the Respondent is an employee and the charges are found to be validated, the Lead Responder will consult with Human Resources, and applicable Vice-President to determine next steps.

8. APPEALS

- 8.1. Complainants or Respondents may appeal findings and/or sanctions and will be informed of their right to appeal and the appropriate process by the Lead Responders. Appeals made pursuant to investigations under this policy should be directed to the President of The King's University, in accordance with other applicable policies and procedures.
- 8.2. A written appeal should be submitted to the Office of the President within ten business days of the outcome of the investigation. The Office of the President will review all aspects of the case and may interview the Complainant, the Respondent, and/or witnesses. All decisions made by the President are final.
- 8.3. Appeals will be kept confidential to the other party until it is approved. Interim measures could remain during this process.

8.4. Approved appeals will be communicated indicating any changes to process and outcome.

9. CONFIDENTIALITY

- 9.1. The confidentiality and privacy of all persons involved in a disclosure, or a Complaint of Gender-Based Violence must be strictly observed throughout the process. To enhance confidentiality, a limited number of people will handle Complaints.
- 9.2. The Lead Responder and Investigator(s) are authorized to collect, directly or indirectly, use and disclose personal information, individually identifying information and any other information necessary to manage and investigate Complaints with those involved in the investigation.
- 9.3. Subject to section 7.1 above, the details and results of investigations will not be disclosed or discussed with any person other than those University employees, contractors or advisors who have a legitimate need to know such results to perform their duties and responsibilities. However, the Lead Responder may at any time disclose information in relation to any Complaint, investigation or investigation outcome to senior administration, University solicitors and/or law enforcement agencies, if deemed appropriate.
- 9.4. The Complainant, Respondent, Third Party Support Persons, and all Witnesses are required to maintain confidentiality concerning all complaints, investigations, and procedures. All parties involved are expected to maintain confidentiality to protect the character of the individuals involved and the integrity of the investigation.

10. CONFLICTS OF INTEREST

- 10.1. Members of the investigation team will avoid conflicts of interest wherever possible. The Lead Responder will appoint appropriate persons to lead and conduct the investigation to avoid a conflict of interest. The direct supervisors and managers of either the Complainant or the Respondent will take no part in assessing or leading the investigation of a Complaint. Similarly, the instructor of a student who is either a Complainant or a Respondent will take no part in assessing or leading the investigation of a Complaint.

11. MODIFICATIONS

- 11.1. Students who feel they need Modification due to Gender-Based Violence or involvement with a Complaint (e.g., assignment extension, exam deferral, class scheduling, or withdrawal from a class, residence room change) can access assistance from the Dean of Students. This Lead Responder may enlist the assistance of appropriate staff and faculty members to provide Modification. Every effort will be made to ensure that the Complainant and the Respondent do not have face to face contact during the investigation if needed.
- 11.2. University employees who feel they need workplace Modification due to Gender-Based Violence or involvement with a Complaint can access assistance from the Director of Human Resources. This Lead Responder may enlist the assistance of other University offices to provide Modification.

12. THIRD PARTY REPORTING

Any member of The King's University Community can report a concern regarding the Gender-Based Violence Policy to a Lead Responder in person or in writing, or confidentially through any University Community Member. If there is sufficient evidence to suggest a safety concern for Members of the University Community, the Lead Responder may initiate an inquiry. REES can also be accessed confidentially through the internet.

13. RETALIATION

- 13.1. An Individual Who Has Experienced Gender-Based Violence that has acted in accordance with the requirements of this policy and the related procedures will be protected against retaliation. Protection will be provided to both the Complainant and any other Member of the University Community who has participated or cooperated in an inquiry.
- 13.2. Reported incidents of Gender-Based Violence proven to be knowingly false and / or are maliciously made will be viewed as a serious disciplinary offense and dealt with appropriately.

14. RIGHT TO WITHDRAW A COMPLAINT

An Individual Who Has Experienced Gender-Based Violence has the right to withdraw a complaint at any stage of the process. However, the University may continue to act on the complaint or concern identified by the Complaint to comply with its obligation under University policy and / or its legal obligations.

15. EDUCATION AND PREVENTION

- 15.1. All Members of the University Community are encouraged to participate in Gender-Based Violence educational programs and initiatives offered by the University.
- 15.2. All faculties and departments are encouraged to include education related to Gender-Based Violence in course materials and other community programs where appropriate. Education should be implemented from a trauma-informed lens.