



## Procedure

Procedure Name	<b><i>Gender Based and Sexual Violence Disclosure and Supports Procedure</i></b>		
Procedure #	HS 3.1	Parent Policy	HS 3.0 Gender Based and Sexual Violence Prevention and Response Policy
Policy Owner	Chair, Governance Committee	Effective Date	December 7, 2022
Procedure Owner	Vice President, Students and Campus Life	Next Review Date	December 7, 2027
Approved by	Vice President, Students and Campus Life	Approval Date	December 6, 2022

### 1.0 Purpose/ Background

NAIT is committed to preventing and addressing Gender Based and Sexual Violence and creating a safe and positive space where members of the community are able to work, learn, and express themselves in an environment free from Gender Based and Sexual Violence. This document sets out NAIT's responsibility to receive Disclosures of Gender Based and Sexual Based Violence and to respond with support to Survivors.

### 2.0 Definitions

Term	Definition
Academic and Workplace Accommodations	In this policy, academic and workplace accommodations is an umbrella term for accommodations to learning or working environments, tasks, or procedures in relation to one's experience of Gender Based or Sexual Violence.
Accommodation	An accommodation is a change to a rule, approach, or environment to meet the needs of an individual and allow them to engage in a process. Typically, accommodations are provided in relation to protected grounds identified under human rights legislation, but in cases of Gender Based and Sexual Violence accommodation may be in relation to the impact of violence and trauma.
Complainant	The person who brings forward information that a violation of the Policy may have occurred OR who was primarily impacted by the violation.
Complaint	A formal allegation of a policy violation submitted to NAIT by a Complainant seeking recourse in accordance with NAIT policy and/or procedure.
Consent	A voluntary agreement to engage in a behaviour or activity. This is an active, direct, voluntary, unimpaired, ongoing, reversible, and conscious choice and agreement between individuals engaging in the behaviour or activity. Consent cannot be obtained through the abuse of a position of power, trust, or authority.

Disclosure	When an individual shares information about a personal experience of Gender Based or Sexual Violence to someone who did not previously know.
Employee	Executives and management, faculty, and staff/employees that are paid a salary or wage by the institute whether they work full time, part time, or casually on a contractual basis.
Gender Based and Sexual Violence	Any violence, physical or psychological, that is committed, threatened, or attempted against another individual without the individual's Consent by targeting an individual because of their sex, gender identity, gender expression, or sexual orientation. Gender Based and Sexual Violence is an umbrella term that includes Gender Based Violence, Sexual Harassment, and Sexual Assault, and can include a single incident or a pattern of behaviour.
Gender Based Violence	Any violence, physical or psychological, that is committed, threatened, or attempted against another individual without the individual's Consent by targeting gender, gender identity, or gender expression, including but not limited to sexist, homophobic, and/or transphobic comments, jokes, and images.
Harm-Reduction	A recognition that the processes used to address Gender Based and Sexual Violence can cause additional harm in themselves and a set of practices that, wherever possible, seek to limit and reduce the negative consequences of Gender Based and Sexual Violence and related processes on the involved parties.
NAIT Community	NAIT students, employees, volunteers, visitors, contractors, tenants, and members of the Board of Governors, when on NAIT property, in NAIT Learning, Working, or Social Environments, or while representing NAIT, whether in-person or online.
NAIT Learning Environment	The physical and virtual space where learning takes place including, but not limited, to classrooms, hallways, common areas, labs, digital learning resources such as Moodle, work-integrated learning locations, all social media platforms, and other spaces on campus.
NAIT Social Environment	The physical and virtual space where members of the NAIT Community gather and interact for social and/or recreational reasons. This includes but is not limited to on-campus common areas, recreational facilities, hallways, all social media platforms, and any form of gathering with an identifiable and substantial connection to NAIT.
NAIT Working Environment	The physical and virtual space where an Employee performs work duties and interacts with others which includes, but is not limited to offices, hallways, common areas, classrooms/labs/shops, digital communication platforms such as Microsoft Teams, work-integrated learning locations, all social media platforms, and other spaces on campus.
Natural Justice and Procedural Fairness	The principles that an investigation or adjudication should be unbiased and conducted in good faith and that all parties have a right to be heard.
Process Accommodations	Accommodations available during a Gender Based or Sexual Violence Disclosure or Complaint, including, but not limited to: <ul style="list-style-type: none"> <li>• Access to assistive technology or sign-language interpreting</li> <li>• Incorporation of cultural components (e.g. allowing the interviewee to use a talking piece or religious artifact)</li> <li>• Use of multiple means of communication including verbal, written, images, etc.</li> </ul>
Respondent	The person alleged to have violated the Policy.

Sexual Assault	Any sexual contact without Consent, which can include but is not limited to forced oral contact, forced groping or fondling, forced vaginal or anal penetration, and forced oral to genitalia contact. The behaviour need not be intentional in order to be considered Sexual Assault.
Sexual Harassment	One or more unwanted or demeaning remarks, behaviours, or communications of a sexual nature and/or based on sex, gender identity, gender expression, or sexual orientation, where the individual responsible for the remarks, behaviours, or communications knows or ought reasonably to know that these are unwanted or demeaning. This can include but is not limited to requests or demands of a sexual nature, stalking, indecent exposure, voyeurism, touching of non-sexual body parts, creating, acquiring, or distributing sexual images or videos including images or videos of a NAIT Community member.
Sexual Violence	Umbrella term that includes Sexual Harassment and Sexual Assault
Student	<p>For the purposes of this Policy, we consider the following people as students:</p> <ul style="list-style-type: none"> <li>• Applicants to NAIT programs</li> <li>• Individuals currently enrolled in NAIT programs or courses</li> <li>• Individuals who have been enrolled in the past, but not currently active, and are making a Disclosure related to a previous experience in a NAIT Learning Environment or NAIT Social Environment</li> <li>• Alumni making a Disclosure related to a previous experience in a NAIT Learning Environment or NAIT Social Environment</li> </ul>
Survivor	There are many terms that may be used in relation to a person who has experienced Gender Based or Sexual Violence or is bringing forward a Complaint about Gender Based or Sexual Violence. Individuals might be familiar with the term “victim” or prefer the term “complainant” as a neutral term. Some who have experienced Gender Based or Sexual Violence may choose to identify as a survivor, as an indication of having overcome the experience rather than being victimized by it. NAIT uses the term Survivor throughout the related Policy and Procedures where it applies to those who have experienced Gender Based or Sexual Violence. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify. “Survivor” and “Complainant” means the same thing in the execution of this policy, but every effort is made to use the term “Survivor” in instances of Gender Based or Sexual violence. Use of the term “Survivor” does not indicate an assumption of guilt of an individual.
Third Party Advocate	A third-party appointed by a Survivor to make a Disclosure on their behalf. The Third Party Advocate is not required to provide identifying information regarding the individuals involved. The Third Party Advocate can request information on support available and Complaint options to provide back to the Survivor.
Trauma-Informed Practices	Trauma-Informed refers to acknowledging the harm that all parties involved in Gender Based or Sexual Violence may have endured and awareness that trauma impacts an individual’s emotional, cognitive, physical, and sexual well-being. Trauma-Informed Practices are approaches based in Harm-Reduction, avoiding re-traumatization, power consciousness, and providing dignity. This also includes providing support and training for those receiving Disclosures and involved in the Complaint process to reduce the impacts of trauma exposure.

### **3.0 Imminent Risk**

- 3.1 Members of the NAIT Community who reasonably believe that violence is in progress or may occur imminently in a NAIT Learning, Working, or Social Environment or on NAIT property shall immediately contact 911 and [NAIT Protective Services](#).

### **4.0 Privacy Rights and Confidentiality**

- 4.1 The privacy of all persons involved in a report or Complaint of Gender Based or Sexual Violence must be strictly observed. NAIT shall always endeavor to respect the confidentiality of all persons, including the Survivor, Respondent, and witnesses, subject to the obligations to adhere to the principles of Natural Justice and Procedural Fairness, and subject to any disclosure requirements pursuant to applicable law.
  - 4.1.1 Survivors who wish to make a Disclosure without identifying themselves to NAIT can do so through a Third Party Advocate.

### **5.0 Disclosure**

- 5.1 A Survivor or Third-Party Advocate may choose to Disclose an act of Gender Based or Sexual Violence to any NAIT Employee. Disclosure, in these circumstances, can be about seeking support, guidance, or Academic and Workplace Accommodations.
- 5.2 If applicable, the NAIT Employee shall inform the Survivor or Third-Party Advocate of supports available through NAIT's Health Services, Student Counselling, Student Resolution Office, Protective Services, Transition Services, and/or Human Resources. These departments have training to best provide support, will be available to discuss all relevant options with the Survivor or Third-Party Advocate, and will respond confidentially except as required by law. The Employee should also provide information that external resources, such as the Sexual Assault Centre of Edmonton, are available and that the areas listed above will be able to provide more information on external resources.
  - 5.2.1 An area receiving a Disclosure will engage relevant offices/committees, such as the Student Resolution Office, to ensure the safety of the NAIT community is maintained. NAIT will engage law enforcement agencies if it is determined that there is a threat to the safety of the NAIT community
- 5.3 The priority in responding to a Disclosure or Complaint will be providing support and ensuring an appropriate process for those affected. Survivors will not face sanctions or ramifications for drug and/or alcohol use revealed as part of a Gender Based or Sexual Violence Disclosure or Complaint.
- 5.4 If the incident(s) of Gender Based or Sexual Violence occurred when on NAIT property, in a NAIT Learning, Working, or Social Environment, while representing NAIT, or in another situation with an identifiable and substantial link to NAIT, whether in-person or online, the Survivor may choose to file a Complaint as per HS 3.2 Gender Based and Sexual Violence Complaints Procedure.
  - 5.4.1 NAIT may proceed with a Complaint without the Survivor's engagement in some situations, including but not limited to:
    - 5.4.1.1 When an incident of Gender Based or Sexual Violence has been made public, such as Disclosures shared on public websites or social media
    - 5.4.1.2 When a legal obligation to report exists, such as possible risk to a minor
    - 5.4.1.3 When multiple Disclosures have been received about a single Respondent

5.4.1.4 When a matter is deemed to pose a threat to the safety of the NAIT Community

5.5 A Survivor may wish to file a report with the law enforcement agency having jurisdiction for an investigation under the Criminal Code of Canada. If they are also opting to file a Complaint with NAIT, these can be filed simultaneously.

## 6.0 Exceptions to the Procedure

5.1 Exceptions to this procedure must be documented and formally approved by the Procedure Owner.

Procedure exceptions must include:

- The nature of the exception
- A reasonable explanation for why the procedure exception is required
- Confirmation that the exception aligns with the general principles
- Any risks created by the procedure exception and how they will be managed.

## 7.0 Related Documentation

Courage to Act: A Comprehensive Guide to Campus Gender-Based Violence Complaints

GE 2.0: Code of Ethics and Conduct Policy

HR 6.0: Respectful Workplace Policy and Procedure

HS 3.0: Gender Based and Sexual Violence Prevention and Response Policy

HS 3.2: Gender Based and Sexual Violence Complaints Procedure

LC 2.0: Safe Disclosure Policy and Procedure

SR 1.0: Student Rights and Responsibilities Policy and procedures

### Document History

<i>Date</i>	<i>Action/ Change</i>
<i>March 28, 2023</i>	<i>Removed reference to Ombuds Office</i>