

1. PURPOSE

The purpose of this procedure is to support the implementation of the Banff Centre Gender-Based and Sexual Violence Policy.

2. SCOPE

This procedure extends to all members of the Banff Centre Community in circumstances involving incidents of Gender-Based and Sexual Violence and is intended to support Survivors, Complainants, Reporters, Respondents and First Responders.

3. PROCEDURE

3.1. Imminent Risk

Members of the Banff Centre Community who reasonably believe that violence is in progress or may occur imminently in a Banff Centre learning, working, or social environment or on Banff Centre property shall immediately contact 911 and Security Services.

3.2. Confidentiality

3.2.1. Banff Centre wants to create an environment of safe Disclosure where any Banff Centre Community member who has experienced Gender-Based and Sexual Violence feels safe to disclose and seek support.

3.2.2. All representatives of Banff Centre involved in responding to a Disclosure, Formal Complaint and/or Investigation of Gender-Based and Sexual Violence are expected to maintain confidentiality of information as required by law and Banff Centre policy, and where otherwise appropriate. Banff Centre treats Disclosures and Formal Complaints as confidential, subject to the following limitations:

- 3.2.2.1 When an individual is believed to be at imminent risk of self-harm.
- 3.2.2.2 When there are reasonable grounds to believe that a member of the Banff Centre Community or wider community may be at risk of harm.
- 3.2.2.3 To promote fairness of process for all parties.
- 3.2.2.4 Evidence of the alleged Gender-Based and Sexual Violence is already available in the public realm.
- 3.2.2.5 Disclosure of information, reporting and/or conducting an investigation is required by law, by Banff Centre's policies, or by an external body with appropriate authority.

- 3.2.2.6 Confidentiality pursuant to this procedure is subject to the provisions of the *Freedom of Information and Protection of Privacy Act* (Alberta) ("FOIP"), other legislation, the Collective Agreement and Banff Centre policies.

3.3. Disclosures and Formal Complaints

3.3.1 Any individual of the Banff Centre Community who has experienced, witnessed, or become aware of an incident of Gender-Based and Sexual Violence is encouraged to make a Disclosure to an Advisor and file a Formal Complaint and if conduct is of a criminal nature, may file a Formal Complaint with law enforcement agencies.

3.3.2. Formal Complaints that involve **employees, faculty, participants, practicum students, contractors, consultants, or volunteers** may be submitted along with any relevant documentation to the Vice President, Talent Management and Culture or delegate.

3.3.3. Formal Complaints that involve the **Vice President, Talent Management** and Culture may be submitted along with any relevant documentation to the President and CEO.

3.3.4. Formal Complaints that involve the **President and CEO**, or a **Governor of the Board of Governors** other than the Chair of The Board of Governors of the Banff Centre (the 'Chair of the Board'), the Chair of the Human Resources and Compensation Committee (the 'Chair of HR') or the Chair of the Governance and Nominating Committee (the 'Chair of G&N'), may be submitted along with any relevant documentation to the Chair of the HR. The Chair of HR shall inform the Chair of the Board and the Chair of G&N. Formal Complaints that involve the **Chair of HR**, may be submitted along with any relevant documentation to the Chair of the Board who shall inform the Chair of G&N and the President and CEO.

3.3.5. Formal Complaints that involve **the Chair of the Board**, or the **Chair of G&N** shall be submitted along with any relevant documentation to the Chair of HR who shall inform the President and CEO and the Chair of G&N if the Formal Complaint is against the Chair of the Board or shall inform the President and CEO and the Chair of the Board if the Formal Complaint is made against the Chair of G&N. In addition, the Chair of HR shall inform the appropriate individual at the Ministry of Advance Education of the Formal Complaint that has been submitted that involves the Chair of The Board.

3.3.6. Formal Complaints that involve a **Director of The Banff Centre Foundation** (excluding the Chair of the Foundation), such Disclosure may be submitted to the President and CEO, who shall inform the Chair of the Banff Centre foundation.

3.3.7. Formal Complaints that involve the **Chair of the Board of Directors**, may be submitted to the President and CEO who shall advise the Chair of the Governance and Nominating Committee of the Foundation and the Chair of the Board of Governors.

3.4. Responding to Disclosures

3.4.1. The Vice President, Talent Management and Culture may assign an Advisor to the Complainant and Respondent. Individuals who have experienced Gender-Based or Sexual Violence have the option, in their sole discretion to do any or all the following:

- 3.4.1.1 Discuss Formal Complaint options with an Advisor.
- 3.4.1.2 Disclose but not complete a Formal Complaint.
- 3.4.1.3 Complete a Formal Complaint.
- 3.4.1.4 Determine what and how much information to Disclose.
- 3.4.1.5 Determine the level of participation in a Formal Complaint process.
- 3.4.1.6 Choose to complete a Formal Complaint at a later date.
- 3.4.1.7 Report to the police. In the event an individual reports an incident(s) of Gender-Based or Sexual Violence to the police, Banff Centre may engage in its own investigation into such allegations using internal procedures and will make its own determination in accordance with Banff Centre's policies unless such investigation interferes with the criminal or civil proceedings.

3.4.2. An individual can choose to Disclose and to complete a Formal Complaint anonymously. If a Disclosure or a Formal Complaint are completed anonymously, Banff Centre will include such information in any statistics maintained by Banff Centre however, in most cases of anonymous reporting, Banff Centre may be limited in its ability to respond due to available information.

3.5. Interim Measures or Modifications

3.5.1. The Vice President, Talent Management and Culture or delegate in consultation with the Senior Leader of the Division may impose interim measures or modifications of the workplace, learning or living environment or campus life to support the Survivor, Complainant, Reporter, and/or Respondent during an investigation including, but not limited to: determining that there is to be no contact between a Complainant and a

Respondent; reassigning the Complainant or Respondent to a more suitable workplace, or supervisor, as a temporary measure; offering the Survivor, Complainant, or Respondent, a leave of absence; or suspending the Survivor, Complainant or Respondent from a program or event, the work place, or student or staff residence (as the case may be), pending the conclusion of an investigation.

3.6. Investigations of Formal Complaints

3.6.1. An Investigation will be undertaken pursuant to this procedure for each Formal Complaint received by Banff Centre.

3.6.2. If three (3) or more Disclosures about an individual have been received within a period of less than five (5) years, Banff Centre may complete an Investigation in the absence of a Formal Complaint to ensure that there is no risk to others within the Banff Centre Community.

3.6.3. Before an Investigation commences, the Respondent will be notified in writing.

3.6.4. An Investigator will be retained for the purpose of completing an Investigation. The Investigator shall be an individual who practices a Trauma-Informed approach to such investigations and who has competence in conducting investigations related to allegations of Gender-Based Violence, Sexual Assault, Sexual Harassment or Sexual Violence.

3.6.5. For all Investigations involving an **employee (except the President and CEO), participant, practicum students, volunteers, Faculty, or a Contractor**, the Vice President, Talent Management and Culture or delegate shall be responsible for retaining and communicating with the Investigator and for reporting the findings of the Investigation Report.

3.6.6. For all Investigations involving the **President and CEO, or a Governor of the Board of Governors of The Banff Centre** (except the Chair of HR), the Chair of HR shall be responsible for recommending to the Board of Governors (with the Respondent recusing themselves from the process) the selection of the investigator and is the single point of contact, on behalf of the Board of Governors, with the Investigator. The Chair of HR may be supported by the Vice President, Talent Management and Culture as may be appropriate.

3.6.7. For all Investigations involving the **Chair of HR, or the Chair of the Board of Directors of The Banff Centre Foundation**, the President and CEO shall be responsible for recommending to the Board of Governors or Board of Directors (with the Respondent recusing themselves from the process) the selection of the investigator and is the single point of contact, on behalf of the Board of Governors, with the Investigator. The President and CEO may be supported by the Vice President, Talent Management and Culture as may be appropriate.

3.6.8. For all Investigations involving a **Director of the Banff Centre Foundation** (except the Chair of The Banff Centre Foundation), the Chair of the Banff Centre Foundation shall be responsible for recommending to the Board of Directors (with the Respondent recusing themselves from the process) the selection of the investigator and is the single point of contact, on behalf of the board of directors, with the Investigator. The Chair of the Banff Centre Foundation may be supported by the Vice President, Talent Management and Culture as may be appropriate.

3.6.9. The Investigator will interview individuals and provide the Vice President, Talent Management and Culture or the applicable representative outlined in clauses **3.6.6**, **3.6.7**, **3.6.8** with an Investigation Report. The Investigation Report will be used in any appropriate disciplinary process. In recognition that Gender-Based and Sexual Violence will often involve power imbalances, intersecting identities, and dating or domestic violence, Banff Centre or applicable Board of Governor or Board of Director representative as indicated in clauses **3.6.6**, **3.6.7**, or **3.6.8** may direct the Investigator to investigate other elements of misconduct at the same time. All other elements of misconduct that are not Gender-Based or Sexual Violence and that can be substantiated by an investigation, shall be addressed by any other policy documents or the Collective Agreement. The Investigator may be supported by the Vice President, Talent Management and Culture as appropriate.

3.7. Right to Withdraw a Formal Complaint

3.7.1 A Survivor has the right to withdraw a Formal Complaint at any stage of the proceedings under this procedure.

3.7.2 Banff Centre may continue to act on the issue identified in the Formal Complaint in some situations, as outlined in clause **3.2.2**.

3.7.2.1 In cases where a Survivor has withdrawn their Formal Complaint, but Banff Centre has continued investigating the Formal Complaint in accordance with clause **3.2.2**, the Survivor still has the right to access support and to be informed, as much as possible and desired, on the progress and outcome of the process subject to the privacy rights of the Respondent.

3.8. Retaliation and Good Faith Complaints

3.8.1 It is contrary to the Gender-Based and Sexual Violence Policy and this procedure for anyone to retaliate, engage in reprisals, or threaten to retaliate against a Survivor, Complainant, Reporter, Respondent, Bystander, or other individuals for:

- 3.8.1.1 Having pursued rights under the policy and this procedure, or for having pursued other legal remedies, the Criminal Code of Canada, or civil litigation.
- 3.8.1.2 Having participated or co-operated in an investigation under the policy and this procedure or other processes identified herein; or having been associated with an individual who has pursued rights under the policy, this procedure, or the other processes identified herein.

3.8.2 Anyone engaged in such conduct may be subject to discipline as outlined in section **3.9**.

3.8.3 All Disclosures and Complaints must be in good faith. Disclosures or Complaints that are found to be in bad faith including, but not limited to, those that are made to purposely annoy, embarrass, or harm a member of the Banff Centre Community or are reasonably considered to be frivolous or vexatious, may result in disciplinary action. Disciplinary action will not apply where a Formal Complaint has been made in good faith but cannot be substantiated.

3.9. Determination and Outcome

3.9.1. Employees, Participants, Practicum Students, Volunteers

3.9.1.1 The Vice President, Talent Management and Culture, in consultation with the Senior Leader of the Division shall decide whether disciplinary action should be taken in relation to any employee or participant following the results of an Investigation.

3.9.2. Faculty and Contractors

3.9.2.1 The Vice President, Talent Management and Culture, in consultation with the Senior Leader of the Division, and where applicable, the General Counsel shall determine whether the results of an Investigation constitute a breach of contract(s) or agreement(s) and, if so, the appropriate remedy pursuant to the terms of such contract(s) or agreement(s).

3.9.2.2 In the event that the results of an Investigation are not received by Banff Centre until after the expiration of any contract(s) or agreement(s), the Vice President, Talent Management and Culture, the Senior Leader of the Division and where applicable the General Counsel shall determine if that particular Faculty or Contractor is prohibited from entering into any further agreement(s) or contract(s)

with Banff Centre for such period of time as may be determined pursuant to Banff Centre's applicable records management policies.

3.9.3. Board of Directors of The Banff Centre Foundation

3.9.3.1 The Board of Directors of The Banff Centre Foundation (Respondent to be recused), upon the recommendation of those Directors informed pursuant to clauses **3.6.7** and **3.6.8**, shall decide whether disciplinary action should be taken in relation to any Director following the results of an Investigation.

3.9.4. Board of Governors of The Banff Centre

3.9.4.1 The Board of Governors of The Banff Centre (Respondent to be recused), upon the recommendation of those Governors informed pursuant to clauses **3.6.6** or **3.6.7**, as applicable, shall decide whether disciplinary action should be taken in relation to any Governor following the results of an Investigation.

3.10. Appeal

3.10.1. If an individual employee is a union member, that individual has the right to appeal the decision in accordance with the Collective Agreement. If the individual is a non-union member, that individual may file an appeal to the President and CEO, or their delegate, for review and final decision.

3.10.2. If an individual is a participant, that individual has the right to file an appeal of the decision to the President and CEO, or their delegate, for review and final decision.

3.11. Gender-Based and Sexual Violence Advisors

3.11.1. The Vice President, Talent Management and Culture will establish and maintain a list of Advisors comprised of employees of the Banff Centre who have received specialized, Trauma-Informed, training and are aware of and recognize the dynamics associated with working with individuals who have experienced Gender-Based and Sexual Violence. Together the Advisors comprise the Gender-Based and Sexual Violence Response Team.

3.11.2. The Advisors will actively encourage the Banff Centre Community, including various departments and offices, to work together as a unified Banff Centre to promote a safe environment for all the Banff Centre Community.

3.11.3. The Advisors will work to promote initiatives and education intended to best support and inform members of the Banff Centre Community about Gender-Based and Sexual Violence.

3.11.4. The Advisors will support the Complainant and Respondent in understanding and navigating Formal Complaint procedures and provide support in accessing available community services.

3.11.5. The Advisors will work with individuals who have experienced Gender-Based and Sexual Violence, who have made a Disclosure or filed a Formal Complaint, received a Disclosure, or been named as a Respondent to:

- 3.11.5.1 Explore options about support and safety plans.
- 3.11.5.2 Assist in accessing available resources on and off campus.
- 3.11.5.3 Provide information about the Formal Complaint procedures.
- 3.11.5.4 Receive and consider requests for support, services, and accommodations relating to Gender-Based and Sexual Violence from the Banff Centre Community.

3.11.6. The Advisor will regularly report to the Vice President, Talent Management and Culture and will report the number of Disclosures and Formal Complaints to the Vice President, Talent Management and Culture on a quarterly basis and will report annually on:

- 3.11.6.1 the effective implementation of this Procedure.
- 3.11.6.2 recommendations for improvement on this Procedure and related Policy, and
- 3.11.6.3 recommendations on additional resources or other measures Banff Centre may consider to further raise awareness, prevent, and respond to Gender-Based and Sexual Violence.

3.11.7. If a Formal Complaint involves the Vice President, Talent Management and Culture, the Advisors will report directly to the President and CEO who will report to the Chair, Human Resources and Compensation Committee, of the Board of Governors of The Banff Centre.

3.12 Timelines

Banff Centre is a small public post-secondary institution and is not able to provide definitive or binding timelines for the completion of each element of this procedure. However, Banff Centre is committed to ensuring that each step of the applicable Disclosure, Formal Complaint and/or Investigation procedure is treated seriously and considered as promptly as possible.

3.13. Statistics

3.13.1. Banff Centre will collect anonymized statistics on all Disclosures, and Formal Complaints made by the Banff Centre Community to inform the Advisors and the Vice President, Talent Management and Culture of Banff Centre's rates of Gender-Based and Sexual Violence.

3.13.2. The Vice-President, Talent Management and Culture or delegate will ensure that quarterly and annual statistics are maintained on acts of Gender-Based and Sexual Violence Disclosures and/or Formal Complaints for the purposes of Banff Centre annual and quarterly reporting.

3.14. Fair and Equitable Process

3.14.1. All Formal Complaints of Gender-Based or Sexual Violence will be investigated by Banff Centre in a manner that is fair and equitable to both the Complainant and Respondent.

3.15. Conflict of Interest

Members of the investigation team and persons involved in the assessment and review of the Formal Complaint will not, to the extent possible, include any individuals who have a potential, perceived or real conflict of interest (as defined in Banff Centre's existing policies) in the matter or persons involved in the Formal Complaint.

3.16. Legal Requirements

3.16.1. Banff Centre will follow the direction of the individual who has experienced Gender-Based and Sexual Violence when responding to an incident of Gender-Based and Sexual Violence whenever possible and provided it is safe for the Banff Centre Community to do so.

3.16.2. In some cases where legally required to act as outlined in clauses **3.2.2** and **3.7.2**, Banff Centre may be required to take some action without the consent of the individual who has experienced Gender-Based and Sexual Violence. Individuals affected will be informed and offered support.

3.17 Records Management

3.17.1 The Vice President, Talent Management and Culture is responsible for maintaining records related to Disclosures and Formal Complaints including, without limitation, investigation reports and any alternative resolution process reports.

3.17.2 Subject to any records retention obligations under Banff Centre policy or applicable law, records related to discipline or sanctions arising out of Formal

Complaints will be maintained by the Talent Management and Culture Division.

3.17.3 All records involving a Formal Complaint and subsequent investigation of Formal Complaints, with the exception of those records related to discipline or sanctions arising out of Formal Complaints, will be kept in a confidential and secure file separate from participant, practicum student, volunteer, faculty, contractor, director of the board or governor of the board records and/or employee personnel files; however, all such records may be used for purposes of future disciplinary processes or decisions regarding participant acceptance and/or awarding of contracts.

3.17.4 Prior to an employment, participant, contract, faculty, volunteer or practicum student offer, the Gender-Based and Sexual Violence records will be reviewed to ensure whoever is found to have committed Gender-Based and Sexual Violence will not be extended an offer.

3.18 Other Processes

3.18.1 Nothing in this policy or procedures shall detract from the right of an individual to make inquiries or register a Formal Complaint, at any time, as appropriate, through police services.

3.19 Review

3.14.1 The Gender-Based and Sexual Violence Policy and these procedures must be reviewed by Banff Centre on the earliest of: an incident of violence occurring, a request by the joint health and safety committee that the policy be reviewed, or every three (3) years.

4. DEFINITIONS

Advisor. An employee of the Banff Centre who have received specialized training, are aware of and recognize the dynamics associated with working with individuals who have experienced Gender-Based and Sexual Violence and provide support in responding to Gender-Based and Sexual Violence.

Anti-Oppressive. Anti-Oppressive practice seeks to recognize oppression – the socially supported system of mistreatment and exploitation of a group of individuals – that exists in our society and attempts to mitigate its effects and equalize power imbalances in our communities.

Banff Centre Community. Includes those persons involved in or associated with, Banff Centre or its affairs including all artists, contractors, consultants, employees, faculty, participants, practicum students, volunteers, members of the Board of Governors, and members of the Board of Directors of The Banff Centre Foundation, while they are: on or using Banff Centre

property; participating in Banff Centre programs, events or activities (whether virtual or in person); or acting on behalf of Banff Centre.

Bystander. A person who observes an incident of Gender-Based or Sexual Violence or Sexual Harassment taking place.

Coercion. Within the context of Gender-Based or Sexual Violence, coercion is an unreasonable and persistent pressure for sexual activity. Coercion can be through emotional manipulation, blackmail, threats to family, pets or friends, or the promise of rewards or special treatment, or to persuade someone to do something that they would otherwise not such as being sexual or performing sexual acts.

Collective Agreement. Means the Collective Agreement between Banff Centre and the Canadian Union of Public Employees Local 4318 in force, from time to time.

Complainant. A person who files a Formal Complaint against a Respondent.

Consent. The voluntary agreement to engage in specific sexual activity or behaviour requires that a person is able to freely articulate a choice, which includes the possibility of refusal. This means that there must be an understandable 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, there cannot be Consent to sexual activity in the following circumstances:

- (a) A person does not communicate yes, or communicates or implies no through their words, body language, and/or behaviour.
- (b) A person is asleep, unconscious, incapacitated, unable to communicate, or otherwise unable to consent.
- (c) A person has been threatened or coerced, such that any agreement is not provided voluntarily, into engaging in the sexual activity.
- (d) A person uses a position of trust, power, or authority to coerce another into sexual activity.
- (e) A person is impaired by alcohol and/or drugs.
- (f) A person withdraws Consent, at any time, before or during any part of the sexual activity.

The fact that Consent was given in the past does not mean that Consent is deemed to exist

for present and future sexual activity.

Disclosure. When a person chooses to inform a member of the Banff Centre Community about an incident where they were subjected to Gender-Based and Sexual Violence. A Disclosure is not necessarily a Formal Complaint and will not trigger an investigation pursuant to the Gender-Based and Sexual Violence Procedure unless Banff Centre becomes aware of a risk of harm to other members of the Banff Centre Community.

First-Responder. An individual to whom a Survivor initially discloses. This could be any member of the Banff Centre Community.

Formal Complaint. A written statement given to Banff Centre by a Complainant, usually provided to the Advisor after a Disclosure has been received. A Formal Complaint provides information, in as much detail as possible, about the incident(s) of Gender-Based and Sexual Violence and greatly assists the Advisor and an investigator in responding to a Formal Complaint.

Gender-Based Violence. Any abuse, assault or harassment directed towards or against someone due to their gender expression, gender identity or perceived gender that can be drawn back to dominant societal norms surrounding gender. Gender-Based Violence is more broad than Sexual Violence and can include sexual, physical, mental, and economic harm inflicted in public or in private and may include threats of violence, coercion, and manipulation.

Interim Measures. Non-disciplinary actions taken during an investigation or proceeding in accordance with processes outlined in a collective agreement, if applicable, to ensure the safety of the Survivor, Complainant, Respondent or of the Banff Centre's learning, working and residence environment, to discourage or prevent retaliation, and preserve the Banff Centre's ability to conduct a thorough investigation. Interim Measures may include no contact between a Survivor, Complainant, and a Respondent, and/or that the Respondent be removed from program, the workplace or residence pending the conclusion of an investigation.

Investigation. Investigative process following the receipt of a Formal Complaint typically culminating in a report prepared by the investigator and outlining details regarding the investigation of a Formal Complaint including the details of the investigation, statement of facts, findings, and conclusions.

Investigator. A third-party investigator retained by Banff Centre for the purpose of completing an Investigation. The Investigator shall be an individual who practices a Trauma-Informed approach to investigations involving allegations of Gender-Based and/or Sexual Violence.

Leadership Group, The. The President and Chief Executive Officer together with the Vice-

Presidents and the Management Leadership Group as identified in the organization chart.

Modification. Making reasonable changes to certain rules, standards, policies, workplace cultures and physical environments to ensure that they do not have a negative effect on a person involved in a Disclosure or Formal Complaint of Gender-Based and Sexual Violence. These changes may include Interim Measures while an investigation is ongoing.

Primary Contact. A representative of the Banff Centre appointed to Survivors, Complainants, Respondents, Reporters, and other persons involved in a Formal Complaint or investigation process. The primary contact(s) will provide information to such persons, facilitate access to resources and services, coordinate and respond to communications from and to the Banff Centre and external entities (including without limiting, police, programming areas and health care providers), and otherwise provide support to the participants as required under this policy and associated procedures.

Rape Culture. A culture in which dominant ideas, social practices, media images, and societal institutions implicitly or explicitly condone Sexual Violence by normalizing or trivializing Sexual Violence and by blaming Survivors for the abuse to which they have been subjected.

Reporter. An individual who submits a Disclosure, but who is neither a Survivor nor Respondent.

Respondent. A member of the Banff Centre Community against whom a Formal Complaint has been filed in accordance with this policy and associated procedures.

Retaliation. Taking, threatening, or attempting to take any adverse action against a member of the Banff Centre Community because that person has made a Disclosure or filed a Formal Complaint, supported a Disclosure or filing of a Formal Complaint, disclosed information to the Banff Centre about a Disclosure or Formal Complaint, participated in an investigation of a Disclosure or Formal Complaint, or pursued their rights under this policy. Retaliation includes, but is not limited to, social aggression and physical and psychological violence.

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 to be considered Sexual Assault.

Sexual Discrimination. Discrimination based on sex, gender, sexual orientation, gender expression or gender identity as set out and defined in the *Alberta Human Rights Act*.

Sexual Harassment. Unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature. Incidents of sexual harassment include, but are not limited to, situations when:

- (a) Such conduct has the purpose or effect of interfering with an employee's work performance or a participant experience in a program, or creating an intimidating, hostile, or offensive working, learning or living environment.
- (b) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or of the teaching and learning process; or
- (c) Submission to or rejection of such conduct is used in employment or program participation decisions affecting that employee or participant.

Examples of sexually harassing behaviours include but are not limited to comments or conduct of a sexual nature such as leering, dirty jokes, gestures, exposure to pornographic pictures or materials, unwanted comments, suggestions, innuendos, requests or demands of a sexual nature. The behaviour need not be intentional to be considered Sexual Harassment.

Sexual Violence. Any act targeting a person's sexuality that is committed, threatened, or attempted against a person without that person's Consent. Sexual Violence varies in severity, can be physical or psychological in nature, and may include but is not limited to all forms of sexual contact, sexual humiliation, sexual exploitation, degrading sexual imagery, sending unwanted sexualized text messages, cyber harassment, indecent or sexualized exposure via electronic or social media or otherwise, Sexual Harassment, Sexual Discrimination, Stalking, and Sexual Assault.

Sexual Violence Response Team. The group of Banff Centre employees who are Advisors under this policy and procedure and together, led by the Vice President, Talent Management and Culture may be referred to as the Sexual Violence and Response Team.

Stalking. A form of criminal harassment prohibited by the Criminal Code of Canada involving persistent, unwanted communication and/or behaviours that collectively instill fear for the victim/target's safety or mental health.

Survivor. A member of the Banff Centre Community who has experienced Gender-Based and Sexual Violence and who may or may not file a Formal Complaint.

Terms of Employment Governing Management and Program, Supervisory and Professional Employees. Refers to the Terms of Employment Governing Management and Program, Supervisory and Professional Employees in force from time to time.

Trauma-Informed. Practices or approaches that recognize traumatic life experiences, including intergenerational trauma, can create significant change and turmoil within a person and in their life, and are complex and far reaching, leading to various consequences to mental health, stability, and well-being.

5. ASSOCIATED POLICY / PROCEDURE

- Gender-Based and Sexual Violence Policy

6. RELATED POLICIES, FORMS, AND OTHER DOCUMENTS

- Gender-Based and Sexual Violence Supports – Contact Information
- Violence and Harassment Policy and Procedure
- Code of Conduct (Board; Employee; and Participant)
- Health and Safety Policy
- Ethical Conduct and Safe Disclosure Policy and Procedure

7. APPROVAL AUTHORITY

Vice President, Talent Management and Culture

8. ACCOUNTABILITY

Vice President, Talent Management and Culture

9. POLICY HISTORY

- 9.1. Approved: **November 30, 2023**
- 9.2. Effective: November 30, 2023
- 9.3. Review Frequency: **Three (3) Years**
- 9.4. Next Review: **November 30, 2026**

9.5. Modification History

Date	Modification
[]	New procedure replacing the Prevention of, and Response to Sexual Violence Procedure