

SEXUAL VIOLENCE AND MISCONDUCT POLICY**Table of Contents**

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Revision Dates

December 09, 2020 – Updated policy format

–Vice President, BC College

Policy Information & Responsibilities

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Associate Director,
SSD

Administrator Responsible: Student Services
Manager

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1. Policy

All members of the Hanson College BC ('Hanson') community have a right to work and study in a safe and healthy environment free from any form of violence and harassment. Hanson will not tolerate incidences of Sexual Violence and will ensure that those who experience acts of sexual violence and misconduct are believed, are appropriately accommodated, and have the right to a fair and equitable investigation process, as set out by this policy.

2. Purpose

The purpose of the Sexual Violence policy is to establish guidelines for the process of reporting and investigating incidences, disclosures, reports, and complaints of Sexual Violence involving students in a manner that protects the rights of all individuals and ensures that all individuals who experience sexual violence and misconduct are believed and appropriately accommodated, while holding those who have committed acts of sexual violence accountable. The policy will provide staff, students, faculty, and visitors at Hanson with the knowledge, guidelines, and procedures to safely and appropriately respond to any Incident of Sexual Violence, including provisions for accommodations, supports, and services for those who have experienced Sexual Violence.

3. Scope

This policy applies to all members of the Hanson community, including:

- Students;
- Staff and faculty members;
- Contractors and their employees;
- Visitors and guests;
- Committee members.

This policy is in full effect at all times on any Hanson International Educational and Employment Services Limited premises and events in which any Hanson business may be taking place or in which members of the Hanson community are present and engaged in activities relating to Hanson (ex. Co-op or field placements, student outings, off-site conferences, shuttle busses, etc.)

4. Definitions

Please refer to Appendix A for a full list of definitions related to this policy.

5. Statement of Commitment

Hanson is committed to:

- 5.1. Taking appropriate responsive and preventative measures against Sexual Violence and sexual misconduct, as described in this policy, with the goal of creating a safe environment for all members of the Hanson community, including students who have experienced or have been affected by Sexual Violence and sexual misconduct.
- 5.2. Making available accommodations to students who have experienced or have been affected by sexual violence, specifically through services and supports provided by the Student Services department, at no extra cost to the student.

- 5.3. Ensuring that individuals who disclose that they have experienced Sexual Violence are believed, and that their right to dignity and respect is protected through the process of disclosure, investigation, and institutional response.
- 5.4. Engaging in appropriate procedures for investigation and adjudication of a report or complaint of Sexual Violence which are in accordance with Hanson policies, standards, and applicable agreements, and that ensure fairness and due process.
- 5.5. Ensuring coordination and communication among the various departments who are most likely to be involved in the response to sexual violence in Hanson, particularly Student Services.
- 5.6. Consider student input in the development and any further updates or amendments to this Sexual Violence and Misconduct policy.
- 5.7. Engaging in education and prevention activities to raise awareness on Sexual Violence
- 5.8. Reviewing and updating our policies and protocols with respect to Sexual Violence and misconduct at least once every three (3) years to ensure that they remain effective and in line with other existing policies, legislation, and best practices.
- 5.9. Training and educating all persons who manage or direct the affairs of Hanson as well as their agents, and all faculty, staff, employees, contractors, and students of Hanson on the contents of this Sexual Violence and Misconduct policy and the procedures contained herein.
- 5.10. Ensuring that this policy is made publicly available on the Hanson website and made accessible to all staff, faculty, and students.
- 5.11. Ensuring that this Sexual Violence policy is included with each student enrolment contract between the student and Hanson.

6. Disclosures

- 6.1. Hanson recognizes and understands that the decision to Disclose and the decision to Report are two separate decisions. An individual may choose to make a disclosure about an incident of sexual violence and misconduct without making a report.
- 6.2. Disclosures does not result in the initiating of Reporting and Investigation processes. Hanson will ensure that an individual's choice not to Report is respected. However, there may be exceptional circumstances to this policy, as outlined in the 'Confidentiality' section below.
- 6.3. Accommodations are available to individuals who disclose having experienced sexual violence and misconduct, as outlined in this policy below.
- 6.4. Hanson will exert all efforts to ensure that records or instances of any disclosures made about experiences of sexual violence and misconduct are kept confidential, and that access to these records are strictly controlled by the college.

7. Process for Reporting an Incident of Sexual Violence

- 7.1. Students who experience Sexual Violence are encouraged to first ensure their own safety, including calling 911 and/or seeking medical attention in the event of an emergency. Students are encouraged to report the incident as soon as possible.
- 7.2. Students may report the incident to any Member of the Hanson community that the student feels comfortable speaking with, or directly to Student Services.
- 7.3. Reporting can be either through written or oral communication, and should include relevant

information such as: potential witnesses, description of the perpetrator, location and date and time of incident. Students can also request that a report be made to Student Services by a staff or faculty member on their behalf.

- 7.4. During the initial review process, and in the event that a formal investigation is conducted, students may also be asked to provide a written report of the incident.
- 7.5. Students and other Members of the Hanson community who witness or who have knowledge of an Incident of Sexual Violence are encouraged to report the incident as soon as possible to Student Services.
- 7.6. All reports of Sexual Violence are taken seriously by Hanson. Reports of Sexual Violence shall be reviewed as soon as possible upon receipt by Student Services.
- 7.7. Students are not required to make a report or complaint about an Incident of Sexual Violence in order to obtain the supports, services, and accommodations referred to in this policy.

8. Initial Review

- 8.1. Upon receipt of a report or complaint of Sexual Violence, Hanson will initiate a review process which will ultimately result in a final decision on whether Hanson has the jurisdiction to conduct a formal investigation of the incident or complaint ('Initial Review').
- 8.2. The review process will be initiated by the Student Services department, who may appoint a faculty member or administrative staff member for support in the initial review.
- 8.3. In some circumstances, Hanson may ask the individual who made the report or complaint of Sexual Violence to provide a written report of the Incident of Sexual Violence, which will be filed in the Student Services department. Hanson will maintain a confidential database of all reports and/or complaints received, as further described below.
- 8.4. During the initial review, Hanson will exert all effort to be fair and reasonable to all parties involved, thereby taking into consideration all contextual factors and involved parties of the incident of Sexual Violence reported before making a final decision on whether to launch a formal investigation of the complaint.
- 8.5. A student who has been subjected to Sexual Violence may choose not to request an investigation of the Incident of Sexual Violence. Hanson will review and consider a student's wishes in this regard as part of its initial review. Ultimately, however, the decision to proceed with an investigation will be at the discretion of Hanson, particularly in circumstances where the incident may pose a threat to the health and safety of other members of the Hanson community.
- 8.6. If Hanson chooses to proceed with an investigation despite the wishes of the student who was subjected to Sexual Violence, the student has the right not to participate in the investigation.
- 8.7. Hanson will seek to maintain procedural fairness in reviewing all reports and/or complaints of Sexual Violence. As such, no sanction and/or disciplinary action will be taken against persons or groups without their knowledge where there is an alleged breach of this policy. Respondents will be given reasonable notice, with full detail of the allegations, and provided with an opportunity to respond to the allegations made against them, either at the initial review stage or upon the launch of a formal investigation, depending on the circumstances.
- 8.8. The results of the initial review, and the decision whether or not to proceed with a formal investigation, must be communicated in writing to both the Complainant and the Respondent before any subsequent procedures are initiated.

- 8.9. A Complainant may request a review of the decision whether or not to proceed with a formal investigation in writing to the Student Services department.
- 8.10. The initial review and communication of the final decision to the Complainant and the Respondent shall occur within a maximum two (2) weeks of initially receiving the report or complaint of Sexual Violence, barring unforeseen circumstances resulting in delay.

9. Formal Investigation and Decision-Making Process

- 9.1. As noted above, if Hanson determines that Hanson College BC has the jurisdiction to initiate a formal investigation, Student Services will notify the Complainant and Respondent in writing.
- 9.2. Following the initiation and notification of a formal investigation launch, an impartial, competent person with the appropriate skills, training, and/or experience will be appointed by Hanson to conduct the investigation. This may be someone who is a Member of the Hanson community or a person who is external to Hanson, depending on the individuals involved, the circumstance, and the expertise required.
- 9.3. The formal investigation will be completed in a timely manner, taking into consideration the circumstances of the situation, including its complexity. Ideally, the formal investigation should be completed within six (6) months of receipt by Student Services of the report or complaint of Sexual Violence.
- 9.4. While an incident or complaint is being investigated or while a decision is being made regarding an incident or complaint, Hanson may implement interim measures for the protection of the parties, as described below.
- 9.5. If the Respondent has not already been given an opportunity to formally respond to the allegations during the initial review, once the formal investigation has been commenced they will be provided with the full details of the allegations against them and will be given an opportunity to provide a written response to the allegations.
- 9.6. The investigator will meet with both the Complainant and the Respondent to discuss the allegations that have been made. If the Complainant chooses not to participate in the investigation process, the investigator will consider any written statements provided by the Complainant, or information obtained from other witnesses. A party to the investigation or decision-making process has the right to have a person present with him or her at every stage of the process, including legal or other representation.
- 9.7. The Complainant and Respondent may choose to submit any additional information to the investigator, such as the names of any potential witnesses or evidentiary materials such as documents, recordings, or photographs. The investigator will interview relevant witnesses and review any other relevant materials provided to him or her through the investigation process.
- 9.8. Any witnesses interviewed by the investigator as part of the formal investigation will be advised of their obligation to maintain the confidentiality of any matters discussed in the course of the investigation.
- 9.9. An investigator will keep a detailed written record of the investigation, including notes with respect to oral statements obtained from the Complainant, the Respondent, and any witnesses interviewed.

- 9.10. Following the completion of the investigation, the investigator will provide a written, confidential report of the information gathered during the investigation to the Student Services department, as well as the conclusion of the investigation, and any recommendations.
- 9.11. Hanson will review the investigator's report and make a final decision of the result of the investigation, including any actions or sanctions to be taken and the rationale for the decisions and any sanctions.
- 9.12. Student Services will inform the Complainant and the Respondent, in writing, of the results and decision of the investigation. The decision includes, but is not limited to, any sanctions or other actions that may be taken.
- 9.13. The Complainant and the Respondent will have access to an appeals process (see the 'Appeals' section of this policy) following the completion of the investigation.
- 9.14. Any documents and/or materials relating to the investigation, including:
 - 9.14.1. The investigator's notes;
 - 9.14.2. The investigation report;
 - 9.14.3. Written statements obtained from the Complainant, the Respondent, and any other witness; and
 - 9.14.4. Other relevant documents or evidence collected, will be filed with Student Services following the investigation. Hanson will make all reasonable effort to preserve the confidentiality of information relating to the report or complaint of Sexual Violence, as well as the investigation process, confidential (as further described below).

10. Outcome of the Investigation

- 10.1. Following the investigation, Hanson may take such action or impose sanctions that are appropriate in the circumstances. These actions may include, but are not limited to:
 - 10.1.1. Referring a party to services and supports available through Student Services or in the community;
 - 10.1.2. Imposing discipline, up to and including termination of employment (for employees of Hanson);
 - 10.1.3. Imposing sanctions up to and including termination of a contractual relationship (for contractors);
 - 10.1.4. Imposing academic sanctions up to and including expulsion (for students); and/or
 - 10.1.5. Engaging the assistance of police services.

11. Right to Withdraw a Report ('Complaint')

A complainant has the right to withdraw a report/complaint at any stage of the process. However, Hanson may continue to act on the issue identified in the complaint in order to comply with its obligation under this policy and/or its legal obligation, especially if Hanson has reason to believe that continuing to act on the issue identified in the complaint serves to maintain the health and safety of members of the Hanson community.

12. Protection from Reprisals, Retaliation, or Threats

- 12.1. Hanson takes reasonable steps to ensure the safety of its students once a report of Sexual Violence has been made, while an investigation is ongoing and/or while a decision is being made regarding

the incident or complaint. This may include providing accommodations and support services to students (as described below) and implementing other interim measures to protect individuals from, among other things, retaliations or threats of retaliation.

- 12.2.** Interim measures that may be implemented by Hanson to ensure the protection of an individual reporting an incident or making a complaint of Sexual Violence before, during, and following the investigation include, but are not limited to:
 - 12.2.1.** Advising individuals in writing of their duty to refrain from committing a reprisal and/or sanctioning individuals for a breaching of this duty;
 - 12.2.2.** Temporarily remove the Respondent while an investigation is being conducted (ex. For employees, this may be a suspension with or without pay);
 - 12.2.3.** Allow student complainants escort to and from classes, should they feel that their safety is threatened.
- 12.3.** It is contrary to this policy for anyone to retaliate, engage in reprisals, or threaten to retaliate against a complainant or other individuals for reporting or making a complaint of Sexual Violence, participating in an investigation pursuant to this Sexual Violence policy, accessing accommodations or services, or otherwise pursuing or exercising their rights under this Sexual Violence Policy.
- 12.4.** Any Member of the Hanson community who engages in reprisal or retaliation against an individual in violation of this Sexual Violence policy will be subject to sanction which may include:
 - 12.4.1.** Discipline, up to and including termination of employment (for employees of Hanson);
 - 12.4.2.** Sanction up to and including termination of contractual relationship (for contractors);
 - 12.4.3.** Academic sanction up to and including expulsion (for students).
- 12.5.** Where Hanson becomes aware of an Incident of Sexual Violence involving a student, which may occur on or off Hanson premises, that poses a risk to the safety of Members of the Hanson community, Hanson shall act expediently to take all reasonable steps to ensure the safety of its students and other Members of the Hanson community.

13. Unsubstantiated or Vexatious Complaints

If a person, in good faith, discloses or files a sexual violence complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed. Reports and/or complaints that are found to be frivolous, vexatious, or in bad faith, and that is made to purposely annoy, embarrass, or harm the Respondent, may result in sanctions and/or disciplinary action against the Complainant.

14. Appeals

- 14.1.** Appeals against the results of the investigation may be made, in written format, and submitted to the Student Services department for review, within thirty (30) days of the Complainant or Respondent being advised in writing of the results of their investigation.
- 14.2.** Hanson will provide a response with their decision regarding the appeal request within fifteen (15) days of receipt of any such request. If Hanson denies an appeal, it will provide written reasons for the denial along with its response.
- 14.3.** Appeals will be conducted by the Student Services and Academic departments, and other such departments who may have been involved in the investigation prior to the appeal.

15. Supports, Services, and Accommodations

- 15.1. Hanson will appropriately accommodate the needs of students affected by Sexual Violence at no cost to the student. Students who require such accommodation should contact the Student Services Department, which will work with students to address requests for accommodation, and can provide access to other supports and services.
- 15.2. Student Services can provide students with access to consultation and counselling services by qualified professionals to those affected by sexual violence, as well as referrals to community resources and community supports and other appropriate counselling services.
- 15.3. The Student Services Office at Hanson College BC also provides licensed counselling support services such as our Wellness Counsellor and Psychology, and Social Worker.
- 15.4. Students who are affected by sexual violence are not required to make a report or complaint about an Incident of Sexual Violence in order to receive such supports, services, and accommodations.
- 15.5. Community supports and services, as well as their contact information, can be found in Appendix B of this policy, as well as Appendix II of Hanson's Sexual Violence Protocol, which contains a chart of all sexual assault centres in Ontario and their contact information.
- 15.6. For more information about supports and services, please contact Student Services.

16. Confidentiality

- 16.1. Hanson respects the privacy and confidentiality of all persons. Every effort will be made to protect the privacy and anonymity of any person(s) who discloses and/or reports an incident of Sexual Violence. The confidentiality of all persons involved in a report of Sexual Violence must be strictly observed, including the complainant, respondent, and witnesses, by restricting routine access to information to individuals with a need for such access and by providing education and training to those who are regularly involved in the administration of reports and complaints.
- 16.2. All records regarding reports/complaints, investigations, and Incidents of Sexual Violence will be filed in a confidential manner and kept in a confidential database that will be monitored and regulated by the Student Services Department and the HR department. Hanson will treat Disclosures and Reports of an Incident of Sexual Violence in a confidential manner and in accordance to the Freedom of Information and Protection of Privacy Act.
- 16.3. In certain circumstances, disclosure of confidential information may be necessary, such as where:
 - a. There are reasonable grounds to believe there is an individual is at imminent risk or self-harm;
 - b. There are reasonable grounds to believe there is an individual is an imminent risk of harming another;
 - c. There are reasonable grounds to believe that others in the Hanson or wider community may be at risk or harm; and/or
 - d. Disclosure is required by law (ex. An incident involving a minor, or obligations related to occupational health and safety or to human rights legislation).

In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the survivor would not be released to the public.

- 16.4. Where Hanson becomes aware of an allegation of Sexual Violence against a member of the Hanson community against another member of the Hanson community, such as faculty or staff, Hanson may have an obligation to take additional steps beyond the scope of this policy with Hanson's legal obligation to provide its students with a safe learning environment. In these circumstances, Hanson

will take reasonable steps to preserve the confidentiality of information received regarding an Incident of Sexual Violence as well as the identity of the Complainant.

16.5. If Hanson is required to collect and disclose information to the Superintendent relating to this policy, and the implementation and effectiveness of same, Hanson will ensure that such information shall not include personal information as defined by the *Freedom of Information and Protection of Privacy Act*.

16.6. Minors who are involved: Hanson will exert all effort to ensure that the identities of minors (under age 18 years) involved in Incidents of Sexual Violence are protected and kept confidential under the Youth Criminal Justice Act of Canada.

17. Regulation and Implementation of the Sexual Violence and Misconduct Policy

17.1. The Academic Department is responsible for approving and facilitating ongoing revision of Hanson's Sexual Violence Policy for students and ensuring that the policy is appropriately implemented and adopted by Hanson. The Academic Department is also responsible for approving all finalized versions of the policy.

17.2. The Academic Department is responsible for ensuring that all staff, faculty, and students are trained and educated on the procedures and provisions set out by this policy.

17.3. Hanson will exert all effort to include input from Hanson students regarding the Sexual Violence policy during policy revision processes.

17.4. Hanson will review the policy at least once every three (3) years, although the policy will be included during annual policy and procedure reviews as well.

17.5. Any breaches of the Sexual Violence and Misconduct Policy and established procedures may result in disciplinary action being taken. Disciplinary action may include, but is not limited to:

17.5.1. Expulsion (if a student)

17.5.2. Temporary leave of absence (if an employee)

17.5.3. Termination of employment (if an employee)

Appendix A

Definitions

Sexual Violence	As per the <i>Sexual Violence and Misconduct Act</i> , Sexual Violence is defined as any non-consensual sexual act or threat to act; or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened, or attempted against a person without the person's consent, and includes Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism, and sexual exploitation. For the purposes of this policy, Sexual Violence also includes acts of Sexual Violence committed online and includes the distribution of a sexually explicit photograph or recording of an individual to one or more individuals other than the individual in the photograph or recording without the consent of the individual in the photograph or recording.
Incident of Sexual Violence	Includes any instance of Sexual Violence and Misconduct, including Sexual Harassment, Sexual Assault, and all associated definitions.

Member(s) of the Hanson community	Includes students, staff, contractors, visitors, guests, and committee members that represent Hanson International Education and Employment Services Limited, whether they are on- site or off-site Hanson premises.
Complainant	A Member of the Hanson community who has Disclosed or Reported an Incident of Sexual Violence.
Respondent	Someone against whom an allegation of Sexual Violence has been made.
"Jurisdiction to Investigate"	Refers to the legal authority of Hanson College BC to investigate under this policy.
Sexual Harassment	Includes (but is not limited to) engaging in a course of vexatious comments or conduct that is known or ought to be known to be unwelcome. Sexual Harassment also includes any sexual solicitation or advance made by a person in a position to confer, grant, or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome. Sexual Harassment also includes a reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the person. For the purposes of this policy, Sexual Harassment includes Cyber Sexual Harassment.
Sexual Assault	Sexual assault is a criminal offence under the Criminal Code of Canada; defined as any form of sexual contact without ongoing and freely given consent from all parties. Sexual Assault constitutes a range of behaviours that may involve the use of force, threats, or control towards an individual, from unwanted sexual touching to forced sexual intercourse; and can involve situations where sexual activity is obtained by someone abusing a position of trust, power, or authority. Sexual assault can be committed by an intimate partner, someone known to the victim (sometimes called "acquaintance rape" or "date rape"), or stranger.
Stalking	Engaging in conduct that causes an individual to fear for their physical or psychological safety, such as repeatedly following or communicating through any means with someone, engaging in threatening conduct, or keeping watch over the place where the individual happens to be.
Indecent Exposure	Exposing one's body to another individual for a sexual purpose or coercing another individual to remove their clothing in order to expose their body, without their consent.
Voyeurism	Non-consensual viewing, photographing, or otherwise recording another individual in a location where there is an expectation of privacy (ex. Looking into someone's bedroom window) and where the viewing, photographing, or recording is done for a sexual purpose.

Definition of 'Consent'

As described in the Criminal Code of Canada, 'Consent' is the voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly and consciously agreeing to engage in specific sexual behaviour, and requires that a person is able to freely and consciously choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words between the parties involved; which indicates a willingness to participate in mutually agreed upon sexual activity. Consent must be fully

voluntary, clearly communicated, and ongoing.

In terms of what constitutes as a situation where **no consent is obtained**, the following must be understood:

- A person who is asleep, unconscious, or is otherwise unable to communicate, is incapable of giving consent.
- Consent cannot be obtained from a person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in sexual activity.
- A person who is not in a fully conscious state of mind, or who is under the influence of drugs or alcohol, is unable to give full consent.
- A person may be unable to give consent if he/she has a mental disability preventing them from fully understanding sexual acts.
- Consent that was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity. Consent must be always be obtained.
- A person can withdraw consent at any time during the course of a sexual encounter.
- A person is incapable of giving consent to a person in a position of trust, power, or authority, such as:
 - A faculty member initiating a relationship with a student who he/she teaches;
 - An administrator and/or management member initiating a relationship with anyone who reports to that position or is in a direct line of authority to that position.
- Consent to engage in sexual activity cannot be given on behalf of another person.

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person he/she is engaging with sexually is a minor under the Law.

Age of Consent for Sexual Activity: the age at which a person can legally consent to sexual activity. In Canada, children under 12 can never legally consent to sexual acts. 16 years old is the legal age of consent for sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. More information can be found on <http://www.justice.gc.ca/eng/rp-pr/other-autre/clp/faq.html>

Appendix B

Support Centres for Victims/Survivors of Sexual Violence

The Ending Violence Association of British Columbia has a full list of services for victims/survivors of sexual violence and related misconduct.

You can find the full directory on their website: <http://endingviolence.org/need-help/services/>