

## SEXUAL VIOLENCE AND MISCONDUCT PROTOCOL

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### Revision Dates

December 09, 2020 – Updated policy format  
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### Policy Information & Responsibilities

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## 1. If you have experienced Sexual Violence

Hanson strives to ensure that those who have experienced sexual violence are believed and are appropriately accommodated. If you have experienced Sexual Violence and/or related sexual misconduct, please contact the Student Services department at your campus and we will assist you by providing the resources and support you need. For emergencies, please call 911.

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It is up to your discretion if you choose to report an incident of Sexual Violence; however, we strongly encourage you to do so. A number of other resources are also available to you, including:

- Referrals to Counselling Services and Community Supports and Resources
- Student Services and Supports
- Wellness Counsellor and Psychology, and Social Worker support

Please note that you are not required to make a report/complaint in order to receive such services. Further details can be obtained by speaking to your campus' Student Services department.

Anyone who has experienced sexual violence has the right to:

- Be treated with dignity and respect.
- Be believed.
- Be informed about on- and off-campus services and resources.
- Decide whether or not to access available services and to choose those services they feel will be most beneficial.
- Decide whether to report to campus security and/or local police.
- Have an on-campus investigation with the institution's full cooperation.
- Have a safety plan.
- Have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator(s).

## 2. If you would like to file a Formal Report/Complaint

Student Services at your campus can also assist you with filing a complaint. If the alleged perpetrator is another member of the Hanson community, you may file a complaint under the Sexual Violence and Misconduct Policy.

Individuals who have experienced Sexual Violence may also wish to press charges under the Criminal

Code of Canada. Student Services can also assist you with contacting the local police.

More information on filing a complaint/report can be found in the Sexual Violence Policy.

### 3. Disclosure and/or Reporting Options for Victims/Survivors

<b>No Report</b>	Victims/survivors can disclose experiences of sexual violence to seek emotional support, medical support, or advocacy, but choose not to report to policy or other campus authorities.
<b>Formal Complaint ('Report') to Hanson</b>	Report to institution's administration, precipitating a student misconduct process if the perpetrator is a student; report to Human Resources Department or other relevant administrative department if the perpetrator is staff or faculty.
<b>Report to Police</b>	Victims/survivors can make a police statement, which would generally be followed by a criminal investigation. Victims/survivors should be offered support from a sexual assault response worker who can prepare and accompany the victim/survivor.
<b>Third Party Report to Police via Community Victim Service Agency</b>	Victims/survivors can make an anonymous report through a community-based victim support worker. Reports are then sent to police by an intermediary agency and provide detailed information about the incident and perpetrator, but do not include the name or contact information of the victim/survivor.
<b>Medical Assistance / Forensic Medical Exam</b>	Medical attention to address possible physical injury, pregnancy, and/or sexually transmitted infections; forensic exam to collect any forensic samples while the victim/survivor decides whether or not to report to police.
<b>Civil Claim</b>	Civil suit against perpetrator for damages suffered.

### 4. What to do if you witness Sexual Violence

If you witness Sexual Violence involving a student, please contact the Student Services department at your campus, and we will assist you by providing the resources and support you need. If you experience or witness Sexual Violence involving a Hanson employee or contractor, please contact the Human Resources department. For emergencies, call Emergency Services at 911.

A number of other resources can also be made available to you, including:

- Referrals to Counselling Services and Community Supports and Resources
- Student Services and Supports

- Wellness Counsellor and Psychology, and Social Worker support

Further details can be obtained by speaking to the Student Services department at your campus.

## 5. What to do if someone discloses allegations of Sexual Violence

“Disclosure” can refer to a student choosing to confide in someone, such as another student, an instructor, or staff member, about an act of Sexual Violence.

It is important to be as supportive and understanding as possible if someone chooses to confide in you about an act of Sexual Violence. Being supportive in your response includes:

- Listening without judgement.
- Communicating that Sexual Violence is never the responsibility or fault of the victim.
- Helping the student identify and/or access available on- or off-campus services, including emergency medical care and counselling.
- Respecting the student’s right to choose the services they feel are most appropriate and to decide whether to report to the police and/or the Student Services department.
- Recognizing that disclosing can be traumatic and an individual’s ability to recall the events may be limited.
- Respecting the student’s choices as to what and how much they disclose about their experience, including if they choose to formally report the incident or not; and
- Making every effort to respect confidentiality and anonymity.

If disclosure is made to faculty or staff by a student seeking support or academic accommodation, the faculty or staff should refer the student to the Student Services Department and work with the Student Services department to ensure that the student receives all necessary academic and other accommodations.

If any faculty or staff of Hanson becomes aware of an allegation of Sexual Violence against another member of the Hanson community, the faculty or staff is required to report the alleged incident to Student Services immediately.

## 6. Communicating with those who experienced sexual violence

Sensitive and timely communication with individuals who have experienced Sexual Violence is a central part of Hanson’s first response to Sexual Violence. To facilitate communication, Hanson will:

- Ensure that designated employees, who are knowledgeable about Sexual Violence, are responsible for advocacy on campus on behalf of students.
- Ensure designated employees respond in a prompt and compassionate fashion.
- Ensure that the person who has experienced sexual violence and the accused are provided with timely updates about the status of Hanson’s investigation of the incident if any investigations are undertaken.

## 7. Roles and Responsibilities of the Hanson Community

While everyone at Hanson has a role to play in responding to incidents of Sexual Violence, such members of the Hanson community have responsibilities which may include:

- Health supports to provide psychological and emotional support.
- Assist with safety planning and referrals to other services, including medical services.
- Faculty, staff, and administrators to facilitate academic accommodations and other academic needs of those who have experienced Sexual Violence, e.g., extensions on assignments, withdrawal from courses.
- Student-operated Sexual Violence services to provide peer supports.
- Human Resources to assist with any incidents of Sexual Violence relating to employees.
- Hanson staff and faculty members to assist with investigations and gathering evidence, to implement measures to reduce sexual violence on campus, and to collaborate with local police where appropriate.

Further details can be obtained by speaking to the Student Services department at your campus.

## 8. How will Hanson respond to report of Sexual Violence

Where a report or complaint of Sexual Violence has been made to Hanson, we will exercise care to protect and respect the rights of both the complainant and respondent. Hanson understands that students who have experienced Sexual Violence may wish to make their own decisions whether and how their experience will be dealt with by the police and/or Hanson. However, in certain circumstances, Hanson may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation, if applicable, even without the person's consent, if Hanson believes that the safety of other members of the Hanson community is at risk. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances.

A report or complaint of sexual violence may also be referred to the police, or to other community resources at the complainant's request, where the persons involved are not members of the Hanson community or in circumstances where Hanson is unable to initiate an internal investigation under the Sexual Violence and Misconduct policy.

### 8.1. Where the Respondent is a Student

Sexual violence is a violation of Hanson's Sexual Violence and Misconduct policy for students. It is considered a serious offence and will be addressed in a manner which is consistent with other serious offences. Please see Hanson's Sexual Violence policy for more details on each disciplinary process.

## **8.2. Where the Respondent is an Employee**

Sexual violence against Hanson employees is also a violation of Hanson's Respect in the Workplace Policy (filed under the Human Resources department). Allegations involving Hanson employees will be addressed in accordance with the procedures set out in the Respect in the Workplace policy, in any applicable collective agreement, and/or other Hanson policies. If the complaint is sustained following an investigation, Hanson will decide on the appropriate disciplinary actions consistent with any applicable collective agreement and/or policies regarding discipline.

## **8.3. Where the Respondent is not a Student or Employee**

Contractors, suppliers, volunteers, or visitors who attend on campus will be subject to complaints if they engage in prohibited conduct. Where a complaint against the respondent is substantiated, Hanson will take appropriate action.

All contractual relationships entered into by Hanson will be governed by a standard contract compliance clause stating that contractors must comply with the Respect in the Workplace Policy (HR) and the British Columbia Human Rights Code, including co-operating in investigations. Breach of the clause may result in penalties, cancellation, or other sanctions.

## **8.4. Multiple Proceedings**

Where criminal and/or civil proceedings are commenced in respect of the allegations of sexual violence, Hanson shall conduct its own independent investigation into such allegations and will make its own determination in accordance with its policies and procedures. Where there is an ongoing criminal investigation, Hanson will cooperate with the local police.

## **8.5. Interim Measures**

Interim measures 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. This may include, but is not limited to, the following:

- Temporarily removing the Respondent while an investigation is being conducted (ex. For employees, this may be a suspension with or without pay, or for students, temporary suspension from classes).
- Allowing student Complainants to be escorted to and from classes, should they feel their safety is threatened.

## **9. Related Policies**

- Sexual Violence and Misconduct Policy
- Student Complaints and Dispute Resolution Policy
- Student Misconduct Procedures Guide

## APPENDIX A

### Use of the term “Rape” in the context of Sexual Violence

The Sexual Violence policy refers to the offence of sexual assault to align with the current offence contained in the Criminal Code. The word “rape” is no longer used in criminal statutes in Canada. The term was replaced many years ago to acknowledge that sexual violence is not only about sex but is also about acts of psychological and physical violence. The term “sexual assault” provides a much broader definition and criminalizes unwanted behaviour such as touching and kissing, as well as unwanted oral sex and vaginal and anal intercourse. Although the term no longer has a legal meaning in Canada, the term ‘rape’ is still commonly used.

### MYTHS AND MISCONCEPTIONS ABOUT SEXUAL ASSAULT

Myth	Fact
“It wasn’t rape, so it wasn’t sexual violence.”	Sexual Violence encompasses a broad range of unwanted sexual activity. Any unwanted sexual contact is considered to be sexual violence. A survivor can be severely affected by all forms of sexual violence, including unwanted fondling, rubbing, kissing, or other sexual acts. Many forms of Sexual Violence involve no physical contact, such as stalking or distributing intimate visual recordings (ex. Videos and pictures). All these acts are serious.
“Sexual assault can’t happen to me or anyone I know.”	Sexual assault can happen to anyone. People of all socioeconomic and ethnic backgrounds are victims of sexual assault, but the vast majority of sexual assaults happen to women and girls. Young women, Aboriginal women, and women with disabilities are at a greater risk of experiencing sexual assault.
“Sexual assault is most often committed by strangers.”	Someone known to the victim, including acquaintances, dating partners, and common-law or married partners, commit approximately 75 per cent of sexual assaults.
“Sexual assault is most likely to happen outside in dark, dangerous places.”	Most sexual assaults happen in private spaces like a residence or private home.
“If an individual doesn’t report to the police, it wasn’t sexual assault.”	Just because a victim does not report the assault, does not mean it did not happen. Fewer than one in ten victims report the crime to the police.
“It’s not a big deal to have sex with someone while they are drunk, stoned, or passed out.”	If a person is unconscious or incapable of consenting due to the use of alcohol or drugs, they cannot legally give consent. Without consent, it is sexual assault.
“If the person chose to drink or use drugs, then it isn’t considered sexual assault.”	This is a prominent misconception about sexual assault. No one can consent while drunk or incapacitated.

<p>“If the victim didn’t scream or fight back, it probably wasn’t sexual assault.”</p>	<p>When an individual is sexually assaulted, they may become paralyzed with fear and be unable to fight back. The person may be fearful that if they struggle, the perpetrator will become more violent.</p>
<p>“If you didn’t say no, it must be your fault.”</p>	<p>People who commit sexual assault/abuse are trying to gain power and control over their victim. They want to make it extremely difficult, if not impossible, for their victim to say “no” to make it clear that they did not want to participate. The focus in consent is on hearing a “yes”.</p>
<p>“If the victim isn’t crying or visibly upset, it probably wasn’t a serious sexual assault.”</p>	<p>Every victim responds to the trauma of sexual assault differently. They may cry or may be calm. They may be silent or very angry. Their behaviour is not an indicator of their experience. It is important not to judge a person by how he/she responds to the assault.</p>
<p>“If someone does not have obvious physical injuries, like cuts or bruises, they probably were not sexually assaulted.”</p>	<p>Lack of physical injury does not mean that a person was not sexually assaulted or that they did not experience Sexual Violence. An offender may use threats, weapons, the Internet, or other coercive actions that do not leave physical marks. The person may have been unconscious or been otherwise, incapacitated.</p>
<p>“If it really happened, the victim would be able to easily recount all the facts in the proper order.”</p>	<p>Shock, fear, embarrassment, and distress can all impair memory. Many survivors attempt to minimize or forget the details of the assault as a way of coping with trauma. Memory loss is common when alcohol and/or drugs are involved.</p>
<p>“Individuals lie and make up stories about being sexually assaulted; and most reports of sexual assault turn out to be false.”</p>	<p>According to Statistics Canada, fewer than one in 10 sexual assault victims report the crime to the police. Approximately 2% of sexual assault reports are false, which is considered to be a very low. Sexual assault carries a stigma that many people prefer not to report.</p>
<p>“Persons with disabilities don’t get sexually assaulted.”</p>	<p>Individuals with disabilities are at a high risk of experiencing sexual violence or assault. Those who live with activity limitations are over two times more likely to be victims of sexual assault than those who are able-bodied.</p>
<p>“A spouse or significant other cannot sexually assault their partner.”</p>	<p>Sexual assault can occur in a married or other intimate partner relationship. The truth is sexual assault occurs ANY TIME there is not consent for sexual activity of any kind. Being in a relationship does not exclude the possibility of, or justify, sexual assault. A person has the right to say “no” at ANY time.</p>

“People who are sexually assaulted “ask for it” by their provocative behaviour or dress.”	Nobody deserves to be sexually assaulted. Nobody asks to be assaulted. Victims should never be blamed due to what they were wearing, how much alcohol or drugs they were drinking, or because of their relationship with the perpetrator.
“Sexual assault only happens to women.”	This is not true. Most sexual assaults are committed against women by men, but people of all genders, from all backgrounds have been/can be assaulted.
“Sexual abuse of males is rare.”	According to Statistics Canada, six per cent of males 15 years or older reported that they had experienced sexual victimization. Sexual assault/abuse occurs in every economic, ethnic, age, and social group.
“If you got aroused or got an erection or ejaculated, you must have enjoyed it.”	It is normal for your body to react to physical stimulation. Just because your body become physically aroused, it does not mean that you liked it, wanted it, or consented in any way. If you experienced some physical pleasure, this does not take away the fact that sexual abuse happened or the effects of feelings of abuse happened, all without consent.

## 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/>

## APPENDIX C

<u>Definitions</u>	
<b>Sexual Violence</b>	As per the Sexual Violence and Misconduct Act, 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.
<b>Incident of Sexual Violence</b>	Includes any instance of Sexual Violence and Misconduct, including Sexual Harassment, Sexual Assault, and all associated definitions.
<b>Member(s) of the Hanson community</b>	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.
<b>Complainant</b>	A Member of the Hanson community who has Disclosed or Reported an Incident of Sexual Violence.
<b>Respondent</b>	Someone against whom an allegation of Sexual Violence has been made.
<b>Jurisdiction to Investigate</b>	Refers to the legal authority of Hanson to investigate under this policy.
<b>Sexual Harassment</b>	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.
<b>Sexual Assault</b>	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.
<b>Stalking</b>	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.

<b>Indecent Exposure</b>	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.
<b>Voyeurism</b>	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 be able to choose between two options freely and consciously: 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, and can be withdrawn at any time.

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 always be obtained.
- A person can withdraw consent at any time during 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>