

# SEXUAL VIOLENCE POLICY

## Policy Statement

All members of the Hanson College of Business, Health and Technology (hereinafter '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 involving our students and will ensure that students who experience such acts are heard and appropriately accommodated.

## Purpose

The purpose of the Sexual Violence Policy is to establish guidelines for the process of reporting and investigating incidents and complaints of sexual violence involving students in a manner that protects the rights of all individuals while holding those who have committed acts of sexual violence accountable. The policy will provide staff, students, faculty, and visitors at Hanson with knowledge, guidelines, and procedures to safely and appropriately respond to any incidents of sexual violence, including provisions for accommodations, supports, and services for those who have experienced sexual violence. The policy also serves to inform, protect, and assert individual rights and responsibilities in cases of sexual violence.

## 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 & Employment Services Ltd./Hanson College of Business, Health and Technology 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 (e.g., Co-op or field placements, student outings, off-site conferences, shuttle busses, etc.).

To file a complaint, contact:

Yelena Mordovskaya, Dean, Academic Excellence and Compliance  
[yelena.mordovskaya@canadahanson.com](mailto:yelena.mordovskaya@canadahanson.com)

## Definitions

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

## Statement of Commitment

### **Hanson is committed to:**

Taking appropriate responsive and preventative measures against sexual violence, as described in this policy, to create a safe environment for all members of the Hanson community, including students who have experienced or have been affected by sexual violence.

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.

Ensuring that students who disclose that they have experienced sexual violence are taken seriously and that their right to dignity and respect is protected through the process of disclosure, investigation, and institutional response.

Ensuring that internal review procedures, as described below, are initiated in case of sexual violence, even when the individual chooses not to make a report to the police.

Engaging in appropriate procedures for investigation and adjudication of a report or complaint of sexual violence which is under Hanson policies, standards, and applicable agreements, and that ensure fairness and due process.

Ensuring coordination and communication among the departments most likely to be involved in responding to sexual violence at Hanson, particularly Student Services.

Considering student input in the development and in any further updates or amendments to this Sexual Violence Policy.

Engaging in public education and prevention activities to raise awareness on sexual violence.

Contributing to the creation of an institution in which sexual violence is not tolerated.

Reviewing and updating our policies and protocols concerning sexual violence at least once every three (3) years to ensure that they remain effective and in line with other existing policies, legislation, and best practices.

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 Policy and the procedures contained herein. Such provisions are but not limited to educational posters and videos posted



and visible on the Hanson website, social media, student lounges, and student services areas.

Ensuring that this policy is publicly available on the Hanson website and accessible to all staff, faculty, and students.

Ensuring that this Sexual Violence Policy is included with each student enrolment contract between the student and Hanson.

Ensuring that every enrolment contract includes an acknowledgment by the student that he or she has received a copy of this Sexual Violence Policy.

If students, in good faith, report an incident of, or make a complaint about, sexual violence, they will not be subject to discipline or sanctions for violations of the career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred.

Students who disclose their experience of sexual violence through reporting an incident of, making a complaint about, or accessing supports and services for sexual violence, will not be asked irrelevant questions during the investigation process by the career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

### **Process for Reporting an Incident of Sexual Violence**

1. Students who are subjected to sexual violence are encouraged to first ensure their 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.
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.
3. Reporting can be initiated in person, by phone, or online. Reporting can be either through written or oral communication. Students can also request that a report be made to Student Services by a staff or faculty member on their behalf.
4. During the initial review process, and if a formal investigation is conducted, students may also be asked to provide a written report of the incident.
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. Faculty members and other individuals in a position of authority on and off Hanson premises are responsible for taking immediate action, where necessary, to respond to or prevent sexual violence from occurring, and to ensure the safety of students.
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. Students are not required to make a report or complaint about an incident of sexual violence to obtain the support, services, and accommodations referred to in this policy.

## **Determining Whether to Investigate: The Initial Review**

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 to conduct a formal investigation of the incident or complaint.

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.

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 described below.

During the initial review, Hanson will make every reasonable effort to be fair 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.

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.

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.

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 individuals 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.

The results of the initial review, and the decision whether to proceed with a formal investigation, must be communicated in writing to both the Complainant and the Respondent before any subsequent procedures are initiated.

A Complainant may request a review of the decision whether to proceed with a formal investigation by writing to the Student Services department.

The initial review and communication of the final decision to the Complainant and the Respondent shall occur within four (4) weeks of initially receiving the report or complaint of sexual violence, barring unforeseen circumstances resulting in delay.

## **Formal Investigation and Decision-Making Process**

As noted above, if Hanson decides to initiate a formal investigation, Student Services will notify the Complainant and Respondent in writing.

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 a member of the Hanson community or a person who is external to Hanson, depending on the individuals involved, the circumstances, and the expertise required.

The formal investigation will be completed promptly, 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.

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.

If the Respondent has not already been allowed 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 allowed to provide a written response to the allegations.

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 them at every stage of the process, including legal or other representation.

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 through the investigation process.

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 during the investigation.

An investigator will keep a detailed written record of the investigation, including notes concerning oral statements obtained from the Complainant, the Respondent, and any witnesses interviewed.

Following the completion of the investigation, the investigator will provide a confidential written report of the information gathered, the conclusion of the investigation, and any recommendations to the Student Services department.

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.

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.

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.

Any documents and/or materials relating to the investigation, including:

- The investigator's notes.
- The investigation report.
- Written statements obtained from the Complainant, the Respondent, and any other witness.
- Other relevant documents or evidence collected will be filed with Student Services following the investigation. Hanson will make all reasonable efforts to preserve the confidentiality of information relating to the report or complaint of sexual violence, as well as of the investigation process (as further described below).

## **The Outcome of the Investigation**

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:

- Requiring a party to attend additional training on sexual violence.
- Referring to a party to services and supports available through Student Services or in the community.
- Imposing discipline, up to and including termination of employment (for employees of Hanson).
- Imposing sanctions up to and including termination of a contractual relationship (for contractors).
- Imposing academic sanctions up to and including expulsion (for students).
- Engaging the assistance of police services.

## **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 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.

## **Protection from Reprisals, Retaliation, or Threats**

Hanson will take 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, retaliation or threats of retaliation.

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 both before, during, and following the investigation include, but are not limited to:

- Advising individuals in writing of their duty to refrain from committing a reprisal and/or sanctioning individuals for breaching this duty.
- Temporarily removing the Respondent while an investigation is being conducted (e.g., in case of employees, this may be a suspension with or without pay).
- Allowing student complainants to be escorted to and from classes, should they feel that their safety is threatened.

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 according to this Sexual Violence Policy, accessing accommodations, or services, or otherwise pursuing or exercising their rights under this Sexual Violence Policy.

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 sanctions which may include:

- Discipline, up to and including termination of employment (for employees of Hanson).
- Sanctions up to and including termination of the contractual relationship (for contractors).
- Academic sanctions up to and including expulsion (for students).

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.

## **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 are made to purposely annoy, embarrass, or harm the Respondent, may result in sanctions and/or disciplinary action against the Complainant.

## Appeals

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) business days of the Complainant or Respondent being advised in writing of the results of their investigation.

Hanson will provide a response with their decision regarding the appeal request within fifteen (15) business days of receipt of any such request. If Hanson denies an appeal, it will provide written reasons for the denial along with its response.

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.

## Supports, Services, and Accommodations

Hanson will provide appropriate accommodations for students affected by sexual violence at no cost to them. Students who require such accommodation should contact the Student Services Department, which will work with students to address accommodation requests and provide access to other support and services.

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.

Students who are affected by sexual violence are not required to make a report or complaint about an incident of sexual violence to receive such support, services, and accommodations.

Community supports and services, as well as their contact information, can be found through Ontario Coalition of Rape Crisis Centres (OCRCC) [Get help - OCRCC – Ontario Coalition of Rape Crisis Centres](#). It provides a chart of all sexual assault centers in Ontario and their contact information.

More information about student support and services, as well as community supports and services, can also be requested from the Student Services Department.

## Confidentiality

Hanson respects the privacy and confidentiality of all individuals. The confidentiality of all individuals involved in



a report of sexual violence must be strictly observed, including the complainant, respondents, 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.

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 with the Freedom of Information and Protection of Privacy Act.

In certain circumstances, disclosure of confidential information may be necessary, such as where:

- There are reasonable grounds to believe an individual is at imminent risk of self-harm.
- There are reasonable grounds to believe an individual is at imminent risk of harming another.
- There are reasonable grounds to believe that others in the Hanson or wider community may be at risk or harm.
- Disclosure is required by law (e.g., an incident involving a minor or obligations related to occupational health and safety or human rights legislation).

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

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.

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

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.

## **Regulation and Implementation of the Sexual Violence Policy**

The Academic and Compliance 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 and Compliance Department is also responsible for approving all finalized versions of the policy.

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

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

## Appendix A Definitions

### **Sexual Violence**

In accordance with the *Ontario Career Colleges Act*, Sexual Violence is defined as any sexual 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.

### **Incident of Sexual Violence**

Includes any instance of Sexual Violence, 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 & Employment Services Ltd., 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.

### **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 and is defined as any form of sexual contact without a person's Consent. 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.

### 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.

Situations in which **consent is not obtained** include the following:

- 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. does not agree 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 they have 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 they teach.
  - ✓ an administrator 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 they are engaging with sexually is a minor under the Law.

**Age of Consent to 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 [Age of Consent to Sexual Activity \(justice.gc.ca\)](https://www.justice.gc.ca/age-of-consent-to-sexual-activity)

### Acknowledgements:

A number of resources contributed to the development of this document, including the sexual assault policies and procedures from several colleges and universities in Ontario, as well as the METRAC Action On Violence Resources. The Ontario Women's Directorate resource, "Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities" served as a reference.