



SEXUAL VIOLENCE POLICY

1. Policy

All members of the Hanson community have a right to work and study in a safe and healthy environment free from any form of violence and harassment, therefore Hanson does not tolerate incidences of sexual violence and sexual harassment. Hanson will ensure that those who experience such acts are heard and appropriately accommodated, and will establish a protocol that follows the guidelines outlined in this policy for the process of reporting and investigating incidences of sexual violence in a manner that protects the rights of all individuals, while holding those who have committed acts of sexual violence accountable.

2. Purpose

The Sexual Violence policy outlines the way in which Hanson addresses sexual violence and sexual harassment. The policy will provide staff, students, faculty, and visitors at Hanson with the knowledge, guidelines, and procedures to safely and appropriately respond to any Incidents, Reports/Complaints, or Disclosures 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. Furthermore, the protocol outlined in this policy can be used as an educational and training tool for staff, faculty, and students, with the goal to ensure that appropriate responsive and preventative measures are taken against 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, as well as any off-site premises and events in which any Hanson business may be taking place or in which members of the Hanson community are present (ex. Co-op or field placements, student outings, off-site conferences, shuttle busses, etc).

4. 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 International Education and Employment Services Limited premises.



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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.

Disclosure: The sharing of information by an individual with a Member of the Hanson community regarding an Incident of Sexual Violence experienced by that individual. A Disclosure may or may not lead to a Report ('complaint').

Report ('Complaint'): The sharing of information by an individual with a Member of the Hanson community regarding an Incident of Sexual Violence experienced by that individual, with the intention of initiating the Reporting and Investigation Process set out in this policy. Reports may result in disciplinary action being taken against the Member of the Hanson community alleged to have committed Sexual Violence. A Report can also be referred to as a Complaint.

Incident of Sexual Violence: Includes any instance of Sexual Violence, including Sexual Harassment, Sexual Assault, and all associated definitions.

Sexual Violence: 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. This includes Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism, and sexual exploitation. For the purposes of this policy, Sexual Violence includes Cyber Sexual Violence.

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: 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. Sexual assault is a criminal offence under the Criminal Code of Canada.

Cyber Sexual Violence: Includes (but is not limited to) knowingly publishing, distributing, transmitting, selling, making available, or advertising an intimate image of a person, knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct. An intimate image includes but is not limited to a visual recording of a person made by any means, including a photographic, digital or video recording, in which the person is nude and/or engaged in sexual activity. Cyber Sexual Violence can also include using social media and communication technologies for sexual comments or advances; attempts to obtain a sexual act; unwanted sexual acts; sexual coercion. For the purposes of this policy, Sexual Violence includes Cyber Violence.

Cyber Sexual Harassment: Includes (but is not limited to) Sexual Harassment conducted in whole or in part through electronic means, such as e-mail, web postings, text messaging, and other forms of electronic behaviour. For the purposes of this policy, Sexual Harassment includes Cyber Sexual Harassment.

4.1. 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.

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:



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- A faculty member initiating a relationship with a student who he/she teaches;
- 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 he/she is engaging with sexually is a minor under the Law.

- 4.2. 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>

5. Statement of Commitment

- 5.1.** Sexual violence is unacceptable and will not be tolerated. Hanson is committed to taking appropriate responsive and preventative measures against sexual violence with the goal of creating a safe environment for all members of the Hanson community, especially those who have experienced or have been affected by sexual violence.

Hanson is committed to:

- 5.2.** Making available and accessible accommodations to those who have experienced or have been affected by sexual violence, specifically through services and supports provided by the Student Services and/or Human Resources (HR) Department;
- 5.3.** Ensuring that those 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, and that those who disclose are recognized as the final decision-makers about their own best interests;
- 5.4.** Addressing and taking measures to make awareness of harmful attitudes and behaviour (ex. Adhering to myths of sexual violence; stereotypes; "blaming the victim") that reinforce that the person who experienced sexual violence is to blame for what happened;
- 5.5.** Ensuring that internal investigation procedures are initiated in case of sexual violence, even when the individual chooses not to make a report to the police;
- 5.6.** Engaging in appropriate procedures for investigation and adjudication of a Report ('complaint') which are in accordance with Hanson policies, standards, and applicable agreements, and that ensure fairness and due process;

- 5.7. 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 and Human Resources;
- 5.8. Engaging in public education and prevention activities to raise awareness on sexual violence;
- 5.9. Contributing to the creation of an institution in which sexual violence is not tolerated; and
- 5.10. Regularly monitoring, revising, and updating our policies and protocols to ensure that they remain effective and in line with other existing policies, legislation, and best practices;
- 5.11. Ensuring that there are provisions for training and educating all faculty, staff, and students on the contents of this Sexual Violence policy and the procedures that follow. Such provisions include, but are not limited to: educational posters and videos posted and clearly visible on the Hanson website, social media, student lounges, and student services areas;
- 5.12. Ensuring that this policy is made publicly available on the Hanson website and made accessible to all staff, faculty, and students, as required by the Ministry of Training, Colleges, and Universities Act, under O.Reg.131/16;
- 5.13. Ensuring that this policy is provided to students on the student enrolment contract between the student and the college, as required by the Ministry of Training, Colleges, and Universities Act, under O.Reg.131/16.

6. Disclosure and Reporting and Responding to Sexual Violence

- 6.1. Disclosure and Reporting are separate actions that a Complainant can choose to take. Please see Section 2 “Definitions” of this policy for their respective definitions and distinctions.
- 6.2. Members of the Hanson community should immediately report sexual violence incidents they witness or have knowledge of, or where they have reason to believe that sexual violence has occurred or may occur.
- 6.3. Members who have experienced sexual violence, as well as members who Disclose experience with sexual violence, are encouraged to Report as soon as they are able to do so.
- 6.4. Persons in a position of authority, including persons directing the activities of others, shall take immediate action to respond to or prevent sexual violence from occurring.
- 6.5. Where Hanson becomes aware of incidents of sexual violence by a member of the Hanson community or against a member of the Hanson community, which may occur on or off Hanson premises and that pose a risk to the safety of members of the Hanson community, Hanson shall take all reasonable steps to ensure the safety of the Hanson community.
- 6.6. All reports (‘complaints’) and disclosure are taken seriously by Hanson. It is mandatory that all Reports (‘Complaints’) of Sexual Violence are reviewed immediately upon receipt, and that Hanson exert all effort to provide the appropriate accommodations and to take into consideration all contextual factors and involved parties surrounding the Report before making any final decisions.

7. Disclosure

- 7.1. A Disclosure may not result in a Report being made and may not initiate a process to address the Incident of Sexual Violence.
- 7.2. The decision to Disclose and the decision to Report are separate decisions.
- 7.3. A Disclosure can be made to any Member of the Hanson community. A Disclosure may relate to a Respondent who is or is not a Member of the University community.
- 7.4. Hanson respects a Complainant's right to choose whether and how to pursue action related to an Incident of Sexual Violence, subject to the provisions set out in the "Confidentiality" Section of this policy.
- 7.5. When Hanson is made aware of an Incident of Sexual Violence that poses a risk to the health and safety of Members of the Hanson community, Hanson will take steps to maintain their health and safety, and will immediately initiate a process of reviewing and investigating the Incident.
- 7.6. Hanson will make support and services accessible and available to Members of the Hanson community who Disclose having been affected by an Incident of Sexual Violence. Support services may also be made available to Members of the Hanson community who are Respondents. Support services may include counselling and/or access or referrals to medical services; and other accommodations.
- 7.7. A Complainant is not required to make a Report about an Incident of Sexual Violence in order to obtain the support and services or accommodations referred to in this policy.

8. Reporting and Investigation Process

8.1. Reporting ('Complaint')

- 8.1.1. Hanson is responsible for receiving Reports ('complaints') of Incidents of Sexual Violence involving a Member of the Hanson community in a non-emergency situation. In an emergency, calling 911 should be the first point of contact.
- 8.1.2. Reports ('complaints') can be directed to the Student Services department (students) or the Human Resources department (employees). These departments are also responsible for maintaining the confidential records of these Reports.
- 8.1.3. A report/complaint of sexual assault or any other kind of sexual violence can be filed under this policy by any member of the Hanson community.
- 8.1.4. All Reports ('complaints') are taken seriously by Hanson and are immediately reviewed by the college upon receipt through an informal investigation process, in order to reach a finalized decision on whether to launch a formal investigation where an investigator will be appointed, as set out in Section 8.2 *'Initiation of Report ('Complaint') and Informal Investigation'*.
- 8.1.5. The Reporting and Investigation Process consists of two stages: an Informal Investigation, where the report/complaint is reviewed before making a final decision to launch a Formal Investigation. Disciplinary actions may be recommended during

this stage and may or may not be carried out, depending on the circumstances (such as if more evidence is required). The college may then choose to proceed to a second stage, a Formal Investigation, which is distinct from an Informal Investigation in that an investigator is appointed.

8.2. Initiation of Report ('Complaint') and Informal Investigation

- 8.2.1.** Reporting can be initiated in person, by phone, or online, either through written or oral communication, and can reported to any member of the Hanson community. Complainants can also request that a Report ('Complaint') be filed by a staff or faculty member on their behalf.
- 8.2.2.** Upon receipt of a Report, details of the Report must be recorded in written format and filed in the Student Services department and/or HR Department. Hanson will maintain a confidential database of all Reports/Complaints received.
- 8.2.3.** It is mandatory that Hanson immediately initiate a review process upon receiving a Report/Complaint. This will ultimately result in a final decision on whether to launch a formal investigation of the complaint, where an investigator will be appointed. This review process can be referred to as an Informal Investigation.
- 8.2.4.** In the Informal Investigation, 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.
- 8.2.5.** Recommendations regarding disciplinary action to be taken may be made during the Informal Investigation. Depending on the circumstances and review of the Incident, such disciplinary actions may or may not be carried out.
- 8.2.6.** Hanson will seek to achieve procedural fairness in reviewing all complaints. 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.
- 8.2.7.** As per sections 8.2.3, 8.2.4, and 8.2.5, the informal investigation must result in a final decision on whether to launch a formal investigation, and this decision must be communicated in writing to both the Complainant and the Respondent before any subsequent procedures are initiated. Any decisions to take disciplinary action without launching a formal investigation during the informal investigation must also be justified.
- 8.2.8.** The Informal Investigation and the communication of the final decision to the Complainant and the Respondent should occur within a reasonable and agreed upon timeframe.

8.3. Formal Investigation and Decision-Making Process

- 8.3.1.** As per section 8.2, when the Reporting process is initiated, Hanson will assess whether a formal investigation will be held by Hanson. The decision to commence a formal investigation will be determined using factors such as if the report/complaint falls within the scope of this policy.
- 8.3.2.** The formal investigation and decision-making process must be recorded in detail and in an organized manner, and filed in the Student Services department.
- 8.3.3.** The Complainant can choose not to request an investigation and has the right to choose not to participate in any investigation that may occur.
- 8.3.4.** A party to an 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.
- 8.3.5.** If Hanson determines that the Report does not appear to fall within the scope of this policy, or decides not to commence an investigation, Hanson will notify the Complainant and Respondent in writing of this decision. The Complainant has the right to request a review of this decision in writing to Hanson.
- 8.3.6.** If Hanson decides to initiate a formal investigation, Student Services must notify the Complainant and Respondent in writing within four (4) weeks of initially receiving the Report.
- 8.3.7.** Following the initiation and notification of a formal investigation launch, a 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 circumstances and qualifications.
- 8.3.8.** 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 taken place within a timeframe of six (6) months following the first receipt of the initial Report.
- 8.3.9.** While an incident or complaint is being investigated or while a decision is being made regarding an incident or complaint, interim measures that may be implemented by Hanson include providing appropriate accommodation and services to parties involved.
- 8.3.10.** During the investigation, the Respondent may be given an opportunity to respond to the allegations within a given timeframe provided by the college.
- 8.3.11.** The Complainant and Respondent may choose to submit any additional information to the investigator, such as the names of any potential witnesses.
- 8.3.12.** 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 (or Human Resources) and the conclusion of the investigation, as well as any recommendations.

- 8.3.13.** Hanson will review the investigator's report and make a final decision of the result of the investigation, including any disciplinary actions to be taken and the rationale for the decisions and disciplinary action(s).
- 8.3.14.** Student Services (or Human Resources) 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 disciplinary action that may be taken and whether the Respondent is guilty of the any allegations made in the report/complaint filed.
- 8.3.15.** The Respondent will be notified in writing of any discipline or sanction imposed and will have access to an appeals process (see the '*Appeals*' section of this policy).
- 8.3.16.** All correspondence and records of the formal investigation, such as the notification of initiating the formal investigation, the notes and reports provided by the investigator, and the decisions made by the college regarding the formal investigation (including disciplinary actions and rationale), will be recorded and filed in the Student Services department.

8.4. 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.

8.5. Protection from Reprisals, Retaliation, or Threats

- 8.5.1.** It is contrary to this policy for anyone to retaliate, engage in reprisals, or threaten to retaliate against a complainant or other individuals for;
- Having pursued the rights under this policy or the Ontario Human Rights Code;
 - Having participated or cooperated in an investigation under this policy or the Ontario Human Rights Code; or
 - Having been associated with someone who has pursued rights under this policy or the Ontario Human Rights Code.
- 8.5.2.** Hanson takes reasonable steps to protect persons from reprisals, retaliation, and threats. This may entail, for example, advising individuals in writing of their duty to refrain from committing a reprisal and sanctioning individuals for a breach of this duty. Hanson may also address the potential for reprisals by providing an accommodation appropriate in the circumstances.



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8.6. Unsubstantiated or Vexatious Complaints

- 8.6.1. 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.
- 8.6.2. Disclosures or Reports/Complaints that are found during any stage in the Reporting and Investigation process 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.

9. Appeals

- 9.1. Appeals against the decision of the informal or formal investigation may be made, in written format, and submitted to Hanson for review. Hanson will provide a response with their decision regarding the appeal request within an appropriate and given timeframe.

10. Supports, Services, and Accommodations

- 10.1. The Student Services Department and the Human Resources Department are the designates for making available supports, services, and accommodations for those affected by sexual violence. Examples of such available supports include referrals to community resources and community supports and referrals to appropriate counselling services.
- 10.2. Those 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.

11. Confidentiality

- 11.1. Hanson respects the privacy and confidentiality of all persons. 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.
- 11.2. 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.
- 11.3. However, confidentiality cannot be assumed in the following circumstances:
 - a. An individual is at imminent risk or self-harm;
 - b. 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. Reporting or investigation is required by law (ex. An incident involving a minor, or obligations related to occupational health and safety or to human rights legislation).



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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.

11.4. Where Hanson becomes aware of an allegation of sexual violence by a member of the Hanson community against another member of the Hanson community, Hanson may also have an obligation to take steps to ensure that the matter is dealt with in order to comply with Hanson's legal obligation and/or its policies to investigate such allegations. In such cases, certain Hanson administrators will be informed about the reported incident on a "need to know" and confidential basis, but not necessarily of the identities of the persons involved.

11.5. 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.

12. Regulation and Implementation of the Sexual Violence Policy

12.1. The Academic Department is responsible for approving and facilitating ongoing revision of Hanson's Sexual Violence Policy, 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.

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

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

13. Related Policies

- Code of Conduct and Complaints Policy
- Student Misconduct Procedures Guide

It must be noted that if the Sexual Violence policy conflicts with the Dismissal Policy, then the Sexual Policy prevails.