



**POLICY CATEGORY: GOVERNANCE/BOARD PROCESS    POLICY NUMBER: B14**

**POLICY TITLE: SEXUAL ASSAULT AND SEXUALIZED VIOLENCE**

**EFFECTIVE: NOV. 7/18    REFERENCE (MOTION):**

## **PURPOSE**

This Policy sets out the Board of Governors' governance oversight and accountability required for Mohawk College to comply with the [Ministry of Training, Colleges and Universities \(MTCU\) Act, R.S.O. 1990, c. M. 19](#), and [O. Reg. 131/16 Sexual Violence at Colleges and Universities](#).

This Policy also sets out the way in which the Board of Governors and Mohawk College respond to and addresses sexualized violence involving members of the Board of Governors.

## **APPLICATION AND SCOPE**

This Policy applies to the Mohawk College Board of Governors. This policy also applies to members of the Mohawk College Community who have experienced, been affected by, or been made aware of, an act of sexualized violence involving a member of the Mohawk College Board of Governors.

This Policy is related to, and supports, Mohawk College's ['Sexual Assault and Sexualized Violence Policy'](#). The process outlined in this policy for reporting and responding to incidents of sexualized violence is limited to incidents of sexualized violence involving members of the Board of Governors.

Please consult Mohawk College's ['Sexual Assault and Sexualized Violence Policy'](#) for procedures for responded to incidents of sexualized violence involving employees, students and/or members of the Mohawk College Community.

## **DEFINITIONS**

**"Sexualized violence"** refers to any unwanted sexual acts and/or acts that are committed, threatened or attempted against a person without the person's consent. Sexualized violence includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. Sexualized violence is about power, control, domination and/or humiliation rather than about sexual activity. Acts of sexualized violence may be physical or psychological in nature, and may be committed by individuals acting alone or in groups. Such acts commonly target a person's sexuality, gender identity, and gender expression or are directed at individuals who do not conform to traditional male or female gender stereotypes.

**"Survivor"** is the term used in this policy to refer to an individual who has experienced

sexualized violence. Using the word survivor instead of “complainant” or “victim” shifts the focus from the act of sexualized violence to the life of the individual after the incident. The person who has experienced these circumstances has the right to determine how they wish to be identified.

“**Respondent(s)**” is the term used in this policy to describe any person(s) alleged to have committed an act of sexualized violence.

“**Informal Report**” is an allegation of a violation of this policy made by a survivor to Security Services; this type of report may not result in a formal investigation by the College but can help ensure the safety of the College community. The survivor may choose to make a Formal College Report at a later time to initiate a formal investigation by Mohawk College.

An Informal Report results in a risk assessment that identifies supports and services that are unique to the survivor. If a risk to the safety of the survivor and/or the College Community is identified, Security Services initiate a third party investigation and may inform the police of the need for a criminal investigation. The survivor has the right to choose not to participate in any investigation arising from an Informal Report.

“**Formal Report**” is an allegation of a violation of this policy made by a survivor to Security Services in order to initiate an investigation. This type of report may not be made anonymously, and the College is obligated to inform respondents of allegations made against them. Making a Formal College Report does not prevent the survivor from also reporting the incident to police.

“**Disclosure**” is the act of sharing information in order to receive support and services and/or to learn about options for reporting an incident of sexualized violence. An individual who has been affected may disclose information about the incident(s) to a trusted member of the Mohawk College Community who can help them access supports and services.

## **PRINCIPLES**

The Mohawk College Board of Governors is committed to preventing and addressing all forms of sexual assault and sexualized violence (herein referred to as sexualized violence) within the College Community. All members of the College community have a right to study, work and socialize in an environment free from all forms of sexualized violence.

## **RULES**

### **1. Board’s Commitment to Comply with Provincial Legislation**

In accordance with the *MTCU Act*, and O. Reg. 131/16, the Board of Governors shall:

- (a) Be responsible for approving Mohawk College’s [‘Sexual Assault and Sexualized Violence Policy’](#);

- (b) Have access to, or participate in, training on Mohawk College's '[Sexual Assault and Sexualized Violence Policy](#)' including training on Mohawk College's process for responding to and addressing incident and complaints of sexualized violence; and
- (c) Receive from Mohawk College, an annual report setting out, in respect to the preceding year:
  - a. The number of times supports, services and accommodation relating to sexual violence are requested and obtained by students enrolled at [the College], and information about the supports, services and accommodation;
  - b. Any initiatives and programs established by [the College] to promote awareness of the supports and services available to students;
  - c. The number of incidents and reports of sexual violence reported or disclosed to the College, and information about such incidents and reports; and
  - d. The implementation and effectiveness of the Policy.

## **2. Training**

All members of the Board of Governors are required to complete training on Mohawk College's process for responding to and addressing incidents of sexualized violence.

## **3. Sexual Assault and Sexualized Violence Procedure**

The procedure for addressing incidents of sexualized violence involving members of the Board of Governors is found at Attachment 1 to this policy. The procedure is to be applied under, and in harmony with, the College's Policy.

### **POLICY DATE:**

November 2018

**Next Review - 2021-2022**



## Attachment 1

### Sexual Assault and Sexualized Violence Procedure for the Board of Governors

This procedure is intended for instances in which members of the Mohawk College Board: are survivors of sexual assault or sexualized violence (herein referred to as sexualized violence); witness or receive a disclosure of sexualized violence; or are alleged to have committed an act that violates the Mohawk College's Sexual Assault and Sexualized Violence Policy (the "Policy").

#### Contents

1. **If you have been affected by sexual assault or sexualized violence**
  - 1.1 **Support and reporting options in the College community**
2. **If you choose to disclose and/or report sexual assault or sexualized violence**
3. **If you receive a disclosure of sexual assault or sexualized violence**
4. **If you are identified as a respondent**
5. **Response to disclosures of sexual assault or sexualized violence**
  - 5.1 **Response to a Disclosure**
  - 5.2 **Response to an Informal Report or Third Party Report**
  - 5.3 **Response to a Formal Report**
  - 5.4 **Investigation and Decision Making Procedures**
6. **Supports and Services**

#### 1. IF YOU HAVE BEEN AFFECTED BY SEXUAL ASSAULT OR SEXUALIZED VIOLENCE

This section of the procedure is intended for Governors who have been affected by sexualized violence: survivors, witnesses and/or individuals who have been made aware of any sexualized violence.

It is often difficult to disclose or report incidents of sexual assault or sexualized violence. Deciding whether or not to disclose or report the incident is entirely up to you; however, we strongly encourage you to consider doing so. Survivors and witnesses can expect a consistent, respectful and supportive response.

It is important to know that you do not need to disclose or report sexualized violence in order to access supports and services. Descriptions of and contact information for sources of assistance are provided in Supports and Services table at the end of this procedure.

#### What you can do as a survivor:

- In emergency situations, go to a place of safety and call 911.
- Tell someone who can help you obtain supports and services.
- Get medical care, if required, at The Health Centre on the Fennell campus or at a local hospital, family doctor, walk-in clinic, community health centre, or urgent care centre.
- Call the [24 Hour Support Line](#) at Hamilton's Sexual Assault Centre (SACHA) for confidential and anonymous support.

- Go to Supports and Services table at the end of this procedure for information and contacts.

## **1.1 IF YOU WITNESS OR HAVE INFORMATION ABOUT AN INCIDENT OF SEXUALIZED VIOLENCE**

If you witness or have information about an incident of sexual assault or sexualized violence, we strongly encourage you to report it.

### **What you can do:**

- In emergency situations, go to a place of safety and call 911.
- Make a Third Party Report to Mohawk College Security Services by phone to 905-575-2003 or by email to [security@mohawkcollege.ca](mailto:security@mohawkcollege.ca).
- You can also choose to report anonymously in person or by phone.
- Tell someone who can help you obtain supports and services.
- Contact Security Services for assistance if you are considering making a report, but are unsure of the process and/or your options.
- Go to Supports and Services table at the end of this procedure for information and contacts.

## **2. IF YOU ARE A SURVIVOR WHO CHOOSES TO DISCLOSE AND/OR REPORT SEXUAL ASSAULT OR SEXUALIZED VIOLENCE**

Deciding whether to disclose or report the incident is entirely up to you. Sharing this information is difficult; sexualized violence is never your fault.

We strongly encourage you to consider making a report; however, **you are not required to disclose or report sexualized violence to obtain supports and services.**

The Policy explains a number of ways survivors can disclose and/or report sexualized violence, including:

- Disclosure,
- Informal Report,
- Formal College Report,
- Formal Police Report.

It is important for you to understand the Confidentiality commitment as defined in section 3 of the Policy, and the rules governing the Limits of Confidentiality detailed in section 6.7 of the Policy. The Mohawk College recognizes that confidentiality is important to those who have disclosed sexual violence. You have the right to ask the person to whom you make a disclosure what level of confidentiality you can expect from them before you share information.

Survivors can choose to withdraw a report at any stage of the process; however, in circumstances that pose a risk of harm to the survivor or the Mohawk College Community, the investigation will continue, while making every effort to protect your confidentiality.

### **What you can do if you choose to disclose and/or report:**

- In emergency situations, go to a place of safety and call 911.

- Make a Report to Mohawk College Security Services.
- Make a Disclosure to someone who can help you obtain supports and services.
- Contact Security for assistance if you are considering making a Report, but are unsure of the process and/or your options.
- Go to the Supports and Services table at the end of this procedure for information and contacts.

### **3. IF YOU RECEIVE A DISCLOSURE OF SEXUAL ASSAULT OR SEXUALIZED VIOLENCE**

If someone in the College community discloses to you that they have been affected by sexualized violence, you can help by listening, being supportive, and helping them identify and access professional services, resources and support.

Section 6.4 of the Policy clearly describes how those who receive disclosures are expected to respond.

#### **What to do if you receive a Disclosure:**

- In emergency situations, go to a place of safety and call 911.
- In non-emergency situations, listen to the survivor in a non-judgemental and supportive manner.
- Explain to the survivor that confidentiality cannot be guaranteed in circumstances where
  - the College's Risk Assessment process determines that there is a risk to an individual or the College Community;
  - a Formal Report is made, because the College is obligated to inform the respondent(s) of the allegations;
  - the College is legally obligated to release information.
- Offer the survivor information about supports and services available in the College and the community and provide assistance in accessing these, if needed.
- Encourage the survivor to make a Report to Security Services.
- Governors who receive a disclosure must report the incident to Mohawk College Security Services. You are not required to share the name of the survivor in this process and should not do so without the survivor's consent.

### **4. IF YOU ARE IDENTIFIED AS A RESPONDENT**

This section of the procedure is intended for Governors who have been identified as respondents in allegations of sexual assault or sexualized violence. Respondents will be provided with a fair and transparent process based on the principles of procedural fairness during the investigation and decision-making process. You may be invited to an interview by an independent investigator retained by the Board of Governors, at which you will have an opportunity to provide a response to the allegations.

It is important for you to understand the College's commitment to Confidentiality as defined in section 3 of the Policy, and the rules governing the Limits of Confidentiality detailed in section 6.7 of the Policy.

The Board of Governors will make final decisions with or without your full participation as a respondent.

## **5. COLLEGE RESPONSE TO DISCLOSURES OR REPORTS OF SEXUALIZED VIOLENCE**

The College will respect and protect the rights of the survivor, respondent and any witnesses during the response to a Report of sexualized violence. This will include providing access to supports and services, maintaining confidentiality, explaining the limits of confidentiality, and adhering to procedural fairness. Mohawk College will respect the survivor's right to make choices throughout the process.

### **What you can expect:**

- information on confidentiality and the limits of confidentiality.
- clarification of your options for reporting.
- help in developing a safety plan, if required.
- protection from reprisals as detailed in Section 6.4 of the Policy.

### **In addition, survivors and respondents can expect:**

- an explanation of the process and timelines.
- updates on the findings of any risk assessment and/or investigation.
- notification of the outcomes of and rationale for decisions.

### **5.1 Response to a Disclosure**

A Disclosure is different from a Report. A Disclosure will initiate an initial assessment of the immediate needs of the survivor and the Mohawk College community that informs the response as outlined below.

#### **a. Assessing Risk and Safety Planning**

Assessing risk is the College's first step in responding to all disclosures of sexual assault or sexualized violence. Mohawk College Security Services conducts this process and uses all available information to determine next steps.

The College will work with the survivor to develop a safety plan to manage any identified risk.

#### **b. Interim Measures**

Interim measures will be imposed only as necessary. Imposing these measures does not represent a finding of misconduct and is not intended as a punitive measure.

### **5.2 Response to an Informal Report or Third Party Report**

An Informal Report cannot be made anonymously. Security Services will use the information provided to initiate a risk assessment. This type of report is unlikely to result in a formal investigation unless Mohawk College's assessment identifies risk to the safety of the survivor or the Mohawk College community.

Governors who witness or otherwise become aware of an incident of sexualized violence must report the incident to Mohawk College Security Services, who will use the information provided to assess the safety of the survivor and College community and identify any further action that may be required.

### **Survivors making an Informal Report can expect**

- to have their identity protected to the extent possible.
- to be informed of and/or referred to supports and services.
- to be informed of the findings of the risk assessment.
- the right to choose not to participate in any investigation.
- to maintain their right to choose to make a Formal College Report at any time.

### **Persons making a Third Party Report can expect**

- to have their identity (if disclosed) protected to the extent possible.
- to be informed of and/or referred to supports and services.
- to be provided with the opportunity to choose not to participate in any investigation.

### **5.3 Response to a Formal College Report**

The following procedures apply to investigating and making decisions about Formal College Reports of sexual assault or sexualized violence.

#### **Survivors making a Formal College Report can expect:**

- to have their identity and confidentiality protected to the extent possible.
- to be informed of and provided with access to supports and services.
- a consistent, respectful and supportive approach as detailed in section 6.3 and 6.4 of the Policy.
- a fair and transparent process as detailed in section 5.4 below.
- the right to choose to withdraw a Formal College Report at any time; however, in circumstances where there is an identified risk, the Board or College may choose to proceed with an investigation.

### **5.4 Investigation and Decision Making Procedures**

- Multiple Proceedings:** Survivors who file a report with Security Services may also choose to file a Formal Police Report or report through the civil courts or the Ontario Human Rights Tribunal. When a report of sexual assault or sexualized violence results in civil or criminal proceedings, the Board or College will conduct an independent investigation and make its own determination in accordance with its policies and procedures. The College will cooperate with any external investigations.
- Procedural Fairness:** The Board and College are committed to procedural fairness.
- Support and Representation:** The investigation and decision-making processes includes individual meetings with the survivor and respondent. Each may attend these meetings accompanied by support persons of their own choosing whose role is providing support rather than participating.
- Informal Resolution:** A process of informal resolution may be used if both survivor and respondent agree to participate. If an attempt at informal resolution breaks down, the survivor has the right to choose to continue with a formal investigation.



- e. **Investigation:** In situations where police are not the primary investigators, an independent investigator retained by the Board, in collaboration with Mohawk College Security Services, will investigate by collecting evidence and statements from the survivor, respondent, witnesses, and others as necessary. This may require more than one interview with each person. At no point during the investigation will the survivor be expected to meet face-to-face with the respondent. Survivors have the right to choose not to participate in the investigation after their initial disclosure or report. The respondent may also choose not to participate.
- f. **Investigation Timelines:** The survivor and respondent will each be informed about the progress of the investigation at least once every seven working days. The Board will aim to complete its investigation within 10 working days.
- g. **Investigation Findings:** The standard of proof used by the Board to conclude that a violation of the Policy has occurred is the Balance of Probabilities, which means the information and evidence gathered in the investigation indicates that the allegation is more likely to be true than not to be true.

Members of the Board of Governors who are Survivors, Respondents or witnesses in connection with an instance of sexualized violence involving a member of the Board must recuse themselves from the Board's deliberations on the matter.

If the investigator finds that there has been no violation of the Policy, the survivor and respondent will each be informed in writing that the investigation has been closed.

If the investigator finds that there has been a violation of this or another College policy, the investigator will provide the Board with a summary of the investigative report that includes any statements, evidence and relevant supporting documentation.

- h. **Written Decision:** The Board will inform the survivor and respondent of the results of the investigation within 7 days of its conclusion in a written communication that includes a brief description of any corrective action taken or to be taken as a result of its investigation. The Board's decision is final, and not subject to appeal.

**SUPPORTS and SERVICES TABLE appears on page below**

<b>1.1 Sources of Information and Support at the College and in the Community</b>	
<b>At Mohawk College</b>	
<p><b><u>Mohawk College Security Services</u></b></p> <ul style="list-style-type: none"> <li>• responds to calls 24 hours per day 7 days per week.</li> <li>• will attend any campus to receive disclosures and reports</li> <li>• arranges safety plans</li> <li>• conducts risk assessments and investigations.</li> <li>• provides information and evidence to inform decision making.</li> <li>• collaborates with local police where appropriate</li> </ul>	<p>Contact from <b>any</b> <a href="#">Mohawk College Campus</a></p> <p>24 Hour Emergency Phone: 905-575-2003</p> <p>email: <a href="mailto:security@mohawkcollege.ca">security@mohawkcollege.ca</a></p> <p>Website: <a href="#">Mohawk College Security Services</a></p>
<p><b><u>Health Centre</u></b></p> <ul style="list-style-type: none"> <li>• Provides holistic wellness and medical services for students, employees and the community at Fennell campus.</li> <li>• Medical services are covered by OHIP, GuardMe and/or extended healthcare benefits.</li> </ul>	<p>Monday to Friday - Same day, early and late appointment options available</p> <p>For appointments: Call or text: 289-237-6538 or Call 905 575-2084</p> <p><a href="#">Health Centre website</a></p> <p>Room C109, Fennell Campus 135 Fennell Avenue West Hamilton, Ontario L9C 0E5</p>
<b>In the Community</b>	
<p><b><u>Local Sexual Assault and Domestic Violence Care Centres</u></b></p> <ul style="list-style-type: none"> <li>• provide specialized healthcare for children, adolescents, women, transgender persons, and men who have experienced sexual assault and/or domestic violence.</li> <li>• have specially trained sexual assault nurses on call 24/7.</li> <li>• provide more information and answers to frequently asked questions about these services on their <a href="#">website</a></li> </ul>	<p><b>Contact Information</b></p> <p>If you have experienced sexual assault or domestic violence and need medical attention, please go to the Emergency Department at the Hamilton General or the Juravinski Hospital. If you are under 18, please go to Emergency at McMaster Children’s Hospital.</p> <p><b>Hamilton General Hospital</b> 237 Barton St. East at Victoria Hamilton ON L8L 2X2</p> <p><b>Juravinski Hospital</b> 711 Concession St. East Hamilton ON L8V 1C3</p> <p><b>Link to all other local hospitals</b></p>

<p><b><u>SACHA: Sexual Assault Centre</u></b></p> <ul style="list-style-type: none"><li>• provides services to people who may have experienced sexual violence at any point in their lives.</li><li>• operates as a non-profit, community-based organization</li></ul>	<p><b>24-hour crisis line:</b> (905) 525-4162</p> <p><a href="#">SACHA website</a></p> <p>PHONE: <b>905.525.4573</b> TTY: <b>905.525.4592</b></p> <p>75 MacNab St. South, 3rd floor Hamilton, Ontario L8P 3C1</p>
--	---