1. Purpose
Mohawk College 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 this community (i.e. all students, employees, governors, volunteers, appointees, contractors/suppliers and invited guests) have a right to study, work and socialize in an environment free from all forms of sexualized violence.

The primary purpose of this policy and related procedures is to ensure that those affected are believed, appropriately supported and accommodated, and to set out the way in which the College responds to and addresses sexualized violence. It also makes it clear that the College’s process of investigation provides procedural fairness and holds individuals who have committed sexualized violence accountable.

2. Application and Scope
This policy applies to all members of the College Community who have experienced, been affected by, witnessed, been made aware of, or alleged to have committed an act of sexualized violence. It also applies to external organizations that lease College space, operate on College property, or are directly connected to any College initiatives.

The College will respond to all incidents of sexualized violence involving members of the College Community when the conduct has a substantial link to the College, and/or direct implications for students or staff or the educational mission of the College. This includes behaviour that occurs on or off campus and behaviour observed or carried out through an electronic, online or social media platform, or by using text, audio, video or images.

3. 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, gender expression or are directed at individuals who do not conform to traditional male or female gender stereotypes.
“Sexual assault” is a criminal offence. The Criminal Code of Canada defines sexual assault as “any type of unwanted sexual act done by one person to another that violates the sexual integrity of the [survivor] and includes a range of behaviours from any unwanted touching to penetration. It involves the use of force, threats, or control that makes a person feel uncomfortable, distressed, frightened, threatened, or is carried out in circumstances to which the person has not freely agreed, consented, or is incapable of consenting”.

“Sexual harassment” is a form of sexualized violence prohibited by the Ontario Human Rights Code. This term is used to describe behaviour or comments of a sexual nature or related to sex, sexual orientation, gender identity or gender expression that either is known or ought to be known to be unwelcome. Sexual harassment includes making unwelcome sexual solicitations, attentions, or advances; the implied or expressed promise of benefits or advancement in return for sexual favours; threats of reprisals for rejecting unwelcome solicitations or advances; engaging in comment or conduct that creates a hostile or poisoned environment to persons of a specific sex, sexual orientation, gender identity, or gender expression; and incidents that occur through electronic means.

“Stalking” is a form of criminal harassment prohibited by the Criminal Code of Canada. It involves behaviours that occur on more than one occasion which collectively instill fear in the person or threaten the person’s safety or mental health, or that of their family and/or friends. These behaviours include, but are not limited to non-consensual communications (face to face, phone, electronic such as email, social media); making threatening or obscene gestures; surveillance and pursuit; cyberstalking; sending unsolicited gifts.

“Indecent Exposure” the exposure of the private or intimate parts of the body in a lewd or sexual manner, in a public place when the perpetrator may be readily observed. Indecent exposure includes exhibitionism.

“Sexual Exploitation” is taking advantage of another person through non-consensual or abusive sexual control. This may include the digital or electronic broadcasting, distributing, recording and or photographing of people involved in sexual acts without their consent.

“Voyeurism” is the concealed observation of a person without their consent and in circumstances where they could reasonably expect privacy. Voyeurism may include direct observation, observation by mechanical or electronic means, or visual recordings.

“Consent” is the act of voluntarily, and clearly, agreeing to engage in specific sexual activity. The definition of consent does not vary based on a person’s sex, sexual orientation, gender identity or gender expression.

Consent
• cannot be expressed by the words or actions of anyone other than the person participating in the sexual activity;
• can be withdrawn at any time during sexual activity;
• does not exist when a person is incapable of consenting to the activity, or is persuaded to engage in sexual activity by an individual abusing a position of trust, power or authority.

It is imperative that everyone understands the following about consent:
• The person who initiates sexual activity is responsible for obtaining clear and affirmative responses at all stages of sexual engagement. It is also the initiator’s responsibility to know if the person they are engaging with sexually has reached the age of consent for sexual activity.
• Silence or non-communication must never be interpreted as consent.
• A person who is asleep, unconscious or otherwise unable to communicate, impaired by alcohol and/or drugs, or incapable of fully understanding the sexual acts cannot give consent.
• A person who engages in sexual activity due to emotional manipulation, threats, blackmail or other forms of pressure is not giving consent.
• Consent to sexual activity should not be assumed on the basis of consent given in the past to a sexual activity or relationship.

“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.

“Interim Measures” are restrictions placed on an individual’s rights and privileges in order to ensure the safety of the College Community and provide time for the College to determine its response and conduct an investigation. Examples of such measures include restricting access to certain parts of campus and/or attending class. The College may impose interim measures immediately, prior to a full investigation.

“Procedural Fairness” is achieved by informing respondents of all allegations and evidence against them, and by giving them reasonable notice of the time, place and nature of the meeting where they can respond personally to the allegations. It also involves providing survivors and respondents with information about the College’s investigation and decision-making processes, and ensuring that outcomes are determined by an impartial decision maker. Procedural fairness under this policy does not include the right to be represented by an agent.

“Confidentiality” is the term used in this policy to refer to the College’s responsibility and obligation to ensure that any private and personal information provided in a disclosure, report and/or investigation of sexualized violence is collected, used, maintained and secured appropriately (see section 7.3 of this policy). Circumstances in which limits to
confidentiality apply are outlined in Section 6.7 of this policy. The College will make every effort to maintain confidentiality of all persons involved in a disclosure or report of sexualized violence including the survivor, respondent and witnesses. All persons participating in the process are required to maintain confidentiality with respect to information provided in the course of the disclosure, reporting, assessment and/or investigation of an incident of sexualized violence.

Disclosures and Reporting

Members of the College Community who experience sexualized violence may choose none, one or all of the following reporting options:

“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 College Community who can help them access supports and services.

College employees who receive disclosures are obligated to report the incident to Mohawk College Security Services (herein referred to as Security Services), but will not identify the survivor without consent. This reporting is required to enable the College to comply with Section 7.4 of Ontario Regulation 131/16, Sexual Violence at Colleges and Universities, under the Ministry of Training, Colleges and Universities Act, which requires reporting to the Minister “The number of incidents and complaints of sexual violence reported by students, and information about such incidents and complaints.” Names and personal information are not included in these reports.

“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 the 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 will conduct an 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 College 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.

“Formal Police Report” refers to the process of reporting a crime (e.g. sexual assault, criminal harassment) to the police who will conduct an investigation that may result in criminal charges. This type of report cannot be made anonymously. Security Services cannot report to police on behalf of the survivor, but will offer to assist the individual in doing so.
“Third Party Report” is the act of sharing information with Security Services by any member of the College Community who has witnessed, has knowledge of, or has received a Disclosure of an incident of sexualized violence. Those making Third Party reports will not identify the survivor without consent. Members of the College Community can make these reports in person, by phone, or by using an online College supported anonymous reporting tool. Security Services will manage Third Party Reports as Informal Reports.

“Risk Assessment” is the procedure initiated to ensure the safety of the survivor and the College Community when Security Services is notified of an act of sexualized violence. Security Services will keep the identity of the survivor confidential during the processes of assessing risk and consulting with relevant stakeholders to determine the College’s response. The risk assessment process will determine if any of the following three conditions exist:

- an individual is at imminent risk of self-harm;
- an individual is at imminent risk of harming another person;
- there are reasonable grounds to believe that others in the College or wider community may be at risk of harm.

If any of the three conditions are met, complete confidentiality cannot be guaranteed. The subsequent process which is called a violence risk assessment may include (but is not limited to) the following:

- a process to evaluate the respondent with respect to the risk that they may commit violence in the future. This includes looking at the nature, severity, imminence, and frequency of violence, as well as the steps that can be taken to minimize these risks to protect the personal safety of the survivor and the College Community. These measures may include a plan to manage the respondent during the investigation process, and involving the police if there is a threat to the College Community.

“Intersecting Identities/Intersectionality” are terms used to describe ways of thinking about the complexities of and relationships between the many aspects of people’s identities (e.g. gender, race, ethnicity, class, sexual identity, disability/ability, age); these identities do not exist in isolation. The concept of intersectionality recognizes that each aspect of identity is related to a person’s social power and affects their vulnerability to oppression and experience of sexualized violence.

“Accommodation” is the provision of individualized support or alternative means of fulfilling academic or employment responsibilities for survivors. The arrangement of accommodations recognizes the experience of survivors and how that may affect participation in academics or workplace duties. For students, an accommodation does not remove the essential requirements of a course or a program, nor does it fundamentally alter standards for assigning grades, or requirements that students independently demonstrate their knowledge of course material. Accommodations for survivors who are employees may include reduced workload, leave of absence, or other provisions available through the College’s applicable employee benefits package. All accommodations will respect confidentiality and will be facilitated without providing details to instructors or supervisors.
4. Principles
The College is committed to creating a welcoming, inclusive and safe campus culture in which sexualized violence is not tolerated. This includes working to eliminate sexualized violence through ongoing education, awareness and preventive activities and providing support to anyone in our College Community who has been affected by sexualized violence. The College recognizes that individuals affected by these acts may experience emotional, academic or other difficulties, and will provide appropriate supports, services and academic or workplace accommodations. This policy aims to encourage those who have been affected by or witnessed incidents of sexualized violence to make a report. The College will assess and respond to all disclosures and reports of sexualized violence and investigate as required.

The College recognizes that sexualized violence can occur between individuals regardless of sex, sexual orientation, gender identity, gender expression, relationship status, and other grounds for discrimination identified in the Ontario Human Rights Code. The College also recognizes that because a person’s ability to offer or refuse consent is affected by the interplay of power, identity, and privilege between those involved, sexualized violence and its consequences disproportionately affect members of society that experience marginalization, persistent patterns of inequality, and/or intersecting forms of systemic discrimination.

5. Accountability and Compliance

5.1 Accountability Framework
This policy has been approved by the Board of Governors.

5.2 Compliance
The Vice President, Corporate Services and Associate Vice President, Student Services will ensure that this policy is applied and that all actions comply with applicable legislation.

6. Rules

6.1 Commitment to Prevention and Elimination Activities
The College demonstrates its commitment to preventing and eliminating sexualized violence through the following initiatives:

- **Advisory Committee**: an active Sexual Assault and Sexualized Violence committee made up of College staff, students, faculty and representatives of the community;
- **Student Input**: implementing a process for incorporating student perspectives into development and revision of this policy and procedures;
- **Education and Awareness**: publishing current policies and procedures addressing sexualized violence; developing and facilitating ongoing campaigns, training sessions, workshops, programs and events that raise awareness of sexualized violence, rape culture, and address harmful attitudes and behaviours that reinforce the misconception that the survivor is to blame; providing consent education; and promoting consent culture and bystander intervention.
• **Support Resources**: providing a variety of resources on relevant topics such as how to seek support, resources for survivors, advice and resources for all members of the College Community on responding appropriately to disclosures and supporting survivors.

• **Immediate Response**: persons in a position of authority at the College, including persons directing the activities of others (i.e. managers, classroom faculty, etc.) who become aware of sexualized violence shall take immediate action to respond to this information guided by this policy.

### 6.2 Encouragement to Disclose and Report Sexualized Violence

All members of the College Community who have been affected by sexualized violence are encouraged to disclose their experience to a trusted member of the College Community or report to Security Services as soon as they are able to do so. Individuals are not required to report in order to receive supports, services or accommodations.

• **Amnesty from College Sanctions**: The College recognizes that some individuals may be hesitant to disclose or report sexualized violence that occurred in situations where they were drinking while under age or using illegal drugs. A survivor or other members of the College Community who discloses or reports sexualized violence will not be subject to College sanctions for violations of College policies related to their use of alcohol and/or illegal drugs at the time of the incident.

• **Anonymous and Third Party Reports**: Individuals who experience sexualized violence may choose to disclose to College staff anonymously (i.e. without providing their name or personal information). The College will provide individuals who make anonymous disclosures with information on supports, services, accommodations, interim safety measures, and other available options.

### 6.3 Obligation to Report

College employees, governors, volunteers, appointees, suppliers, contractors, etc. who witness or have knowledge of sexualized violence have an obligation to make a Third Party Report immediately to Security Services. All other members of the College Community are strongly encouraged to make a Third Party Report to Security Services.

### 6.4 Support for Survivors who disclose or report Sexualized Violence

The College is committed to responding to all disclosures/reports of sexualized violence in a consistent, respectful and supportive manner. A full list of support services is provided in the Attachments and Resources section of this policy. Supportive responses will include the following:

• **Trust**: survivors who disclose or report their experience to a member of the College Community can expect to be believed.

• **Compassion**: ensuring that the response to those who disclose that they have been affected by sexualized violence is compassionate and non-judgmental and that their right to dignity and respect is protected throughout the processes of disclosure, investigation and institutional response.

• **Safety**: the College will take every reasonable step to protect the safety and security of survivors and the College Community.
• **Choices and options:** providing those who have been affected by sexualized violence with detailed information about their choices and options for support and reporting, including the roles of various areas of the College in providing services and supports and responding to incidents of sexualized violence.

• **Self-determination:** survivors of sexualized violence can expect the College to respect their right to make the final decisions about their own best interests in determining their next steps following a disclosure or report.

• **Cultural competence:** ensuring that the response to sexualized violence is informed by an awareness that individuals may be targeted due to a number of factors (e.g. gender, non-binary gender identity or expression, race, ethnicity, religion, ability/disability, age) and providing culturally appropriate supports, services and resources.

• **Academic and Workplace Accommodations:** Survivors may need additional support and flexibility in order to continue their regular day-to-day work or curricular activities. The College will make/facilitate all reasonable accommodations.

• **Right to Withdraw a Report:** A survivor has the right to withdraw a report at any stage of the subsequent investigation process. Where a report has been withdrawn, the survivor may choose at any time to reactivate the report to continue with the investigation process. If the College determines that an incident about which a report has been withdrawn puts the safety of other members of the College Community at risk, it will conduct an internal investigation and/or may inform police. In these circumstances, the College will make every effort to protect the confidentiality and anonymity of person(s) affected.

6.5 **Protection from Reprisals, Retaliation or Threats**  
It is a violation of this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a survivor or other individual for:

- having pursued 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.

The College will take reasonable steps to protect persons from reprisal, retaliation and threat; examples of such steps include advising individuals in writing of their duty to refrain from committing a reprisal, restricting an individual’s access to areas of the campus, and restricting their communication.

6.6 **Unsubstantiated Reports**  
If a person discloses or makes a report about an incident of sexualized violence that is not supported by evidence gathered during an investigation, that report will be dismissed and no record of it will be placed in the individual’s academic or employment files.

6.7 **Limits of Confidentiality**  
The College will restrict access to all information provided in the disclosure and processes related to a report and investigation of an incident of sexualized violence to individuals
with a legitimate need for such access, and will provide education and training to those who are regularly involved in receiving disclosures and the administration of reports. However, confidentiality cannot be assured in circumstances where:

- the College’s Risk Assessment process determines that a risk to an individual or the College Community exists.
- A Formal College Report has been made and the respondent must be informed of the details of the Report as part of the investigation and in keeping with Procedural Fairness; and/or
- reporting is required by law.

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

6.8 Investigation and Adjudication
Both the survivor and the respondent have the right to procedural fairness, which must prevail in all investigations. In order to adhere to College policies, standards and applicable collective agreements, specific investigation and adjudication procedures will apply when the respondent is a college employee, and another set of procedures will apply when the respondent is a student. These procedures will include appeal procedures.

7. Administration

7.1 Policy Revision Date
April 2021

7.2 Policy Responsibility
The Vice President, Corporate Services and Associate Vice President, Student Services will review this policy every three years, or earlier where required.

7.3 Information Storage and Security
Security Services will collect, maintain and secure all pertinent information gathered through Informal, Formal and Third Party Reports and subsequent investigations. Information will remain confidential. Aggregate data about the numbers of reports received annually will be shared as per section 7.4 of this policy.

7.4 Annual Reports
The Dean of Students’ Office, in partnership with Security Services, will be responsible for collecting and summarizing for the Ontario Government, “such data and information related to the following as may be requested by the Minister, in the manner and form directed by the Minister” and providing an annual report to the College’s Board of Governors, as required by Section 17 of the Ministry of Training, Colleges and Universities Act (MTCU Act):

1. “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;
2. Any initiatives and programs established by [the College] to promote awareness of the supports and services available to students;
3. The number of incidents and reports of sexual violence reported or disclosed to the College, and information about such incidents and reports; and
4. The implementation and effectiveness of the Policy. 2016, c. 2, Sched. 3, s. 1.”

8. Attachments and Resources
Appendix A – Sexual Assault and Sexualized Violence Procedures for Students
Appendix B – Sexual Assault and Sexualized Violence Procedures for Employees
Resource 1 – Mohawk College Sexual Violence Website: ‘End Sexual Violence at Mohawk’
   ○ Includes contact information for additional campus and community services and educational materials.
Resource 2 – Myths and misconceptions about sexual assault and sexualized violence

9. Specific Links
CS-1317-2012 Respectful Workplace (Harassment & Discrimination) Policy
CS-1402-2012 Violence Prevention and Protection Policy
GC-4301-1982 Student Human Rights Policy
SS-3200-2006 Student Behaviour Policy
SS-3205-2017 Student Rights and Responsibilities Policy Framework
SS-3206-2016 Student Success Policy Framework
Support Staff Collective Agreement
Academic Employees Collective Agreement
Ontario Human Rights Code
Ministry of Training, Colleges and Universities Act - Ontario Regulation 131/16
Appendix A
Sexual Assault and Sexualized Violence Procedure for Students

This procedure is intended for all Mohawk College students: students who are survivors of sexual assault or sexualized violence (herein referred to as sexualized violence); students who witness or receive a disclosure of sexualized violence; and students who are alleged to have committed an act that violates the College’s Sexual Assault and Sexualized Violence policy (referred to throughout this procedure as “the Policy”). This procedure details the supports, services and resources available to students, the steps to follow in a variety of circumstances, and the response students can expect from the College.

Contents:

1. If you have been affected by sexualized violence
   1.1 If you witness or have information about an incident of sexualized violence
2. If you are a survivor and choose to disclose and/or report sexualized violence
3. If you receive a disclosure sexualized violence
4. If you are identified as a respondent
5. College response to student disclosures of 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. Sources of Information and Support for Students at the College and in the Community

1. IF YOU HAVE BEEN AFFECTED BY SEXUALIZED VIOLENCE
This section of the procedure is intended for students who have been affected by sexualized violence: survivors, witnesses and/or individuals who have been made aware of any sexualized violence.

The College recognizes that it is often difficult to disclose or report incidents of 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 from the College, as detailed in section 6.4 of the Policy.

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 section 6.0 Supports and Services at the College and in the Community, and the Policy includes additional Resources.

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 in the College and the community 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 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.
• You can also choose to report anonymously in person or by phone.
• Tell someone who can help you obtain supports and services.
• Contact the Student Rights and Responsibilities Office for assistance if you are considering making a report, but are unsure of the process and/or your options.
• Contact Counselling Services if you feel you could benefit from personal or emotional support.
• Go to section 6.0. Supports and Services in the College and the Community for information and contacts.

2. IF YOU ARE A SURVIVOR WHO CHOOSES TO DISCLOSE AND/OR REPORT SEXUALIZED VIOLENCE
Deciding whether or not to disclose or report the incident is entirely up to you. Mohawk College understands that sharing this information is difficult and that 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 College 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 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 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 College Community, the College will continue to investigate, 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 Disclosure to someone you trust who can help you obtain supports and services.
- Contact the Student Rights and Responsibilities Office for assistance if you are considering making a Report, but are unsure of the process and/or your options.
- Contact Counselling Services if you feel you could benefit from personal or emotional support.
- Go to section 6.0 Supports and Services in the College and the Community for information and contacts.

3. **IF YOU RECEIVE A DISCLOSURE OF 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, including a safety plan.

Section 6.4 of the Policy clearly describes how students and staff 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.
- The College strongly encourages you to make a Third Party Report. You are not required to share the name of the survivor in this process and should not do so without the survivor’s consent. You can also choose to report anonymously in person or by phone.

4. **IF YOU ARE IDENTIFIED AS A RESPONDENT**
This section of the procedure is intended for students who have been identified as respondents in allegations of sexualized violence. Respondents will be provided with a fair and transparent process based on the principles of procedural fairness, and support from the College during the investigation and decision-making process.

**What you can expect as a respondent:**
- to be invited to an interview by Mohawk College Security Services and the Student Rights and Responsibilities Office where you will have an opportunity to provide a response to the allegations.
- the Student Rights and Responsibilities Office is available to support you through this process and will provide accurate information about your rights and responsibilities
- you may be subject to Interim Measures during the investigation process

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 College will make final decisions with or without your full participation as a respondent.

5. **COLLEGE RESPONSE TO STUDENT 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. The College will respect the survivor’s right to make choices throughout the process.

**What you can expect from the College:**
- 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 made by the College

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 College community that informs the College’s response as outlined below.

   a. **Assessing Risk and Safety Planning**
Assessing risk is the College’s first step in responding to all disclosures of 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.

In cases involving a student survivor who reveals their identity and expresses interest in receiving supports and services, the Student Rights and Responsibilities Office (SRRO) will be contacted. SRRO will provide survivors with accurate information about available options and explain rights and responsibilities. SRRO can assist in making choices about what to do in response to disclosed or reported incidents of sexualized violence. They will also help survivors identify the need for any supports and or services and provide referrals to Counselling Services or community supports. The College will respect the survivor’s right to make choices throughout the process.

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. The College will take steps to minimize any academic impact.

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 may not result in a formal investigation unless the College’s assessment identifies risk to the safety of the survivor or the College community.

The College also encourages any member of the College community who witnesses or otherwise becomes aware of an incident of sexualized violence to make a Third Party Report. Security Services will use the information provided to assess the safety of the survivor and College community and identify any further action that may be required. You can make a Third Party Report to Security Services or choose to report anonymously in person or by phone.

**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 conducted by the College
- 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 College follows the procedure outlined below when investigating and making decisions about Formal College Reports of 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 6.4 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 College may choose to proceed with an investigation.

5.4 Investigation and Decision Making Procedures

a. 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 Human Rights Tribunal of Ontario. When a report of sexualized violence results in civil or criminal proceedings, the 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.

b. Procedural Fairness: The College is committed to procedural fairness. The procedures under this policy are intended to be flexible and largely informal. Accordingly, procedural fairness does not include the right to be represented by an agent.

c. Support and Representation: The College’s investigation and decision-making processes include 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.

d. Informal Resolution: The College will support a process of informal resolution 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, Mohawk College Security Services will lead the investigation 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. The College reserves the right to hire a third-party investigator to lead an investigation as required.
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 College will aim to complete its investigation within 10 working days.

g. **Investigation Findings:** The standard of proof used by the College to conclude that a violation of this 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.

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, Mohawk College Security Services will provide the appropriate decision maker with a summary of the investigative report that includes any statements, evidence and relevant supporting documentation.

h. **Formal Decisions and Sanctions:** The identity of the decision maker is determined by the respondent’s role in the College, as outlined below.

The decision maker will review the summary investigative report and any relevant supporting documentation to determine whether a violation of the Policy has occurred, and will determine appropriate outcomes in consultation with others as required.

- **Where the Respondent is a Student** – If findings of the investigation substantiate a report of sexualized violence, the Dean of Students (or designate), in partnership with an appointed Academic Dean, will determine the appropriate disciplinary action. In keeping with the Student Behavior Policy (Appendix C), this may include measures up to and including expulsion.

- **Where the Respondent is a College Employee** – If findings of the College’s investigation substantiate a report of sexualized violence, the Chief Human Resources Officer (or designate) will determine the appropriate disciplinary action consistent with any applicable laws, College policies and their specific Terms and Conditions of Employment. Discipline could include measures up to and including termination.

- **Where the Respondent is not a Student or a College Employee** – Contractors, suppliers, volunteers or visitors to College property who engage in prohibited conduct will be subject to this policy. If a report of sexualized violence against the respondent is substantiated, the Vice President, Corporate Services (or designate) will determine appropriate College action, including imposition of penalties, cancellation of contracts, and other sanctions.
i. **Written Decision:** The decision maker will inform the survivor and respondent of the results of the College’s investigation within seven (7) days of its conclusion in a written communication that includes a brief description of any corrective action that the College has taken or will take as a result of its investigation.

j. **Appeals:** Procedures for appeals differ based on the respondent’s role in the College:

- **Where the Respondent is a Student:** Students have the right to appeal. Appeals of violations of the Policy is governed by an amendment to the appeal procedure outlined in the Student Behaviour Policy (Appendix D). The amendment will specify that the College will appoint an independent third-party expert in appeal proceedings who is not a College employee as Chair of the appeal committee.

- **Where the Respondent is a College Employee:** College employees who are members of a union may file a grievance as permitted by the applicable collective agreement. Administrative employees may appeal under the Terms and Conditions of Employment for Administrative Staff.

- **Where the Respondent is not a Student or a College Employee:** There is no formal appeal process for violations by suppliers, volunteers or visitors.

6. SOURCES OF INFORMATION AND SUPPORT FOR STUDENTS AT MOHAWK COLLEGE AND IN THE COMMUNITY

<table>
<thead>
<tr>
<th>At Mohawk College</th>
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<tbody>
<tr>
<td><strong>Mohawk College Security Services</strong></td>
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<tr>
<td>- responds to calls 24 hours per day 7 days per week.</td>
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<tr>
<td>- will attend any campus to receive disclosures and reports</td>
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<tr>
<td>- arranges safety plans</td>
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<tr>
<td>- conducts risk assessments and investigations.</td>
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<tr>
<td>- provides information and evidence to inform decision making.</td>
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<tr>
<td>- collaborates with local police where appropriate</td>
</tr>
<tr>
<td>Contact from any <a href="https://www.mohawkcollege.ca">Mohawk College Campus</a></td>
</tr>
<tr>
<td>24 Hour Emergency Phone: 905-575-2003</td>
</tr>
<tr>
<td>email: <a href="mailto:security@mohawkcollege.ca">security@mohawkcollege.ca</a></td>
</tr>
<tr>
<td><a href="https://www.mohawkcollege.ca/security">Mohawk College Security Services Website</a></td>
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| **Student Rights and Responsibilities Office** |
| - provides accurate information about your options |
| - explains rights and responsibilities to anyone affected by sexualized violence, |
| Contact: 905-575-2318 |
| The Square |
| Fennell Campus Room C102 |
| email: [studentissues@mohawkcollege.ca](mailto:studentissues@mohawkcollege.ca) |
including survivors, witnesses and respondents
- can help you make choices about what to do in response to disclosed or reported incidents of sexualized violence
- will help you access supports and services and develop a safety plan if required.
- has an Obligation to Report that an incident occurred, but will not share identifying information without the survivor’s consent.

<table>
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<tr>
<th><strong>Counselling Services</strong></th>
<th><strong>Fennell Campus</strong></th>
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<tr>
<td>provides confidential, professional psychotherapy and emotional support to students.</td>
<td>Room C102 – The Square</td>
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<tr>
<td>Counsellors assist with safety planning and make referrals to other services, including medical services and accommodations.</td>
<td>905-575-2211</td>
</tr>
<tr>
<td>Counsellors provide a confidential service and will not share identifying information without the survivor’s consent.</td>
<td>Monday-Friday 8:30am-4:30pm</td>
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**Stoney Creek Campus**
Room A118
905-575-5000
Monday-Friday 8:30am-4:30pm

**IAHS Campus**
Room 121 – The Square
905-540-4247 ext. 26107
Monday-Friday 8:30am-4:30pm

email: counselling@mohawkcollege.ca

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<tr>
<th><strong>Health Centre</strong></th>
<th><strong>Counselling Website</strong></th>
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<tr>
<td>Provides holistic wellness and medical services for students, staff and the community at Fennell campus.</td>
<td>Monday to Friday - Same day, early and late appointment options available</td>
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</table>
| Medical services are covered by OHIP, GuardMe and/or extended healthcare benefits. | For appointments:
Call or text: 289-237-6538  or Call 905 575-2084 |

[Health Centre website](#)

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<tr>
<th><strong>Residence Life Staff</strong></th>
<th><strong>Student Rights and Responsibilities Office</strong></th>
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<tr>
<td>are available 24/7 to assist you if you live in residence, or if the incident took place in residence.</td>
<td>Website</td>
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</table>

Phone: 905-385-3200
email: info@mohawkresidence.ca
- can provide safe living arrangements when necessary.
- have an Obligation to Report that an incident occurred, but will not share identifying information without the survivor’s consent.

**Mohawk Residence website**

Mohawk College Residence
245 Fennell Avenue West
Hamilton, ON L9C 7V7

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**In the Community**

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<tr>
<th>Local Sexual Assault and Domestic Violence Care Centres</th>
<th>Contact Information</th>
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<tr>
<td>- provide specialized healthcare for children, adolescents, women, transgender persons, and men who have experienced sexual assault and/or domestic violence.</td>
<td></td>
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<tr>
<td>- have specially trained sexual assault nurses on call 24/7.</td>
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<tr>
<td>- provide more information and answers to frequently asked questions about these services on their website</td>
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**Hamilton General Hospital**
237 Barton St. East at Victoria
Hamilton ON L8L 2X2

**Juravinski Hospital**
711 Concession St. East
Hamilton ON L8V 1C3

**SACHA: Sexual Assault Centre**
- provides services to people who may have experienced sexualized violence at any point in their lives.
- operates as a non-profit, community-based organization

**24-hour crisis line:** (905) 525-4162

**SACHA website**

PHONE: 905.525.4573
TTY: 905.525.4592
75 MacNab St. South, 3rd floor
Hamilton, Ontario L8P 3C1

Additional Resources found online.