



## **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.

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### **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 (also referred to as the "complainant") 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 Report to Mohawk College Security Services.
- 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. These are outlined in the Mohawk College Sexual Assault and Sexualized Violence Policy.

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 as quickly as possible, aiming to ensure diligence and the time necessary for thorough investigation.
- 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 (or designate), 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

<b>At Mohawk College</b>	
<p><b>Mohawk College Security Services</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 any <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><a href="#">Mohawk College Security Services Website</a></p>
<p><b>Student Rights and Responsibilities Office</b></p> <ul style="list-style-type: none"> <li>• provides accurate information about your options</li> <li>• explains rights and responsibilities to anyone affected by sexualized violence, including survivors, witnesses and respondents</li> <li>• can help you make choices about what to do in response to disclosed or reported incidents of sexualized violence</li> <li>• will help you access supports and services and develop a safety plan if required.</li> <li>• has an Obligation to Report that an incident occurred, but will not share identifying information without the survivor's consent.</li> </ul>	<p>Call 905-575-2318</p> <p>The Square Fennell Campus Room C102</p> <p>email: <a href="mailto:studentissues@mohawkcollege.ca">studentissues@mohawkcollege.ca</a></p> <p><a href="#">Student Rights and Responsibilities Office Website</a></p>
<p><b><u>Counselling Services</u></b></p> <ul style="list-style-type: none"> <li>• provides confidential, professional psychotherapy and emotional support to students.</li> <li>• Counsellors assist with safety planning and make referrals to other services, including medical services and accommodations.</li> <li>• Counsellors provide a confidential service and will not share identifying information without the survivor's consent.</li> </ul>	<p><b>Fennell Campus</b> Room C102 – The Square 905-575-2211 Monday-Friday 8:30am-4:30pm</p> <p><b>Stoney Creek Campus</b> Room A118 905-575-5000 Monday-Friday 8:30am-4:30pm</p> <p><b>IAHS Campus</b> Room 121 – The Square 905-540-4247 ext. 26107 Monday-Friday 8:30am-4:30pm</p>



	<p>email: <a href="mailto:counselling@mohawkcollege.ca">counselling@mohawkcollege.ca</a></p> <p><a href="#">Counselling Website</a></p>
<p><b>Health Services</b></p> <ul style="list-style-type: none"> <li>• Provides holistic wellness and medical services for students, staff and the community at Fennell campus.</li> <li>• Medical services are covered by OHIP 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>
<p><b>Residence Life Staff</b></p> <ul style="list-style-type: none"> <li>• are available 24/7 to assist you if you live in residence, or if the incident took place in residence.</li> <li>• can provide safe living arrangements when necessary.</li> <li>• have an Obligation to Report that an incident occurred, but will not share identifying information without the survivor's consent.</li> </ul>	<p>Phone: 905-385-3200</p> <p>email: <a href="mailto:info@mohawkresidence.ca">info@mohawkresidence.ca</a></p> <p><a href="#">Mohawk Residence website</a></p> <p>Mohawk College Residence 245 Fennell Avenue West Hamilton, ON L9C 7V7</p>
<b>In the Community</b>	
<p><b>Local Sexual Assault and Domestic Violence Care Centres</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>SACHA: Sexual Assault Centre</b></p> <ul style="list-style-type: none"> <li>• provides services to people who may have experienced sexualized violence at any point in their lives.</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></p>

- operates as a non-profit, community-based organization

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

**Additional Resources found [online.](#)**