




# HAMILTON POLICE SERVICE

## RECOMMENDATION REPORT

<b>TO:</b>	Chair and Members Hamilton Police Services Board
<b>BOARD MEETING DATE:</b>	September 16, 2021
<b>SUBJECT:</b>	Amendment – Agreement between McMaster University and Hamilton Police Services Board – Sexual Violence Policy
<b>REPORT NUMBER:</b>	21-092
<b>SUBMITTED BY:</b>	Frank Bergen, Chief of Police
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

- a) That the Board approve an amendment to the Agreement between McMaster University and the Board in respect of Special Constables for the purposes of harmonizing the Agreement with McMaster's provincially-mandated Sexual Violence Policy.
- b) That the Chair be authorized and directed to execute the amended Agreement

### EXECUTIVE SUMMARY

- On February 16, 2021, McMaster University requested that the Board review the current Agreement for the purposes of harmonizing with the terms of McMaster's provincially-mandated Sexual Violence Policy. After discussions with McMaster, an amendment to section 32 of the Agreement is proposed to capture the reporting of sexual assault in accordance with the Complainant's wishes and express consent.

### FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal Implications: N/A

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## INFORMATION

On February 16, 2021, McMaster University wrote to the Board further to the completion of the OCPC Investigation into the Agreement between McMaster University and the Board in respect of Special Constables. At that time, McMaster requested that the Board review the Agreement for the purposes of bringing the Agreement into harmony with its provincially-mandated Sexual Violence Policy.

Currently, section 32 of the Agreement requires the reporting of “Serious Policing Incidents” to the Hamilton Police Service. Section 32 reads as follows:

*32. “Serious Policing Incidents”, as defined in Appendix “C”, shall be reported, as soon as practicable, to the Command Officer or designate, of Division 1 (Station 10) of the Service. Incidents that may require the immediate assistance of the Service shall be reported by telephone to the on-duty Staff Sergeant of Division 1 (Station 10) of the Service. The Command Officer or designate shall make the determination as to whether the Service will also respond and conduct an investigation either jointly with, or independently of, the special constables. The special constables shall comply with all reasonable and lawful orders or requests made by the Service in this regard. Offences that constitute a violation of the University’s regulations, which may also be criminal offences, may be considered by the McMaster University Special Constables for processing through the University’s administrative and tribunal systems, with simultaneous reporting to the Service.*

The proposed amendment would add the following to the end of Section 32:

*Where the University makes a report to the Service in accordance with any provision or Schedule of this Agreement in relation to reported sexual assault, such report shall disclose the name of the Respondent, if known, but only include the name of the Complainant with their express consent.*

This amendment allows the parties to ensure that the wishes of the Complainant are respected in cases of the reporting of sexual assault. However, the amendment will allow the Service to receive information about the identity of the Respondent, if known.

## ALTERNATIVES FOR CONSIDERATION

- a) None

## APPENDICES AND SCHEDULES ATTACHED:

Not applicable

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