



Trigger warning: the following communication discusses sexualized violence and a criminal charge of sexual assault.

Terms of Reference for Independent Review for the University of King's College on Accusation of Sexual Assault Against Dr. Wayne Hankey

Introduction and Context

On Monday, February 1, 2021, the King's community was advised by President Lahey that retired professor Dr. Wayne Hankey has been charged with sexual assault in a King's residence in 1988.

In the same message, President Lahey announced that King's would conduct an independent review to determine the facts and an appropriate response. President Lahey's message stated that the independent review would be conducted in a way that is respectful of the criminal justice system and allows it to run its course.

This document outlines the terms of reference for that review.

In addition to determining the facts of the 1988 incident on a civil law standard and making recommendations based on those findings on actions that should be taken by the university in relation to that incident, the purpose of the Review is to make recommendations on: the learning King's should take from the matters within the scope of the Review; the measures King's should take to ensure King's is a safe community that supports the survivors and victims of sexual violence, and also responds effectively and accountably to sexualized violence in ways that are survivor/victim-centered.

An appropriate response to the news of the charge against Dr. Hankey cannot be based solely on factual findings about what happened in 1988. King's response must also consider that Dr. Hankey was disciplined by King's in 1991 after a former student made a complaint that the student had been sexually abused by Dr. Hankey while at King's. It must also consider, in accordance with principles of fairness, any other disclosures of similar incidents regarding Dr. Hankey that may be brought forward.

The Terms of Reference have been vetted by representative leadership of constituency groups within our community, including students, faculty, staff, alumni and board, and by the Reviewer to ensure the Terms of Reference will best ensure the effectiveness of the Review in achieving its purposes. That said, the Terms of Reference are subject to change during the process to address other incidents involving Dr. Hankey should other incidents become known during the Review and to address any other changes necessary depending on what is learned or what difficulties are encountered.

Terms of Reference

The Review will:

1. Determine the facts of the incident in 1988 that has led to the charge against Dr. Hankey;
2. Determine the impact of what happened in 1988 on those affected by what happened;
3. Determine whether anyone in a position of authority and responsibility at King's had knowledge of these facts and if so, what they did about them;
4. Based on determinations under # 1, # 2, and # 3, make recommendations to King's as to how it should respond to the incident in 1988;

In making recommendations under # 4, the Review shall consider:

5. The sanction imposed on Dr. Hankey in 1991 and the factual basis, grounds and reasoning on which that sanction was imposed, and any other aspect of the response of King's to the complaint which led to the 1991 sanctioning that the Review finds relevant to making recommendations under # 4;
6. The consequences and impact on members of the King's community of the process followed, the decisions made and the sanctions imposed in 1991;
7. Whether there are other incidents involving Dr. Hankey that the Review determines to be relevant to the response that should be made by King's to the 1988 incident, and if so, the facts and impacts of those incidents;
8. Any other matter or consideration determined by the Review to be of relevance to making recommendations under # 4;

In addition, the Review will make findings, recommendations, or findings and recommendations, as applicable, to King's:

9. On whether King's acted during the time period of the matters within the scope of the Review to ensure the safety of students and other members of the King's community;
10. On the accountability of King's for harms suffered by members of the King's community as a result of matters within the scope of the Review;
11. On how King's should deal with third party complaints and incidents of sexualized violence occurring before the coming into force of its Sexualized Violence Awareness, Prevention and Response Policy;
12. On the steps King's must or can take to ensure that it provides a safe environment for all members of its community in accordance with the commitments it has made in its Sexualized Violence Awareness, Prevention and Response Policy; and
13. On any other matter arising from the Review on which the Review decides to make findings, recommendations or findings and recommendations.

The review will be conducted:

1. In accordance with survivor/victim centered principles and values;
2. With fairness;
3. On a confidential basis, to the extent permitted or required by applicable law; and
4. In a manner that will avoid impairment of the criminal law process.

A final report will be submitted to the President. A copy of the final report, with appropriate redactions in accordance with applicable law to protect individual privacy, will be released to the community.