

Office of the Provost and VicePrincipal (Academic)
James Administration Building, Room 504
Tel: 514-398-4177 | Fax:514-398-4768

TO: Senate
FROM: Angela Campbell, Associate Provost (Policies, Procedures and Equity)
SUBJECT: Draft Policy against Sexual Violence

DATE: October 19, 2016

DOCUMENT #: D16-1

ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE Presentation for information and discussion of: (a) the draft Policy against Sexual Violence, and (b) feedback received on this draft policy from the McGill community through an extensive consultation process.

BACKGROUND & RATIONALE

With sexual violence emerging more publicly as an issue facing campus across North America, McGill is committed to developing a sexual violence policy to render its campus safer, more inclusive and more equitable for all community members. This policy is an important step in responding to sexual violence. It establishes measures that McGill will adopt with respect to prevention, education, support and response to sexual violence. It outlines mechanisms for disclosures and reporting incidents of sexual violence,

APPENDICES

Appendix 1: Draft Policy against Sexual Violence (circulated to the McGi community on 12 September 2016)

Appendix 2: Report on Campus Consultation on the Draft Policy

Appendix 3: Report from Student Focus 1dix

APPENDIX 1

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Report on the Campus Consultation regarding McGill University's Draft Policy against Sexual Violence

This report sets out core themes arising in the broad range of feedback from the McGill community generated pursuant to a campus-wide consultation process enduring over approximately 6 months.

Key Insights from Campus Feedback

The following significant themes emerged across the 175 submissions received throughout the course of McGill's campus-wide consultation on the creation of a new Policy against Sexual

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supports, some participants feel these go too far and are unnecessary. Concerns are raised

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Education and Awareness

An important area of concern for a number of commenters is the implementation of the policy's Education and Awareness training. Within the Education and Awareness section, feedback focuses on what would be incorporated and included under the policy. Several participants recommend mandatory training and education for those particularly responsible for handling incidents: e.g., department chairs, deans, security services and disciplinary officers.

Training that is optional will only further inform those who are already relatively well versed in the issues at hand and would not lead to change. Mandatory training for professors and staff would help ensure that sexual violence and discrimination would not be perpetuated by McGill professors and staff as well as provide them with tools to help them in the event a student or other staff member disclosed sexual violence to them.

Additionally, some respondents want to see these programs extended to incoming and current students, as well as transfer students. Best practices, consent education, and bystander supports are suggested as topics for training and education activities. Other key McGill community members were identified as targets for training, including residence and Health Services staff to better equip them to respond to survivor

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Ø disagree with the notion that an alleged perpetrator should be banned from campus without a proper legal conviction. In my option, McGill should focus on supporting the alleged victim (by providing emotional support and helping him/her file a police report). However, McGill should not play disciplinarian. McGill employees are not detectives, and it should not be their responsibility to determine culpability based on an allegation.

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Culture change and the issue in a larger context

A number of respondents noted the gravity of this issue, and stressed that in order for McGill to succeed at truly addressing this issue, it must acknowledge and seriously respond to the reality and the challenge of sexual violence on campus. A part of this approach is to focus on the needs of survivors, acknowledging that the systems in place have not adequately dealt with these matters in the past.

5. Balancing Countering Approaches: Polarizing Perspectives

Two important approaches are included in the Policy draft: intersectionality and a focus on survivors. While there were strong supporters calling for the policy to be more explicit on intersectionality and survivor-supports, others felt these went too far and were unnecessary.

Intersectionality: Some people respondents feel this is unnecessary and dislike the approach taken in the Preamble that names particularly marginalized communities (5 comments), while the same number of other voices wanted to see this enhanced and strengthened. A McGill Tribune's editorial called for additional recognition of intersectionality in the education and prevention and the disclosure sections of the draft.

Putting the survivor at the Centre

This policy outlines a very clear commitment to survivors, drawing heavily from the draft created in the spring by students. This approach was commended by several respondents:

“I applaud this initiative and, in particular, the survivor-centricity of the proposed policy. This should be at the center of all subsequent developments of this policy and its related practices and measures.”

Overall, 25% of the submissions took a positive view of the policy, with a good number being appreciative

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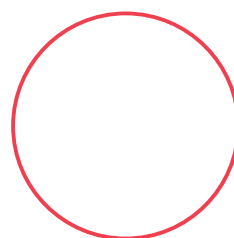
Background

With sexual violence emerging more publicly as an issue facing campuses across North



Post-Graduate Students' Society (PGSS)

October 12, 2016



Introduction

On September 17, 2016, the Office of the Provost released a draft [Policy Against Sexual Violence](#) for community consultation with the intention of submitting it to Senate for approval before the end of 2016. This policy was developed by Associate Provost (Policies, Procedures, and Equity) Angela Campbell and a committee of staff and students, including the Student Society of McGill University (SSMU) and the Peer Group Support Network (PGSS). The [joint statement](#) in response to the circulation of the draft

acknowledges that the draft [Policy Against Sexual Violence](#) follows [student demands](#) for a meaningful and meaningful process to address the university's response to sexual violence, particularly in light of its history with past treatment of incidents and disclosures. The administration has solicited feedback on the draft via email, an anonymous online form, and several presentations and discussion sessions. The administration is committed to working with the community to assist with processing community responses.

The administration is pleased to announce that the SSMU and PGSS have funded a series of student-led focus groups. These focus groups were facilitated by trained volunteers from the Sexual Assault Centre of the McGill Students' Society (SACOMSS) and provided an opportunity for students to give detailed feedback on the policy—particularly students who have lived experience with sexual violence and university reporting procedures. The organizers would like to thank the Office

A total of eight sessions were held on the 20th and 21st of September 2016 at the SSMU and PGSS. The organizers would like to thank those individuals who shared their thoughts on the draft policy and to offer their

—of the Office of the Provost and the wider feedback period. It identifies 28 specific recommendations for additions and revisions, organized into the following seven categories:

1. Language & Framing
2. Scope
3. Empowering Survivors
4. Education & Awareness
5. Support Resources
6. Accountability
7. Review & Implementation

Thank you to the members of the community who participated in the focus groups. The administration is committed to advocating for these priorities moving forward and will continue to work with the

University to move forward in its commitment to effectively prevent and respond to sexual violence.

Language & Framing

Context

McGill participants, and particularly survivors, indicated that the policy's preamble does not sufficiently, via violence should be outlined and wider society, including universities and wider society, including evidence of sexual violence in campus settings. This will help to situate the essential role of the university and its institutions.

Furthermore, rather than the language of “understandable reasons” for systemic underreporting, the preamble should be revised to better acknowledge the role of survivors of sexual violence. This will offer a more meaningful recognition of survivors’ realities and help to clarify the central nature of this issue for academic institutions.

Intersectional Commitment

Participants noted that the preamble’s reference to “an individual having the authority to discipline” is problematic, as it does not adequately address the consequences of this reality. The policy does not mention that the university has a duty to address the specific needs of marginalized

Furthermore, many participants felt that the phrase “intersecting forms of disadvantage” does not sufficiently recognize the systemic nature of oppression. Concerns were raised that without a more detailed commitment to diversifying resources, the preamble tokenizes marginalized peoples at McGill.

Definitions

Certain phrases in the policy are ambiguous, raising concerns over how they will be interpreted once it is implemented. For example, the phrase “an individual having the authority to discipline,” and “reports” should be defined in the policy to ensure that these terms should not be interpreted in a way that is inconsistent with the university’s values.

Ambiguous or legalistic language was identified as potentially alienating for those seeking to access the support. More definitions could be centralized under Article 4, including specific terminology such as “victim-blaming,” “perpetrator,” “bystander,” and “power dynamics.” “Reports” should be defined to specify what type of information may be included, and to allow for both written and oral reporting.

Recommendations

- x Discuss and then contextualize the disproportionate occurrence of sexual violence on university/camp various barriers to reporting these experiences (preamble);
- x Acknowledge the traumatizing impact of sexual violence on survivors and the University's responsibility in addressing these issues (preamble);
- x ~~The report also examines the impact of sexual violence on marginalized groups (preamble);~~
- x ~~Expand on the institution's commitment to intersectionality through concrete actions for supporting individuals of diverse identities and experiences (7, 8, 9);~~
- x Qualify references such as the University's:

consolidation across policies will improve and clarify McGill's procedures and ensure that the important values stated in the new policy are upheld throughout the University. The review of existing policies and procedures identified in Article 21 also provides an opportunity to ensure alignment with the new policy's commitments.

Recommendations

- x Define the "McGill context," including the University's jurisdiction and timeframe for providing support and recourse to both survivors and perpetrators;
- x Briefly summarize the reasons for the disciplinary outcomes of the other policies referenced in Article 3;
- x Articulate the relationship between the University's policies and the pro-survivor framework to ensure compatibility with a pro-survivor framework (21);

Key Improvement

Pro-Survivor Framework

While participants appreciated the emphasis on supporting survivors, many highlighted differences between a "survivor-focused" and a "pro-survivor" approach. The latter does not preclude attention to the needs of both survivors and perpetrators to ensure that the autonomy of survivors is maintained throughout the disciplinary process. This includes, for example, clarifying those situations where the university's "institutional obligations" might compromise confidentiality. By providing a clear path for reporting and a clear path for withdrawal, the policy provides an opportunity to pause or withdraw from a reporting process where possible.

Participants also expressed concern that the repeated emphasis on "procedural equity" detracts from the policy's other commitments, given how existing channels have often failed survivors in the past. They indicated that best practices to the rights of both survivors and perpetrators should help to clarify procedural expectations for both parties.

It is encouraging that the policy aims to provide direct support for addressing sexual violence. However, participants felt that it does not clearly define the disclosure and reporting routes available on campus. Many questioned how they might navigate the measures contained in both this policy and others. The intention to centralize disclosures and reports through a single point of contact could be made more explicit, particularly in the case of reporting procedures. To provide non-directional support to survivors, a direct link could also be provided to the McGill *Sexual Assault Awareness and Prevention* website (www.mcgill.ca/saan), which contains resources on education, support, and reporting.

It does not standardize the timelines for administrative follow-up. Furthermore, the position on disclosures and reports. Without a clear guideline on what to do were concerned that the responsibility for monitoring a wide range of fall victim. Survivors and perpetrators. period:

Recommendations...

- x ~~Establish a~~ *-survivor* framework that outlines the rights of both survivors and perpetrators. (preamble, 4, 5, 6, 9, 11, 15, 16-18, 19);
- x ~~Establish a centralized disclosure and reporting process~~ *open access*, while summarizing the ~~media communication and public relations~~ *in other policies* (preamble, 2, 4, 4, 5, 7, 9, 11, 15);
- x ~~Establish a timeline for the completion of the reporting process~~ *for both disclosures and reports* (7, 10, 15);

Education & Awareness

Campus-Wide Approach

Measures should be implemented consistently across the campus, reaching and continuous in order to...

a) MGS, will ensure that a member of the wider public community have a working knowledge of the...
the...
the...
the...

Referrals

... supporting
... whether '... the support commitments outlined in
the policy could be maintained without allocating further resources in this area. At minimum, the policy
should identify the need for a referral strategy for both on- and off

Reporting

While the policy makes progress in centralizing intake for disclosures and reports, more can be done to improve the reporting process. The policy should consider a case management model that streamlines access to support resources, streamlines the reporting process, and addresses third party submissions, as well as more robust support for students and staff who are expected to make repeated disclosures to disciplinary officers for non-academic offences would help to differentiate these cases from academic misconduct.

Review

It is important to evaluate the efficacy of the new policy. The policy should include a provision that requires the Provost to conduct a regular review of the policy. The review should include a consultation with the community and a report on the impact of the policy on the campus community should inform the Provost's biennial report to Senate. Furthermore, a consultative committee, including student membership and expertise from relevant groups and offices throughout the university, should conduct the regular review of the policy outlined in Article 22.

Recommendations

- x Acknowledge the history of sexual violence at McGill University and the shared community responsibility in addressing it (preamble);
- x Recognize the role of perpetrators in enacting sexual violence and address the consequences of enforcing consequences (preamble, 5, 11-15);
- x Establish a central reporting mechanism for third-party reporting, based on a memorandum of understanding with relevant offices (4.4, 5, 7, 11-15);
- x Set a criterion for evaluating the effectiveness of the policy in addressing sexual violence (5, 7, 20);
- x Commit to a participatory evaluation by committee as part of the regular policy review (22).

Comprehensive Review

Article 21 of the draft policy provides for a review of the “phenomenon” of sexual violence on campus, including consultation with survivors and experts to revise existing policies and procedures. This represents an opportunity to ensure that new policy committees coordinate with other supports and reporting frameworks already in place at McGill. Furthermore, this review is a channel for addressing long-term campus issues and concerns.

