



REPORT OF THE SEXUAL ASSAULT POLICY REVIEW WORKING GROUP

CONCORDIA UNIVERSITY

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Note: In this report, we have made a deliberate choice in using the language of “survivor” to refer to a person who has experienced sexual violence. The word survivor is often used in place of “victim” in order to empower those affected by sexual violence.

REPORT OF CONCORDIA'S SEXUAL ASSAULT POLICY REVIEW WORKING GROUP

INTRODUCTION

At the heart of Concordia University's mission and tradition is respect for every member of its community. The university is committed to equality, dignity, and the building and maintaining of a healthy, safe and respectful environment.

Behaviours commonly associated with rape culture, such as victim blaming, normalizing sexual objectification and violence, are absolutely unacceptable in the Concordia community. As such, sexual violence violates our institutional values, in particular the rights of individuals in our university community to be treated with dignity and respect.

Concordia has taken many important steps to creating a safe environment. It was the first university in Canada to create the position of sexual harassment advisor in 1987 and one of the first to adopt a policy on sexual harassment in the early 1990s. It was also among the first Canadian universities to create an Ombuds Office in the 1970s. In 2013, the university launched the Sexual Assault Resource Centre (SARC) to inform the campus community about consent and prevention, and to provide survivor support.

As a proactive response to a series of high-profile sexual violence incidents on various North American university campuses, Concordia President Alan Shepard established a working group in late fall 2014 to conduct a formal review of the university's policies and protocols related to sexual assault.

This working group was not initiated as a result of a specific incident on the Concordia campus. The purpose of a formal review was to ensure that our current policies and procedures were relevant and updated to ensure a safe environment at Concordia.

Lisa Ostiguy, PhD
Deputy Provost
Chair, Sexual Assault Policy Review Working Group
Concordia University

REVIEW PROCESS – OVERVIEW

The Sexual Assault Policy Review Working Group, chaired by Deputy Provost Lisa Ostiguy, was mandated to review existing policies on sexual assault, and to make recommendations that would foster respectful behaviour, in order to create an environment where members of the Concordia community can work and study on campus free of sexual violence.

This mandate was expanded to focus more broadly on sexual violence when it became clear that limiting the focus on sexual assault, one aspect of the issue, was not conducive to making comprehensive recommendations.

In early 2015, the working group was formed with a membership that included students, staff, faculty and administrators. Between January 22 and May 6, 2015, the working group met on 12 occasions for more than 15 hours to review current university policy and procedures.

The working group reviewed key policies and procedures, and conducted consultations. See Appendix 1 on page 9 for the list of members.

POLICY REVIEW

The policies below were reviewed by the working group:

- Code of Rights and Responsibilities: BD-3; paragraph 28
- Policy on Harassment, Sexual Harassment and Psychological Harassment: HR-38
- Policy on Student Involuntary Leave of Absence: PRVPAA-15; Paragraphs 3, 4, 8, 9

The working group also reviewed relevant policies and documents from 10 other universities in North America to identify best practices, as well as documents produced by provincial governments and media articles of interest.

CONSULTATIONS

The working group met with representatives from nine Concordia constituencies. These groups were specifically chosen for their knowledge of our policies, practices and available support for those who have experienced sexual violence.

These consultations included meeting with representatives from the Sexual Assault Resource Centre, Office of Rights and Responsibilities, The Centre for Gender Advocacy, Health Services, Counselling and Development, Security Department and Concordia's two faculty associations and the association for management and administrative employees. An interview guide was developed to help facilitate discussions. See Appendix 2 for the list of constituents and interview guide (page 10).

The discussions with representatives from various stakeholder groups, coupled with the review of current policies and practices, provided a valuable context and insight into the complexity of sexual violence and how Concordia is addressing the needs of individuals in the university.

Appendix 3 (page 11) provides a list of Concordia's current policies and procedures as well as documents from other universities and organizations, and media articles.

RECOMMENDATIONS

As a result of its review, the working group is presenting recommendations in five areas:

1. Policy
2. Procedures and processes
3. Education and training
4. Communications
5. Evaluation related to sexual violence

These recommendations are aimed at meeting unmet needs, streamlining processes and ensuring that the entire community is aware of existing services and policies.

1. POLICY

Currently, the university's policy on sexual harassment covers both sexual harassment and sexual assault in one section under the Code of Rights and Responsibilities (BD-3, Article 28.b).

The working group began its discussion looking at whether it was more appropriate to have two separate and distinct areas: one for sexual harassment and one for sexual assault.

Based on the input from a variety of sources, the working group suggests that using the term "sexual violence" is more appropriate because it communicates much more detail than sexual harassment and assault.

The use of the expression "sexual violence" was recommended by a number of stakeholders, who were consulted during the review process, because it refers to a broader range of actions, beliefs and attitudes. The use of the expression "sexual violence" has also been adopted in the policies of other universities, including the University of Ottawa in 2015.

The definition of sexual violence, articulated in the Government of Ontario document "Changing Attitudes, Changing Lives: Ontario Sexual Violence Plan" (2011), is as follows:

"Sexual violence is ... any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual abuse, assault, rape, incest, childhood sexual abuse and rape during armed conflict. It also includes sexual harassment, stalking, indecent or sexualized exposure, degrading sexual imagery, voyeurism, cyber harassment, trafficking and sexual exploitation."

Therefore, the working group recommends that:

- a) A stand-alone policy on sexual violence, which links to existing policies, be created that applies to all members of the Concordia community (faculty, staff, students) and includes:
 - A definition of sexual violence.
 - A definition for consent that is aligned with the Criminal Code of Canada.
 - Sections specifically related to sexual harassment and sexual assault.
 - A link to a procedures manual that describes the process and available support services.
- b) The following amendments be made to the Code of Rights and Responsibilities:
 - The jurisdiction of the Code of Rights and Responsibilities be extended to include Concordia community events held off campus in cases of sexual violence.
 - The response time for cases of sexual violence be addressed during the next regular review process of the Code of Rights and Responsibilities.
 - The time delays, representations and appeals process be reviewed for potential inequities in cases of sexual violence between faculty and students under the Code of Rights and Responsibilities and the collective agreements.

- c) A formal review of faculty/student relationships take place to explore the feasibility of a statement or specific policy regarding these relationships.
- d) The following guiding principles be specifically addressed and included during the regular review process of all Concordia policies:
 - Use of clear and accessible language
 - Use of gender-neutral language in all policies
 - Recognition of the full diversity of Concordia's populations
- e) The new policy on sexual violence be regularly reviewed as per standard policy review timelines.

2. PROCEDURES AND PROCESSES

During its review, the working group observed that while support services exist on campus for individuals affected by sexual violence, there is a need for clarity in the process and a greater alignment between the existing support services that are available.

Therefore, the working group recommends that:

- a) A centralized web hub be created to consolidate all related resources into one easily accessible place, including a link to a manual that outlines the procedures and guidelines of the new policy on sexual violence.
- b) A protocol be created to facilitate communications between the university departments that provide services to survivors of sexual violence.
- c) The Office of the General Counsel and the Dean of Students Office offer to give support to independent student groups and associations to develop procedures to address behaviour and ethical issues that may arise in the course of their activities. In addition, this work should include the development of the appropriate mechanisms for dealing with complaints between students arising in the context of the student-group or student-association activities.

See Appendix 4 (page 13) for specific suggestions regarding specific procedures.

3. EDUCATION AND TRAINING

The call for greater emphasis on education and training on consent and understanding sexual violence across campus was an issue raised throughout the discussions of the working group.

The working group recommends two specific actions for education and training:

- a) That a comprehensive education and training program be designed, which is suitable to the various needs and realities of our diverse community.
- b) That the necessary resources be allocated to the Sexual Assault Resource Centre to sustain the training plan on a long-term basis.

See Appendix 5 (page 15) for more specific suggestions related to education and training

4. COMMUNICATIONS

The working group dedicated much of its discussion on the need to update Concordia's approach to communications regarding sexual violence.

Communications should reinforce that there is zero tolerance for a rape culture and attitudes that can lead to sexual violence, and should guide members of the university community to the resources and supports available on campus.

Therefore, the working group recommends that:

A year-round promotional campaign on sexual violence and consent be developed and implemented by the Dean of Students Office and the Sexual Assault Resource Centre, in conjunction with University Communications Services.

See Appendix 6 (page 16) for suggestions on specific communications changes.

5. EVALUATION

The working group members felt strongly that there should be long-term follow-up on the recommendations to keep them current, and to introduce new recommendations when merited.

Therefore, the working group recommends that:

- a) A system be created to evaluate the prevalence of sexual violence on campus.
- b) A system be created to coordinate the collection of statistics on reported incidences of sexual violence.
- c) An independent committee review the recommendations made by the Sexual Assault Working Group every two years.

APPENDIX 1 – MEMBERS OF THE SEXUAL ASSAULT POLICY REVIEW WORKING GROUP

Members of the working group included students, faculty, and staff:

Angela Ghadban, executive assistant to Deputy Provost – staff

Jessica Lelièvre, Arts and Science (honours in political science) – student

Lisa Ostiguy (chair of working group) – staff

Hilary Rose, associate professor, Applied Human Sciences – faculty

Melodie Sullivan, legal counsel – staff

Ian Walker, Arts and Science (major in philosophy and minor in law and society) – student

Andrew Woodall, dean of students – staff

APPENDIX 2 – LIST OF CONCORDIA CONSTITUENTS CONSULTED BY THE SEXUAL ASSAULT POLICY REVIEW WORKING GROUP AND INTERVIEW GUIDE

Anais Cadieux Van Vilet, administrative coordinator, Centre for Gender Advocacy

Lyne Denis, investigator – preventionist, Security Department

David Douglas, president, Concordia University Part-time Faculty Association (CUPFA)

Jennifer Drummond, coordinator, Sexual Assault Resource Centre

Julie Gagné, manager, Clinical Services and Health Services

Howard Magonet, director, Counselling and Development

Miriam Posner, president, Association of Concordia University Management and Administrative Employees (ACUMAE)

Geneviève Robichaud, professional officer, Concordia University Faculty Association (CUFA)

Louise Shiller, director and senior advisor, Office of Rights and Responsibilities

INTERVIEW GUIDE

- What has been your experience in dealing with cases of sexual assault and sexual harassment?
- Do you believe the current policies and protocols work when dealing with cases of sexual assault and sexual harassment?
- What are the current strengths of our policies and protocols?
- What are the current flaws?
- Were the policies and procedures helpful?
- What protocols are in place to make it easier on a survivor of sexual assault to seek redress, such as not having to repeat the story numerous times? What new ideas could be implemented?
- How do you deal with the academic sector?
- What are your thoughts on the university's current communications strategy regarding sexual assault and consent?
- In your opinion, do the current policies and protocols do a good job of including vulnerable people such as lesbians, gays, bisexuals, transsexuals, transgenders, queers, or otherwise outside the hetero norm?
- Can you provide the number of cases (and types of cases) that you deal with?

APPENDIX 3 – DOCUMENTS AND ARTICLES CONSULTED AS PART OF REVIEW

Concordia Documents

1. Code of Rights and Responsibilities: BD-3; paragraph 28
2. Policy on Harassment, Sexual Harassment and Psychological Harassment: HR-38
3. Policy on Student Involuntary Leave of Absence: PRVPAA-15; Paragraphs 3, 4, 8, 9
4. Sexual Assault Resources on Campus: Benchmarking document commissioned prior to the establishment of Concordia's Sexual Assault Resource Centre

External Documents

Lakehead University's Sexual Misconduct Policy and Protocol: Dealing with Sexual Harassment, Sexual Stalking and Sexual Assault, <https://www.lakeheadu.ca/faculty-and-staff/policies/general/sexual-misconduct-policy-and-protocol>

Report of the Task Force on Respect and Equality: Ending Sexual Violence at the University of Ottawa, <http://t.co/XDqB9QPAjg>

Sexual and Gender-Based Harassment, Policy and Procedures for the Faculty of Arts and Sciences, Harvard University, <http://www.fas.harvard.edu/sexual-gender-based-harassment-policyresources>

Antioch College, Sexual Offense Prevention Policy, <http://antiochcollege.org/campus-life/residence-life/health-safety/sexual-offense-prevention-policy>

Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities, http://www.women.gov.on.ca/owd/docs/campus_guide.pdf

A checklist for campus sexual misconduct policies from a task force created by the Obama administration, <http://www.notalone.gov/>

What is sexual assault? Santé et Services sociaux Québec, http://www.msss.gouv.qc.ca/en/sujets/prob_sociaux/sexual_assault.php

York University Code of Student Rights and Responsibilities, <http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppjul012002.pdf>

University of Toronto, Code of Student Conduct, <http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppjul012002.pdf>

University of British Columbia, Discipline for Non-Academic Misconduct: Student Code of Conduct, <http://www.calendar.ubc.ca/vancouver/index.cfm?tree=3,54,750,0>

Media Articles

Contre les rapports sexuels au cégep et à l'université, 21 février 2015, *Le Devoir*,

<http://www.ledevoir.com/societe/education/432502/contrer-les-abus-sexuels-au-cegep-et-a-l-universite>

University sexual assault codes of conduct could be unfair, law experts warn, December 30, 2014,

The Globe and Mail

<http://www.theglobeandmail.com/news/national/university-sexual-assault-codes-of-conduct-could-be-unfair-law-experts-warn/article22234993/>

Queen's, University of Saskatchewan pledge to implement sexual assault policies, November 21, 2014,

The Star.com,

http://www.thestar.com/news/canada/2014/11/21/queens_university_to_fast_track_policies_on_sexual_assault.html#

Ontario colleges agree to create sexual assault policy, November 26, 2014, The Star.com, http://www.thestar.com/news/canada/2014/11/26/ontario_colleges_agree_to_create_sexual_assault_policy.html

Ontario universities commit to multi-prong sexual violence plan, December 23, 2014, The Star.com

http://t.thestar.com/#/article/news/canada/2014/12/23/ontario_universities_commit_to_multiprong_sexual_violence_plan.html

Ontario promises steps to reduce sexual assaults, December 4, 2014, *CP 24*

Premier Wynne Promises New Policies, Initiatives to Combat Sexual Assault, December 4, 2014, *AM 980*

Your stories: Break the silence on sexual assault, December 4, 2014, *The Hamilton Spectator*

Toronto Star's View: Sex assault policies at Ontario universities and colleges are long overdue,

December 1, 2014, *Our Windsor*

System still failing victims of sexual assault in Canada, November 29, 2014, *The Vancouver Sun*

(reprinted from *Montreal Gazette*: <http://montrealgazette.com/news/local-news/system-still-failing-victims-of-sexual-assault>)

APPENDIX 4 – DETAILED RECOMMENDATIONS ON PROCEDURES

As a result of the review, the working group specifically recommends that:

1. A procedures/guidelines manual be created to accompany the new policy on sexual violence.

These guidelines should:

- a) Emphasize the centrality of support and respect for survivors of sexual violence in the university's process.
- b) Use gender-neutral language and be explicitly inclusive of marginalized groups such as gender non-confirming people.
- c) Be written in a way that is inclusive of all members of the Concordia community: students, student associations, faculty members, staff and administration.
- d) Provide those who experience sexual violence with examples of appropriate academic and other accommodation options available to them.
- e) Outline all avenues available to survivors of sexual violence, from support to formal reporting to the police.
- f) Be clear about the support provided by the Sexual Assault Resource Centre and other support resources available on campus.
- g) Reiterate a safe campus, zero tolerance for rape culture and clearly outline the university's definition of consent.
- h) Include a step-by-step walk-through of the process when one goes to the Office of Rights and Responsibilities to ensure a survivor understands key elements such as not being made to face an aggressor in any of the avenues available.

2. A centralized web hub be created to bring together all related resources into one easily accessible place.

This web hub should:

- a) Be clear and easy to navigate.
- b) Include information on what support and resources are available to survivors who have been a victim of sexual violence, with links to these resources.
- c) Include information on what steps to take to make a report of an incident of sexual violence.
- d) Highlight the Office of Rights and Responsibilities as a service where students can access information and not just to make a complaint under the Code of Rights and Responsibilities.
- e) Include information on where to go or call if a person is assaulted on or off campus; and during on-hours or during off-hours.
- f) Include the university's definition of consent.
- g) Have a direct link to the new policy on sexual violence and the accompanying guidelines.
- h) Have a direct link to the Code of Rights and Responsibilities.
- i) Provide information on training with contact information to request specific training for a department, group, etc.

3. *A protocol be created to facilitate communications between the university departments that provide services to survivors of sexual assault.*

This protocol should:

- a) Ensure that students who have been sexually assaulted do not have to repeat their story to multiple people.
- b) Include a communication with professors when an academic accommodation is required due to sexual assault (e.g. an extension on a deadline, etc.). This could be similar to the letter that the Access Centre for Students with Disabilities sends to professors regarding disability accommodations.

APPENDIX 5 – DETAILED RECOMMENDATIONS ON EDUCATION AND TRAINING

The working group recommends that a comprehensive education and training program be designed, which is suitable to the needs of our diverse community:

- a) *An education and training plan on rape culture and sexual violence be developed and implemented by the Sexual Assault Resource Centre, in conjunction with the Dean of Students.*
- b) *Training materials be developed for specific groups, including :*
 - Senior administrators
 - New faculty (orientation sessions) and current faculty
 - Department chairs
 - Academic advisors
 - Counsellors
 - Student executives
 - Student athletes
 - Athletic coaches
 - Residence assistants
 - Students living in residence
 - Faculty and staff union executives
 - Teaching assistants
 - Front-line staff
 - Tribunal hearing panel members
- c) *Training be provided to students according to the academic timeline launched annually in September with a refresher available in January.*
- d) *Training could include mandatory and voluntary components.*
- e) *Training could include online components.*
- f) *Concordia could develop external partnerships with epistemic communities on sexual violence and use their expertise in developing and/or providing the training.*

APPENDIX 6 – DETAILED RECOMMENDATIONS ON COMMUNICATIONS

The working group recommends that a year-round promotional campaign on sexual violence and consent be developed by the Dean of Students and the Sexual Assault Resource Centre, in conjunction with University Communications Services.

Specifically, promotional materials should:

- a) Focus on prevention and perpetration, and not victim-blaming.
- b) Be available to the community at key locations (entrance points, floor landings in residences, etc.) and through various tools and channels (e.g. social media channels).
- c) Be updated regularly to include current information.
- d) Contribute to fostering a culture of consent and bystander intervention.

