

Consultation Report: McGill University Draft *Policy Against Sexual Violence*

Students' Society of McGill University (SSMU)

Post-Graduate Students' Society (PGSS)

October 12, 2016



Introduction

On September 12, 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 refined through initial consultations with various associations and constituencies over the summer, including the Students' Society of McGill University (SSMU) and the Post-Graduate Students' Society (PGSS). SSMU and PGSS released a [joint statement](#) in response to the circulation of the draft.

The creation of a standalone *Policy Against Sexual Violence* follows [student demands](#) for a meaningful commitment from the university to address sexual violence on campus, as well as community frustration 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. In addition, they have engaged the services of Parker P. Consulting—a firm associated with White Ribbon—to assist with processing community responses.

Furthermore, following a request by SSMU and PGSS representatives, the Office of the Provost agreed to fund a series of student-organized focus groups on the policy proposal. These sessions 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 of the Provost for their support.

A total of eight sessions were held between September 23 and October 3, including two closed groups for survivors of sexual violence and one session at the Macdonald Campus. Approximately 25 students participated in these sessions, while many more provided comments directly to SSMU and PGSS representatives. The organizers would also like to thank those individuals who shared their thoughts on what is a difficult and often triggering topic.

The following report summarizes the comments and concerns that were gathered from these focus groups and the wider feedback period. It identifies 28 specific recommendations for additions or revisions, organized into the following seven categories:

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

Each recommendation is also associated with specific articles in the draft policy. SSMU and PGSS are committed to advocating for these priorities as outlined by our members, and we hope to see the needed changes incorporated into the final policy. These proposals represent an important opportunity for McGill University to move forward in its commitment to effectively prevent and respond to sexual violence.

Language & Framing

Context

Many participants, and particularly survivors, indicated that the policy's preamble does not sufficiently recognize the devastating impact of sexual violence for those who experience it. The context of sexual violence should be outlined more explicitly to communicate the severity of rape culture in universities and wider society, including the disproportionate incidence of sexual violence in campus settings. This acknowledgement will help to situate the essential role of the university in addressing this issue.

Furthermore, rather than the language of “understandable reasons” for systemic underreporting, the policy should specifically reference and elaborate on the barriers that exist to reporting incidents of sexual violence. This will offer a more meaningful recognition of survivors' realities and help to clarify the serious nature of this issue for community members who are unfamiliar with it.

Intersectionality

The preamble of the policy identifies that individuals who face intersecting barriers based on their identities may be disproportionately affected by sexual violence. However, participants were concerned that the remainder of the document does little to engage with the consequences of this reality. The policy does not name actions that the university should take to support the specific needs of marginalized groups, such as support resources tailored for people of diverse identities and cultural backgrounds. 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, clarification is needed on what constitutes the university's “institutional obligations.” Many students were unclear on who qualifies as “an individual having the authority to discipline,” and suggested that these positions be identified (with the disclaimer that survivors should not be expected to navigate reporting procedures on their own).

Ambiguous or legalistic language was identified as potentially alienating for those seeking to access the policy, particularly if they are already unsure of what the university can offer them and where they can receive support. More definitions could be centralized under Article 4, including specialized terminology such as “victim-blaming,” “perpetrator,” “bystander,” and “power dynamics.” Finally, the definition of “Reports” could be expanded to summarize what type of information may be included, and to allow for both written and oral reporting.

Recommendations

- Contextualize the disproportionate occurrence of sexual violence on university campuses and the various barriers to reporting these experiences (preamble);
- Acknowledge the traumatizing impact of sexual violence on survivors and the University's responsibility in addressing these issues (preamble);
- Recognize the role of systemic oppression in the disproportionate impact of sexual violence on marginalized groups (preamble);
- Expand on the preamble's commitment to intersectionality through concrete steps for supporting individuals of diverse identities and experiences (7, 8, 9);
- Qualify references such as the University's "institutional obligations" and the "appropriate University authority" (4);
- Include definitions of key terms such as "power dynamics" and "victim blaming" (4).

Scope

"McGill Context"

The full range of scenarios subject to this policy remains unclear, particularly in the context of the university's disciplinary authority. While all members of the university community can access support measures under the policy, many participants were concerned that this does not adequately address cases that occur off-campus or at events organized by student associations.

Similarly, it is unclear how the policy might apply if an individual wishing to access it is not from McGill, but where the incident occurred on McGill property and/or was perpetrated by a member of the McGill community. Participants had questions about the scope of the university's commitment and were concerned that approaches to high-profile cases in the past would not be considerably different under this policy. Finally, concerns were raised regarding the timeline to access support and/or reporting procedures, given that many survivors do not report incidents immediately due to the traumatizing nature of their experiences.

Jurisdiction

The role of a policy against sexual violence must be understood in relation to existing approaches. However, the current draft states that it shall not "derogate or supersede from" other McGill policies or procedures. Participants were particularly concerned that relying on these existing frameworks may diminish the policy's impact, given that other procedures do not necessarily share the same goals or adopt a pro-survivor approach.

Furthermore, in deferring to existing policies on campus, the draft suggests that individuals are responsible for researching and understanding these reporting channels themselves. This provides an insufficient picture of what steps the university can take to respond to sexual violence. Greater

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 that these align with the new policy's commitments.

Recommendations

- Define the "McGill context," including the University's jurisdiction and timeframe for providing support and recourse to both survivors and perpetrators (1, 4, 9, 11-15);
- Briefly summarize the process and possible disciplinary outcomes of the other policies referenced in Article 3 (3, 4.4, 11-15);
- Articulate the mandate for a comprehensive review of existing policies and procedures in order to ensure compatibility with a pro-survivor framework (21);

Empowering Survivors

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 rights or needs of alleged perpetrators, but rather seeks to ensure that the autonomy of survivors is maintained throughout the disclosure and reporting process. This includes, for example, clarifying those situations where the university's "institutional obligations" might compromise confidentiality. By communicating to survivors when such conditions arise, the university can help ensure that they have the opportunity to pause or withdraw from a reporting process where possible.

Many participants were also concerned 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 clearly outlining the rights of both survivors and perpetrators should help to clarify procedural expectations for both parties.

Clarity & Accessibility

It is encouraging that the policy aims to provide adequate proactive and support measures 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 or self-select between the measures contained in both this policy and others. The intention to centralize disclosures and reports through one staff position could be made more explicit, particularly in the case of reporting procedures. Otherwise, the ambiguity of the policy counteracts its intention 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/saap), which contains resources on education, support, and reporting.

Furthermore, the policy does not standardize the timelines for administrative follow-up on disclosures and reports. Without clear guidelines, students were concerned that the responsibility for monitoring a case will fall on individual survivors and perpetrators.

Recommendations

- Commit to a *pro-survivor* framework that outlines the rights of both survivors and perpetrators (preamble, 4, 5, 6, 9, 11-15, 16-18, 19);
- Specify the creation of a centralized disclosure and reporting process, while summarizing the existing procedures and authorities contained in other policies (preamble, 3, 4.4, 5, 7, 9, 11-15);
- Introduce timelines for the provision of support and recourse measures for both disclosures and reports (9, 11-15).

Education & Awareness

Campus-Wide Approach

Many participants emphasized that educational efforts must be far-reaching and continuous in order to produce a culture shift on campus. Education on the meaning and importance of consent, the prevalence of rape culture, the role of active bystanders, and university response measures should be mandatory for all members of the McGill community, not just students living in residences. The policy should provide for a campus-wide education plan that seeks to inform members on the disclosure and reporting structures available, including the rights of both survivors and respondents. This should incorporate multiple channels, such as off-campus and online training, and target key points in the academic life cycle, such as incoming student and faculty orientations.

Staff Training

Most participants suggested that basic training should be provided for all academic, administrative, and support staff. This includes guidelines on how to respond appropriately and empathetically to disclosures and how to refer survivors to support. There must also be an acknowledgment of the various power relationships between faculty, students, and staff, and the ways in which these dynamics contribute to sexual violence in the university context. Students agreed that there should be an explicit commitment to training front-line service staff as well as those who are formally responsible for receiving disclosures and/or reports, including Deans, Associate Deans, Disciplinary Officers, the Provost, and HR Managers.

Student Training

Consent workshops, such as Rez Project, are mandatory for students in living in university residences. However, participants emphasized the need for education offered to all incoming students, particularly those living off-campus or enrolled at McGill through exchange programs. This could possibly occur as

part of the orientation week or online as an addition to the existing Academic Integrity Tutorial. Students also suggested that trainings identified in the policy should target historically problematic settings, such as fraternities and sororities, athletic teams, and student events centred on alcohol consumption. Finally, investments should be made in perpetrator-specific education and follow-up as part of the disciplinary process. Awareness efforts should extend throughout the year and engage all members of our campus in addressing the serious and traumatic nature of sexual violence.

Recommendations

- Develop a university-wide education plan for addressing sexual violence awareness and response measures, including off-campus, orientation, and online channels (8);
- Provide basic educational materials for staff that address sexual violence awareness and response measures (8);
- Provide detailed training sessions to front-line service staff and those formally involved in responding to disclosures and reports (8);
- Provide targeted training to perpetrators as well as student groups that have previously been responsible for incidents of sexual violence (8, 11-15).

Support Resources

Visibility

Several of the education and support resources listed in the current draft are already in place. As such, the policy should aim to enhance the existing infrastructure and expertise on our campus, including that provided through student-run services. Numerous participants expressed concern that the ambiguous language around resources would be insufficient to uphold long-term commitments to effective prevention, support, and response. Furthermore, students were skeptical about the sustainability of these investments, given that specific staff positions or offices are not named in the policy. Explicitly listing these titles will help to increase the visibility of university resources and assure the community that they will be available in the long term. This should include a clear recognition of the role for the new office in centralizing disclosures and reports, as well as of the contributions made by peer support initiatives.

Intersectionality

In order to effectively engage with the experiences of “equity-seeking groups,” the policy should identify intersectional resources that address the specific needs of individuals of diverse and/or marginalized identities. Participants reiterated that in order to uphold the preamble’s commitments in this regard, it is necessary to expand on culture- and identity-based approaches to support for both survivors and perpetrators. This includes attentiveness to equitable hiring and anti-oppressive expertise in all staffing, as well as access accommodations such as translation and childcare. Similarly, consent education efforts should acknowledge different cultural realities to accommodate for the diverse international population

at McGill, while ensuring that all members of the university community have a working knowledge of the institution's values and expectations for ensuring a safer environment.

Referrals

Several participants raised concerns over the existing inadequacies of McGill services in supporting students' physical and mental health. Many questioned 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-campus health services, including emergency care, psychotherapy, and peer support and community resources.

Recommendations

- Identify the specific resources responsible for enacting policy commitments, including employee titles and a centralized awareness and response office (7);
- Implement new intersectional and culturally-specific support resources (7, 9);
- Develop direct lines of referral to university-, community- and peer-delivered support resources (7, 9).

Accountability

Responsibility

Participants felt that the policy must identify the university's responsibility to address sexual violence on campus. Moving forward, accountability and trust can only be built if the administration is willing to acknowledge the negative experiences of survivors who have engaged with reporting procedures in the past. Furthermore, the policy should extend the responsibility for effective sexual violence prevention and response to all members of the McGill community. Given the need for sustained education, support, and cultural change across campus, these efforts cannot be undertaken by students or administrators alone.

Discipline & Enforcement

The majority of participants understood the importance of proactive education and harm reduction. However, many argued that the policy must also enforce serious consequences for those who commit sexual violence. The current draft does little to acknowledge the role of perpetrators, whereas a pro-survivor approach should also engage with disciplinary measures in order to foster a community that does not tolerate sexual violence. This should include a commitment to enforcing disciplinary measures via existing procedures and an outline of the rights, responsibilities, and possible consequences for perpetrators.

Reporting

While the policy makes progress in centralizing intake for disclosures and reports, more can be done to ensure that the reporting process meets the needs of survivors. Centralized procedures should include a case management model that streamlines access to support and maintains written records of each case. Multiple means of reporting should be available, such as oral, written, and/or third party submissions, and survivors should not be expected to make repeated disclosures. Furthermore, assessors and disciplinary officers should be specially trained to evaluate cases of sexual violence. A dedicated pool of disciplinary officers for non-academic offences would help to differentiate these cases from academic misconduct.

Review

Several participants questioned how the efficacy of the new policy would be evaluated. The policy should set out requirements for better data collection and assessment, including statistics on disclosures, reports, and resolutions through the new office. Criteria for evaluating the policy's impact on the 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

- Acknowledge the history of sexual violence at McGill University and the shared community responsibility in addressing it (preamble);
- Recognize the role of perpetrators in enacting sexual violence and articulate a commitment to enforcing consequences via existing disciplinary procedures (preamble, 5, 11-15);
- Identify the need for centralized reporting procedures, including written, oral, and/or third-party reporting, case management, and qualified assessors/disciplinary officers (4.4, 5, 7, 11-15);
- Set out criteria for evaluating the policy's impact as part of the regular reporting process (5, 7, 20);
- 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 commitments are compatible with other support and reporting frameworks already in place at McGill. Furthermore, this review is a channel for addressing concerns raised by focus group participants that may fall outside the scope of the new policy, such as a long-term prevention and response strategy.

Existing Policies & Procedures

It may be difficult to carry out some objectives of the new policy given its reliance on existing policies and procedures. Therefore, the comprehensive review should seek to ensure that these frameworks align with a pro-survivor approach. Policies for consideration include the *Code of Student Conduct and Disciplinary Procedures*, the *Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff*, and the *Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law*, as well as reporting procedures under Human Resources. Furthermore, the review should evaluate the possibility of further centralizing the disciplinary process for cases of sexual violence, including alternate models for evaluating cases and disciplining perpetrators.

Committee Model

It is recommended that this review be conducted by a committee operating at arms-length from the administration and including qualified students, staff, faculty, and external experts. The external members should be drawn from non-profit or community organizations with experience in addressing issues of sexual violence from both pro-survivor and intersectional perspectives.

This group should conduct further community consultation and interviews to produce a public report with mandates for change, including proposed revisions to other policies and procedures. In order to be successful, this process must prioritize survivor testimony and incorporate clear accountability mechanisms, such as transparent progress reporting to the community.

Recommendations

- That the comprehensive review be conducted by an arms-length committee with qualified student, staff, faculty, & external members;
- That the committee be mandated to review existing policies and procedures for addressing sexual violence at McGill, including disciplinary frameworks;
- That the committee develop a detailed consultation plan for reaching individuals with experience navigating university reporting structures, as well as individuals and groups with experience supporting survivors;
- That the committee mandate, consultation plan, progress reports and final recommendations be communicated to the university community.

Conclusion

A McGill University policy against sexual violence is an important first step in combatting rape culture on our campus. In particular, the current draft provides a valuable framework for educating the community and enhancing support for survivors. However, a meaningful policy must also begin from an honest recognition of the serious issues with sexual violence both at McGill and in wider society. Furthermore, a pro-survivor approach must prioritize wide accessibility and clearly outline all available support and recourse measures, including those that rely on existing regulations. Without centralizing these procedures, the policy will not be effective in streamlining response and reducing re-traumatization for individuals who have experienced sexual violence. Finally, new resource commitments must be explicitly outlined and engage with the diverse experiences of survivors in order to ensure that the policy's commitments are effective in the long-term.

We look forward to working with the university to ensure that this report's recommendations are incorporated into the final policy. In addition, we hope that the comprehensive review of existing policies and procedures can help to ensure a university-wide commitment to effectively prevent and respond to sexual violence. Both the Students' Society of McGill University and Post-Graduate Students' Society remain committed to advocating for our members' priorities on this urgent issue into the future.

For an overview of existing resources related to sexual violence awareness and prevention, please visit www.mcgill.ca/saap.