

# Memorandum

**Office of the Provost and Vice-Principal (Academic)**

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**TO:** Senate

**FROM:** Angela Campbell, Associate Provost (Policies, Procedures and Equity)

**SUBJECT:** Draft *Policy against Sexual Violence*

**DATE:** October 19, 2016

**DOCUMENT #:** D16-12

**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 campuses across North America, McGill has 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, outlines immediate steps that will be taken to address campus sexual violence, and establishes McGill's commitments to a survivor-centered approach and to procedural equity.

**PRIOR CONSULTATION** AGSEM, AMURE, AMUSE, Human Resources, Faculty Deans, Joint Board-Senate Committee on Equity and its 6 Subcommittees, Legal Services, MACES, MCSS, MAUT, MCLIU, MUNACA, MUNASA, Office of the Dean of Students, PGSS, SACOMSS, SEDE, SSMU, Student Advocacy-LICM, Secretary General and Security Services, in addition to a cross-campus consultation via an online platform that generated 175 responses. SSMU and PGSS also led focus groups for students on the draft Policy.

**SUSTAINABILITY CONSIDERATIONS** N/A

**IMPACT OF DECISION AND NEXT STEPS** The draft Policy will be further revised in view of consultations and Senate discussion. An amended version will be presented to Senate for approval later in Fall 2016.

**MOTION OR RESOLUTION FOR APPROVAL** N/A

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**APPENDICES**

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

***Appendix 2:*** Report on Campus Consultation on the Draft Policy

***Appendix 3:*** Report from Student Focus Groups

***Appendix 4:*** Sample sections of the draft Policy revised in light of consultation process

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September 2016

## McGill University Policy against Sexual Violence

McGill University is committed to creating and sustaining a safe environment through proactive, visible, accessible and effective approaches that seek to prevent and respond to Sexual Violence. The University further recognizes the singular importance of striving toward an equitable environment in which all Members of the University Community feel respected, safe and free from violence, including Sexual Violence.

The University does not tolerate Sexual Violence in any form. It acknowledges that attention to Sexual Violence is particularly important in university campus settings. It further acknowledges that individuals who are members of equity-seeking groups who experience intersecting forms of disadvantage (on grounds, for example, of gender, sexual orientation, gender identity, race, Indigenous identity, ethnicity, disability or class) may be disproportionately affected by Sexual Violence and its consequences.

The University recognizes that Sexual Violence often involves power imbalances and is under-reported on account of a range of understandable reasons, which include stigmatization and the risk of trauma. This Policy focuses on ensuring support for Survivors of Sexual Violence. Through it, the University commits to support Survivors based on their personal experiences, whether or not a criminal offence has occurred, and whether or not the Survivor chooses to make a Report through University or external law enforcement processes.

### General

1. This Policy applies to all Members of the University Community.
2. This Policy extends to all Sexual Violence.
3. This Policy does not derogate from or supersede other University policies, regulations or applicable collective agreements, including those that establish disciplinary and administrative processes, such as McGill's *Code of Student Conduct and Disciplinary Procedures, Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff and Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law*.

### Definitions

4. For the purposes of this Policy, the following definitions apply:
  - 4.1 "Consent" means free, informed, expressed and ongoing agreement to engage in sexual activity. Consent may not be free or informed when a person is intoxicated, unconscious or where the sexual activity has been induced by conduct that constitutes an abuse of trust, power or authority.
  - 4.2 "Disclosure" means the act of informing a University staff member holding office under Section 7 of this Policy about an incident of Sexual Violence for the purpose of seeking support.
  - 4.3 "Member of the University Community means the following:
    - a. anyone holding office under the University Charter and Statutes;
    - b. an appointee or employee of the University; or

- c. a student as defined in Section 1 of the *Code of Student Conduct and Disciplinary Procedures*.

4.4 “Report” means the act of informing an individual having authority to discipline an alleged perpetrator about an incident of Sexual Violence for the purpose of initiating a disciplinary or administrative process.

4.5 “Sexual Violence” means sexual activity imposed on a person without that person’s Consent.

4.6 “Survivor” means any person who has experienced Sexual Violence, including individuals who self-identify as a victim or victim/survivor.

## **Objectives**

- 5. The Policy shall have the following objectives:
  - a. to seek to prevent Sexual Violence through education and other proactive efforts to promote awareness about the nature and effects of Sexual Violence;
  - b. to support Survivors of Sexual Violence; and
  - c. to respond effectively to Disclosures and Reports of Sexual Violence.
- 6. This Policy is Survivor-focused. It aims to promote the development and implementation of proactive measures for reducing Sexual Violence and its attendant harms and supporting Survivors through means that are compassionate and respectful of their dignity and autonomy.
- 7. This Policy’s objectives shall be pursued through the allocation of appropriate resources. Such resources shall include provision for appropriate, visible and accessible physical office space and the appointment of adequate and qualified staffing focused on Sexual Violence case management, education, prevention and support, which accounts for the particular effects of Sexual Violence on members of equity-seeking groups.

## **Education and Awareness**

- 8. The University shall take proactive, visible measures to provide education, guidelines and dissemination of information relating to Sexual Violence and varied impacts of Sexual Violence through a variety of means, as appropriate, including the following:
  - a. informational campaigns across its campuses;
  - b. training and information sessions within various sites where student live and learn including in collaboration with Teaching and Learning Services, University Residences, Athletics and Recreation and Security Services;
  - c. a dedicated accessible website that includes information about the nature of Sexual Violence, resources within and outside the University relevant to Survivors of Sexual Violence and their supporters, and about the processes associated with making a Disclosure or a Report;
  - d. orientation and training sessions for students and for academic and administrative and support staff; and
  - e. training for administrators, in particular for those charged with disciplinary authority under University policies and regulations, about effective, Survivor-focused methods of responding to a Disclosure or Report.

## **Responding to Disclosures**

9. The University shall support all Survivors regardless of where or when the incident of Sexual Violence occurred. When responding to Disclosures, staff members holding office under Section 7 of this Policy shall take all reasonable efforts to do the following, as applicable:
  - a. inform about and provide access to appropriate University services, including health and counseling services;
  - b. inform about and support access to appropriate services beyond the University;
  - c. encourage the Survivor to seek support and care, while not directing the Survivor to use particular resources or take specific recourses, either within or outside of the University;
  - d. preserve the Survivor's privacy and confidentiality whenever possible under the law and under applicable University policies and procedures;
  - e. refrain from questions or comments that imply judgment or blame of the Survivor (such as questions about the Survivor's dress, conduct, language or consumption of alcohol or drugs);
  - f. respect the Survivor's wishes in regard to being accompanied by a person who provides support;
  - g. facilitate referrals to the appropriate University authority in cases where reasonable accommodations or immediate measures may be warranted as a result of the incident of Sexual Violence;
  - h. inform about the process associated with making a Report;
  - i. respect, insofar as possible and taking into account the University's institutional obligations, the Survivor's decision to refrain from making a Report;
  - j. respect the Survivor's decision to, at any time, discontinue their involvement in any process associated with a Disclosure;
  - k. ensure that processes established to receive Disclosures are free and clear of discrimination prohibited by law, as defined in McGill's *Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law*;
  - l. deliver services to the Survivor in the official language of their choosing.
10. A Survivor who is of the view that the University has not adhered to the requirements set by Section 9 may pursue a recourse through the grievance process established by the applicable University regulation or collective agreement.

## **Responding to Reports**

11. Where a Survivor wishes to make a Report to the University, the matter will be referred to the University authority having authority to discipline the alleged perpetrators. Staff members appointed under Section 7 of this Policy and, where appropriate, McGill Security Services may facilitate such referral.
12. In responding to a Report, the appropriate University authority may initiate an investigation or disciplinary process in accordance with procedural equity, as established by other University policies and regulations.

13. Where a Survivor wishes to make a Report to external law enforcement authorities, this process will, with the Survivor's consent, be facilitated by staff members appointed under Section 7 of this Policy and by Security Services.
14. The University will, insofar as possible taking into account its institutional obligations, respect the wishes of the Survivor in regard to internal measures and external recourses, including respecting the Survivor's decision to discontinue their involvement in any process associated with a Report.
15. The University shall communicate information about processes for Disclosures and Reports through multiple formats to promote the accessibility of this information to Members of the University Community.

### **Immediate Measures**

16. Once made aware of a Disclosure or Report, the appropriate University authority may take immediate measures that such University authority deems necessary to protect the Survivor and the University Community in compliance with applicable McGill policies, regulations and collective agreements and Quebec law.
17. Such immediate measures may be taken whether or not the Survivor Makes a Report.
18. Any immediate measures instituted shall comply with University regulations, policies and collective agreements, and shall ensure that procedural equity is maintained. Such measures may include:
  - a. voluntary measures (i.e., those agreed to by the alleged perpetrator);
  - b. devising and implementing alternate academic (e.g., course changes or reimbursement of fees associated with academic tuition), extra-curricular, residential or work arrangements in regard to the Survivor and alleged perpetrator;
  - c. temporarily excluding the alleged perpetrator from campus or limiting that person's role, privileges or duties, in accordance with applicable University policies, regulations and collective agreements.

### **Procedural Equity**

19. The University's commitment to supporting Survivors shall not deprive anyone of procedural equity or access to appropriate University services to which they are entitled under applicable policies, regulations and collective agreements.

### **Annual Report**

20. The Provost shall report biennially to Senate on the application of this Policy.

### **Review of Sexual Violence at the University and this Policy**

21. Within four months of this Policy coming into effect, the Provost shall initiate a review of the phenomenon of Sexual Violence at the University. In carrying out this review, efforts will be made to engage with individuals who have had direct experiences with Disclosure or Report processes, and with individuals and groups on campus with relevant expertise and knowledge. This review will also assess the present Policy's harmonization with

current University policies and procedures. The results of this review shall be reported to McGill Senate and shared with the Members of the University Community.

22. The Provost shall conduct a triennial review this Policy in consultation with all appropriate stakeholders as determined by the Provost, including student, faculty and staff associations (for example: SSMU, PGSS, MAUT, MUNACA, MUNASA).

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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 Violence:

1. **Clear Communication and Pathways:** feedback participants want to understand how to best respond to support survivors, and which University staff members need to be involved. Whether it is faculty members who have the responsibility as a Disciplinary Officer or a student who has experienced Sexual Violence, there is a strong desire to be able to easily understand what it means to disclose and to report an incident from all perspectives. Information on the timelines for implementation and how this new policy will complement other policies will be critical to helping McGill community members understand the policy's role.
2. **Meaningful Policy Implementation:** As the policy articulates a need for education, prevention, training and support, respondents want to know and understand the level of commitment. Identifying the resources needed to ensure comprehensive campus-wide commitment will require staffing, physical space, and financial resources to ensure that case management, investigative training, and other elements are critical to demonstrate that McGill intends to take significant steps in responding to this challenge.
3. **Taking Sexual Violence Seriously:** There is strong recognition across the submissions that this issue needs significant attention and focus. Some respondents expected more detail in regard to possible sanctions that perpetrators might face, aside from temporary exclusion from campus. It is important to ensure McGill community members have an understanding of the issue through training and education for students and staff. Greater clarity is required to demonstrate how the policy interacts, for example, with the *Code of Student Conduct and Disciplinary Procedures* and with the *Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff*, which establish procedures for investigating and adjudicating all allegations of misconduct, including sexual violence.
4. **Understand the Current Climate:** getting a clearer picture of how members of the community experience sexual violence will enable McGill to establish a baseline, set targets and be clear about how it intends to address sexual violence. Ongoing data collection, monitoring and evaluation will be important for assessing the effectiveness of the policy.
5. **Balancing Countering Approaches:** Two important approaches are included in the Policy draft: (1) intersectionality and (2) a focus on survivors. While there is strong support calling for the policy to be more explicit on intersectionality and survivor-

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supports, some participants feel these go too far and are unnecessary. Concerns are raised around procedural equity, and the notion of false accusations.

No respondent explicitly questioned the need for a Policy against Sexual Violence. 42% of submissions address specific issues or concerns related to the policy. Areas that received the most comments include: Definitions, Responding to Disclosures, Responding to Reports, and Immediate Measures. This feedback has been taken into consideration and outlined in this report.

### Key Themes

#### 1. Clear Communication and Pathways: Responding to Disclosures and Responding to Reports

Feedback and comments for both the Disclosures and Reports are quite similar: suggestions are made to enhance and clarify the understanding of these processes. Reviewers of the policy draft want to understand the steps for each process: how would one go about contacting and reaching out to the appropriate staff person? If a staff member received a disclosure, to whom would they refer the survivor?

A few respondents want to see more affirmative policy language committing to action beyond the possibility of immediate measures. Participants also highlighted the need to establish clear timelines in the disclosure and reporting processes, and that regular and ongoing communication is important between any staff responding to the issue and a survivor. This also provides an opportunity for survivors to have one person identified as a support resource throughout the process.

The comments and feedback to the Disclosures section focus on clarifying how the various steps that are part of this process will ensure that survivors' needs are being responded to appropriately, with the intention of avoiding unnecessary re-victimization. Under the Responding to Reports section, the key message here is that participants want to see specificity and the ability to quickly understand how to proceed appropriately, regardless of whether the survivor or the alleged perpetrator are a faculty member, staff or student.

*"The policy should have more concrete steps for administration to follow; disclosures being handled improperly by the staff should have consequences for the staff; the perpetrator should have to move their schedule around to accommodate the survivor IF they are not immediately expelled when found guilty; if the perpetrator doesn't follow conditions laid out they should be expelled immediately; the perpetrator should be treated like any other sex offender and put on a McGill registry."*

One of the areas of key concern for respondents is the need to understand the process for assessing risks; supporting survivors; and effective investigation procedures that maintain confidentiality and privacy as best possible. Establishing a clearer connection to the investigation stage in the policy will help to alleviate concerns about due process for both the survivor and the alleged perpetrator.

#### 2. Meaningful Policy Implementation: How to Move Forward with the new Policy

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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 survivors making a disclosure or report. Additional suggestions include education and awareness programs focused on the particular experiences of equity-seeking groups, and effectively engaging men on campus to help reduce and prevent sexual violence.

### Resources

9% of respondents call on the University to make a firm and clear commitment in order to effectively implement this policy. The range of suggestions associated with resources include permanent, full-time staff positions appropriately compensated, and with sufficient independence to carry out the functions of investigation and accountability, while supporting survivors. As part of the resourcing for the policy, participants want to ensure that any staff undertaking this work is well-versed in survivor-centered approaches, and have sufficient expertise in the area.

## 3. Taking Sexual Violence Seriously: Immediate Measures

Because many are unaware of how sexual harassment and violence have been dealt with in past by the administration, there is a perception that not enough has been done when an investigation is completed. Strong voices call for more specific remedies to be included and incorporated, as well as communications and feedback to the survivor as to the result of the investigation. At the same time, some feel that the University is not well positioned to investigate these incidents; those who feel that this could not be done in a manner that is fair to alleged perpetrators expressed this view. Others feel that it is too simple for the administration to inadequately address the matter and instead focus on protecting the reputation of the University.

This section along with the Procedural Equity section received the most number of comments and concerns. Nearly 15 % of respondents react to the Immediate Measures clauses and a few different opinions surfaced. Many respondents want to ensure that a fair investigation process is in place before punitive measures are undertaken. Several participants suggest incorporating language that addresses the alleged perpetrator's access to due process. Among these commenters, over 25% raised this as a concern. Many framed this as a concern for due process, with nearly 7% used specific language of “false accusations”.

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*"I 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. Students should be assumed innocent until proven guilty: only after which should they be suspended or expelled from McGill."*

This concept of false accusations puts a harmful emphasis on the survivor, while the neutral language of due process and fairness provides a more balanced approach to this issue, ensuring accountability to the survivor and the perpetrator.

*"It is the University's job to provide a safe learning environment for women, and is supposed to be a progressive vision of what we want the future to look like. We demand that you provide that."*

### **Role of McGill in Responding to Sexual Violence**

10% of submissions recommend revisions to section 18 of the policy ("Immediate Measures"). Additionally, while some feel strongly about protecting the rights of the alleged perpetrator, others feel that the policy does not go far enough and want to see more explicit discipline and consequences. Expulsion, termination or other measures are highlighted as important to signal that perpetrators of violence are not welcomed at McGill.

Some respondents feel that the policy does not provide sufficient remedy or repercussions (identified in the Immediate Measures section), wishing to see more punitive, explicit consequences for offenders. The countering perspective is that this is not an issue for the institution to deal with: as sexual violence is a criminal action, it should be dealt by law enforcement. A small number of contributors state that they want to see these violations described as criminal, while others feel that the University is ill-equipped to investigate and to assess the issue. This particular perspective of mandating that all reports should be disclosed to law enforcement is in conflict with a survivor-focused approach, as it does not necessarily take into account the wishes of a survivor.

### **4. Understand the Current Climate: getting a clearer picture from members of the community**

The new policy sets out the need for a review of Sexual Violence on campus. As part of this process, those with direct experiences of disclosure or reporting will be invited to share their perspectives. Additionally, recommendations from the McGill community include the need to establish a clear baseline: this understanding of the climate of sexual violence and harassment will create a starting point for further activity and interventions. Establishing a baseline, setting realistic targets and being clear about the implementation of a strategy to address sexual violence will be an important measure for the University. As part of the ongoing review of the policy and its implementation, developing data collection tools, and a monitoring and evaluation framework will support the assessment of effectiveness of the policy. This process can articulate how McGill intends to support underrepresented groups identified in the policy, and how it will collaborate with them.

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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 of the efforts to date. Seven people specifically stated that they were in strong support of the policy's survivor-centered approach. One respondent felt that this process has not been sufficiently survivor-focused, taking advantage of the previous work of the students. A few people felt that this was neutral or unfair to alleged perpetrators, and that it did not seem like a balanced approach, and overemphasized survivors.

## **Moving Forward**

Community feedback generated thoughtful questions from respondents, many related to what the policy will look like in action. Other respondents want to know how McGill will respond to specific concerns.

The policy is intended to set the foundation of McGill's commitment to preventing sexual violence with a focus on survivors, and is thus understood as a significant first step. The hard work of implementing the policy begins upon its adoption. As the policy is implemented, new questions will arise that will require thoughtful analysis in consultation with the McGill community.

Feedback on the draft policy further illuminates the importance of a University commitment to appropriate resources and ongoing, campus-wide engagement to help ensure the effective operationalization of this new policy and a safer, more inclusive and equitable campus.

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### **Background**

With sexual violence emerging more publicly as an issue facing campuses across North America, McGill has committed to developing a sexual violence policy to render its campus safer and more inclusive for all community members. The policy is an important step in responding to sexual violence, but will not be the only measure the University undertakes. The policy sets out 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, outlines immediate steps that will be taken to address campus sexual violence, and establishes McGill's commitment to a survivor-centered approach and to procedural equity.

2016 has been an important year for McGill University as it seeks to respond to sexual violence and its devastating effects on all community members. For two years, student group worked assiduously on developing a draft sexual assault policy for the University. Their efforts and commitment should be recognized, and they should be credited for initiating the development of a policy and for advancing conversations on this critical issue. In April 2016, the Provost stated his intention to work collaboratively with community members to develop and bring forward a policy to be adopted by the end of the calendar year through a consultative process.

The Provost's office developed a draft policy that seeks to clarify the University's commitment to ensuring a safe, inclusive campus for all members; provides an overall framework for receiving disclosures and for reporting; and confirms immediate measures to protect survivors. Over the summer of 2016, consultations took place with a diverse range of McGill stakeholders. During this period, drafts of this policy were shared with 18 University student and staff associations.

### **The Development of the September 2016 Draft**

On 12 September 2016 the policy's consultation process was launched. An email was sent to all McGill community members from the Provost inviting them to provide feedback on the draft. The feedback form allowed users to provide their comments anonymously. Other channels for feedback included directly emailing the Associate Provost, Policies and Equity. Additionally, the PGSS and SSMU student associations hosted in-person focus groups, including some restricted to survivors of sexual violence, to speak to the policy to provide their feedback on the draft. SACOMSS volunteers facilitated these sessions. Several departments, student groups and other McGill committees took the opportunity to consult and consolidate feedback, which was submitted electronically (through the feedback form or by email).

The consultation processes gained much focus and attention on campus through the 19-day period. A number of media articles drew attention to the process, and many groups on campus actively promoted the consultation process. In total, 175 submissions were made through the on-line portal and separately by email. All submissions sent online were collected anonymously. However, a number of respondents identified themselves as staff or faculty. The analysis and recommendations included in this report draw from the 175 submissions as well as the articles and opinion pieces published through McGill student newspapers. The thoughtful, thorough and detailed submissions have shown that many within and beyond the McGill community are invested in the adoption of this policy and committed to its effective implementation.

# 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](http://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](http://www.mcgill.ca/saap).



## APPENDIX 4

### Sample sections of the draft *Policy against Sexual Violence* revised in light of consultation process

Draft circulated for consultation (12 Sept 2016)	<u>Potential</u> revised language post-consultation (October 2016)
<p><b>Preamble:</b></p> <p>McGill University is committed to creating and sustaining a safe environment through proactive, visible, accessible and effective approaches that seek to prevent and respond to Sexual Violence. The University further recognizes the singular importance of striving toward an equitable environment in which all Members of the University Community feel respected, safe and free from violence, including Sexual Violence.</p> <p>The University does not tolerate Sexual Violence in any form. It acknowledges that attention to Sexual Violence is particularly important in university campus settings. It further acknowledges that individuals who are members of groups who experience intersecting forms of disadvantage (on grounds, for example, of gender, sexual orientation, gender identity, race, Indigenous identity, ethnicity, disability or class) may be disproportionately affected by Sexual Violence and its consequences.</p> <p>The University recognizes that Sexual Violence often involves power imbalances and is under-reported on account of a range of understandable reasons, which include stigmatization and the risk of trauma. This Policy focuses on ensuring support for Survivors of Sexual Violence. Through it, the University commits to support Survivors based on their personal experiences, whether or not a criminal offence has occurred, and whether or not the Survivor chooses to make a Report through University or external law enforcement processes.</p>	<p><b>Preamble:</b></p> <p>McGill University is committed to creating and sustaining a safe environment through proactive, visible, accessible and effective approaches that seek to prevent and respond to Sexual Violence. The University further recognizes the singular importance of striving toward an equitable environment in which all Members of the University Community feel respected, safe and free from violence, especially Sexual Violence.</p> <p>The University does not tolerate Sexual Violence in any form. It acknowledges that attention to Sexual Violence is particularly important in university campus settings. It further acknowledges that individuals who are members of equity-seeking groups who experience intersecting forms of disadvantage (on grounds, for example, of gender, sexual orientation, gender identity <b>and expression</b>, race, <b>religion</b>, Indigenous identity, ethnicity, disability or class) may be disproportionately affected by Sexual Violence and its consequences.</p> <p>The University recognizes that Sexual Violence often involves power imbalances and is under-reported on account of a range of <del>understandable</del> reasons, which include stigmatization and the risk of trauma. This Policy focuses on ensuring support for Survivors of Sexual Violence, as opposed to attributing fault or responsibility. <del>Through it,</del> The University commits to support Survivors based on their personal experiences, whether or not a criminal offence has <del>occurred</del> <b>been proven</b>, and whether or not the Survivor chooses to make a Report through University of external law enforcement processes.</p>
<p><b>4.1</b> “Consent” means free, informed, expressed and ongoing agreement to engage in sexual activity. Consent may not be free or informed when a person is intoxicated, unconscious or where the sexual activity has been induced by conduct that constitutes an abuse of trust, power or authority.</p>	<p><b>4.1</b> “Consent” means free, informed, expressed and ongoing agreement to engage in sexual activity <b>and cannot occur when a person is incapable of consenting to the activity, for example, when a person is rendered incapacitated by alcohol or drugs, is unconscious, or where the sexual activity has been induced by conduct that constitutes an abuse of a relationship of trust, power or authority, such as the relationship between a professor and their student.</b> <del>Consent may not be free or informed</del></p>

	when a person is intoxicated, unconscious or where the sexual activity has been induced by conduct that constitutes an abuse of trust, power or authority.
4.5 “Sexual Violence” means sexual activity imposed on a person without that person’s Consent.	4.5 “Sexual Violence” means <del>sexual activity imposed on a person without that person’s Consent</del> sexual act or acts targeting a person’s sexuality, gender identity or gender expression that is committed, threatened or attempted against a person without the person’s consent and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. Acts of sexual violence can happen in person, by phone or online.
7. This Policy’s objectives shall be pursued through the allocation of appropriate resources. Such resources shall include provision for appropriate, visible and accessible physical office space and the appointment of adequate and qualified staffing focused on Sexual Violence case management, education, prevention and support, which accounts for the particular effects of Sexual Violence on members of equity-seeking groups.	7. This Policy’s objectives shall be pursued through the <del>development of an implementation plan following the adoption of this policy, which will outline:</del> <ol style="list-style-type: none"> <li><del>the resources allocated to pursuing the Policy’s objectives, including provision for appropriate and accessible physical office space to be known as “the Office for Sexual Violence Response, Support and Education (O-SVRSE)”;</del></li> <li><del>the appointment of adequate and qualified staffing within the O-SVRSE focused on Sexual Violence case management, education, prevention and support, which accounts for the particular effects of Sexual Violence on members of equity-seeking groups;</del></li> <li><del>development of a monitoring and evaluation framework;</del></li> <li><del>review and strengthening of existing support, education, communication, prevention and training measures and resources;</del></li> <li><del>stakeholder engagement and consultation;</del></li> <li><del>review and revision of responsibilities for responding to Reports, specifically to ensure that disciplinary officers assigned to sexual violence cases have appropriate training.</del></li> </ol> <del>allocation of appropriate resources. Such resources shall include provision for appropriate, visible and accessible physical office space and the appointment of adequate and qualified staffing focused on Sexual Violence case management, education, prevention and support, which accounts for the particular effects of Sexual Violence on members of equity-seeking groups.</del>

<p>9. The University shall support all Survivors regardless of where or when the incident of Sexual Violence occurred. When responding to Disclosures, staff members holding office under Section 7 of this Policy shall take all reasonable efforts to do the following, as applicable:</p> <ul style="list-style-type: none"> <li>a. inform about and provide access to appropriate University services, including health and counseling services;</li> <li>b. inform about and support access to appropriate services beyond the University;</li> <li>c. encourage the Survivor to seek support and care, while not directing the Survivor to use particular resources or take specific recourses, either within or outside of the University;</li> <li>d. preserve the Survivor's privacy and confidentiality whenever possible under the law and under applicable University policies and procedures;</li> <li>e. refrain from questions or comments that imply judgment or blame of the Survivor (such as questions about the Survivor's dress, conduct, language or consumption of alcohol or drugs);</li> <li>f. respect the Survivor's wishes in regard to being accompanied by a person who provides support;</li> <li>g. facilitate referrals to the appropriate University authority in cases where reasonable accommodations or immediate measures may be warranted as a result of the incident of Sexual Violence;</li> <li>h. inform about the process associated with making a Report;</li> <li>i. respect, insofar as possible and taking into account the University's institutional obligations, the Survivor's decision to refrain from making a Report;</li> <li>j. respect the Survivor's decision to, at any time, discontinue their involvement in any process associated with a Disclosure;</li> <li>k. ensure that processes established to receive Disclosures are free and clear of discrimination prohibited by law, as defined in McGill's <i>Policy on Harassment, Sexual Harassment and Discrimination</i></li> </ul>	<p>9. The University shall support Survivors regardless of where or when the incident of Sexual Violence occurred. When responding to Disclosures, staff members holding office under Section 7 of this Policy shall take all reasonable efforts to do the following, as applicable:</p> <ul style="list-style-type: none"> <li>a. inform about and provide access to appropriate University services, including health and counseling services;</li> <li>b. inform about and support access to appropriate services beyond the University, <b>such as law enforcement and community-based legal advice</b>;</li> <li>c. encourage the Survivor to seek support and care, while not directing the Survivor to use particular resources or take specific recourses, either within or outside of the University;</li> <li>d. preserve the Survivor's <b>and the alleged perpetrator's</b> privacy and confidentiality whenever possible under the law and under applicable University policies and procedures;</li> <li>e. refrain from questions or comments that imply judgment or blaming of the Survivor (such as questions about the Survivor's dress, conduct, language, <b>past sexual history</b> or consumption of alcohol or drugs);</li> <li>f. respect the Survivor's wishes in regard to being accompanied by a person who provides support <b>throughout the duration of the processes associated with making Disclosures and Reports</b>;</li> <li>g. facilitate referrals to the appropriate University authority in cases where reasonable accommodations or immediate measures may be warranted as a result of the incident of Sexual Violence;</li> <li>h. inform about the process associated with making a Report;</li> <li>i. respect, insofar as possible and taking into account the University's institutional obligations, the Survivor's decision to refrain from making a Report;</li> <li>j. respect the Survivor's decision to, at any time, discontinue their involvement in any process associated with a Disclosure;</li> <li>k. ensure that processes established to receive Disclosures <b>and Reports</b> are free and clear of discrimination prohibited by law, as defined</li> </ul>
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<p><i>Prohibited by Law;</i></p> <p>l. deliver services to the Survivor in the official language of their choosing.</p>	<p>in McGill's <i>Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law</i>;</p> <p>l. <b>strive to avoid multiple and repeated disclosures for a Survivor;</b></p> <p>m. deliver services to the Survivor in the official language of their choosing.</p>
<p><b>12.</b> In responding to a Report, the appropriate University authority may initiate an investigation or disciplinary process in accordance with procedural equity, as established by other University policies and regulations.</p>	<p><b>12.</b> In responding to a Report, the appropriate University authority <del>may</del> <b>will</b> initiate an investigation or disciplinary process in accordance with procedural equity <b>and fairness</b>, as established by <del>other University policies and regulations</del> <b>the applicable University regulation or policy (e.g., Code of Student Conduct and Disciplinary Procedures, Regulation Relating to the Employment of Tenure Track and Tenured Academic Staff) or collective agreement. Measures taken following an investigation and disciplinary hearing that establish cause for discipline range in severity, with the most severe being expulsion or termination of employment from the University.</b></p>
<p><b>18.</b> Any immediate measures instituted shall comply with University regulations, policies and collective agreements, and shall ensure that procedural equity is maintained. Such measures may include:</p> <ul style="list-style-type: none"> <li>a. voluntary measures (i.e., those agreed to by the alleged perpetrator);</li> <li>b. devising and implementing alternate academic (e.g., course changes or reimbursement of fees associated with academic tuition), extra-curricular, residential or work arrangements in regard to the Survivor and alleged perpetrator;</li> <li>c. temporarily excluding the alleged perpetrator from campus or limiting that person's role, privileges or duties, in accordance with applicable University policies, regulations and collective agreements.</li> </ul>	<p><b>18.</b> Any immediate measures instituted shall comply with University regulations, policies and collective agreements, and shall ensure that procedural equity <b>and fairness</b> <del>is</del> <b>are</b> maintained. Such measures may include:</p> <ul style="list-style-type: none"> <li>a. voluntary measures (i.e., those agreed to by the alleged perpetrator);</li> <li>b. devising and implementing alternate academic (e.g., course changes or reimbursement of fees associated with academic tuition), extra-curricular, residential or work arrangements in regard to the Survivor and alleged perpetrator;</li> <li>c. temporarily excluding the alleged perpetrator from campus or limiting that person's role, privileges or duties, in accordance with applicable University policies, regulations and collective agreements;</li> </ul>
<p><b>19.</b> The University's commitment to supporting Survivors shall not deprive anyone of procedural equity or access to appropriate University services to which they are entitled under applicable policies, regulations and collective agreements.</p>	<p><b>19.</b> The University's commitment to supporting Survivors shall not deprive anyone, <b>including alleged perpetrators</b>, of procedural equity <b>and fairness</b>, or <b>of</b> access to appropriate University services to which they are entitled under applicable policies, regulations and collective agreements.</p>