

Memorandum

Office of the Provost and VP (Academic)

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TO: Senate

FROM: Professor Christopher Manfredi, Provost and Vice-Principal (Academic)

SUBJECT: Biennial Report on the *Policy against Sexual Violence*

DATE: January 16, 2019

DOCUMENT #: D18-36

ACTION REQUIRED: ☒ INFORMATION ☐ APPROVAL/DECISION

ISSUE	Biennial report to Senate on the implementation and application of McGill's <i>Policy against Sexual Violence</i> .
BACKGROUND & RATIONALE	<p>The <i>Policy against Sexual Violence</i> ("the Policy") calls for the Provost to report biennially to Senate on its operation.</p> <p>This report addresses activities, data, and developments in connection with the Policy from the time of the Policy's adoption (November/December 2016) to November 2018.</p>
PRIOR CONSULTATION	N/A
SUSTAINABILITY CONSIDERATIONS	N/A
IMPACT OF DECISION AND NEXT STEPS	An ongoing review of the Policy will result in the presentation of a revised Policy to Senate for information in February 2019, and to Senate and the Board for approval in March 2019 and April 2019 respectively.
MOTION OR RESOLUTION FOR APPROVAL	N/A
APPENDICES	Appendix A: Biennial Report (December 2016 to November 2018): <i>Policy against Sexual Violence</i>

POLICY AGAINST SEXUAL VIOLENCE REPORT TO SENATE

PRESENTED: JANUARY 2019
(FOR THE PERIOD DECEMBER 2016 TO NOVEMBER 2018)

Prof. Christopher P. Manfredi
Provost & Vice-Principal (Academic)


The Duty to Report to Senate

Our [Policy against Sexual Violence](#) (PSV) provides (s. 23) :

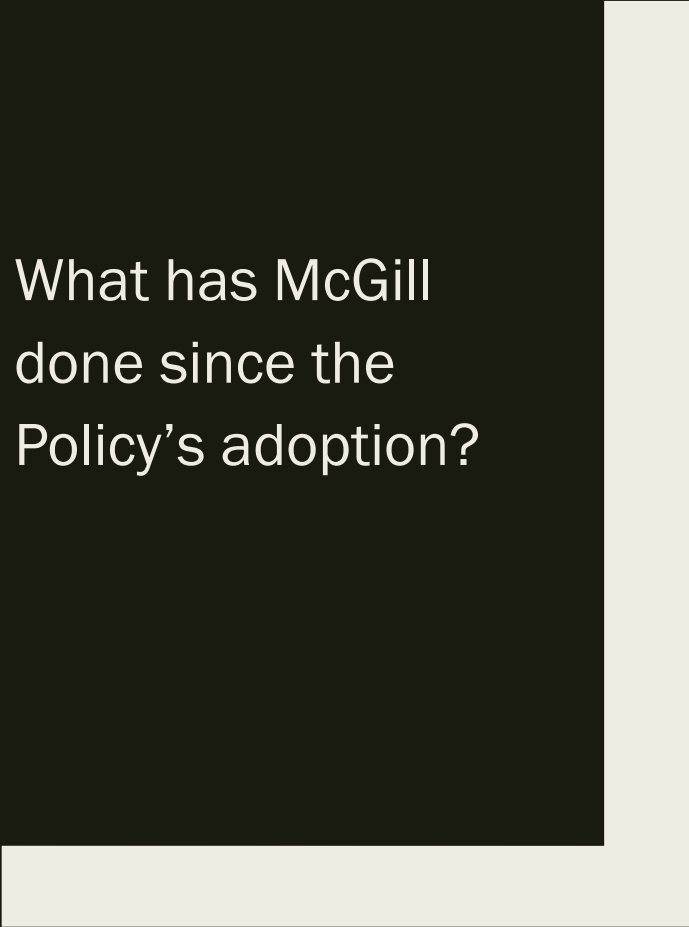
The Provost shall report biennially to Senate on the implementation and application of this Policy. This report will include information about the number of Disclosures and Reports received during the reporting period, and about measures taken to pursue the prevention and education objectives of this Policy.



I: OVERVIEW AND CHRONOLOGY



What has McGill
done since the
Policy's adoption?



An Iterative, Ongoing Process

The PSV was adopted in 2016. Since then, McGill's senior administration has worked to uphold its commitment to an ongoing, iterative assessment of the Policy and associated resources to prevent and respond to sexual violence.

This work – undertaken in close consultation with campus stakeholders, especially students – has focused on:

- campus **education** and awareness-raising;
- robust structures for **survivor support**; and
- clear, trauma-informed, and fair **reporting** procedures.

Ongoing Work: Education and Prevention

Activity	When?
"Making a Martlet" (additional training for all incoming students living in Residence)	Fall 2018
Frosh/orientation training	Annual – every Aug/Sept
Residence Equity Education	Annual – every fall
Weekly communication to all students (What's New (Students))	As of Fall 2018
Communication to all Members of the University community from the Provost	At least once per term, beginning Fall 2018
Faculty training workshops	Ongoing
Peer Education Team	Ongoing
Consent Week	Annually – every Fall
Online training for all Members for the University Community	Beginning Fall 2019

McGILL's RESOURCES FOR SEXUAL VIOLENCE* SUPPORT & RESPONSE



Ongoing
Work:
Supporting
Survivors

*Sexual violence is an umbrella term defined by the [Policy Against Sexual Violence](#) that includes sexual assault, sexual harassment, sexual exploitation, voyeurism, and the non-consensual distribution of sexual images.

Ongoing Work: Policy Review

Nov-Dec 2016

PSV unanimously adopted by Senate and Board

Dec 2016

O-SVRSE opens as a site devoted to SV education + survivor support

Winter-Spring 2017

Committees est'd: (1) PSV implementation; (2) campus study

Nov 2017

McGill appears before National Assembly on Bill 151

Dec 2017

Quebec adopts Bill 151.

Spring 2018

SSMU open letter on professor-student relationships

May 2018

McGill establishes Guidelines on intimate relationships between teaching staff and students

May 2018

Senate appoints *Ad Hoc* Ctee on Teaching Staff-Student Intimate Relationships

Sept 2018

Provost appoints Independent Special Investigator

Fall 2018

Review of PSV + development of online education for all

Dec 2018

Senate discusses Final Report of *Ad Hoc* Ctee on Teaching Staff-Student Intimate Relationships

Jan 2019

Reports to Senate: (1) Biennial report; (2) Implementation Ctee; (3) Campus study re SV

Jan-Feb 2019

PSV review continues; accompanied by broad, cross-campus consultation

Feb-March 2019

Presentation to Senate of revised PSV (for information, for approval)

April 2019

Presentation to the Board of revised PSV for approval



II: POLICY REVIEW 2018-2019

Working
Group to
Review the
Policy
2018-2019

Members/Represented Groups

- Provost's delegate (Chair)
- All faculty/staff associations and unions
- All student associations
- SACOMMS
- JBSCE
- Relevant resource members (e.g., O-SVRSE, Dean of Students, SEIA, Legal Services)

Working
Group to
Review the
Policy
2018-2019

Meeting Dates

- 5 October 2018
- 19 October 2018
- 30 October 2018
- 16 November 2018
- 30 November 2018
- 11 January 2019
- 17 January 2019
- 25 January 2019
- 1 February 2019
- 8 February 2019
- 15 February 2019

Working
Group to
Review the
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2018-2019

Major Questions and Challenges:

1. Building capacity and trust in reporting channels
2. Addressing anonymous and third-party reports
3. Privacy duties that prevent disclosure of disciplinary outcomes
4. Intimate relationships between teaching staff and students

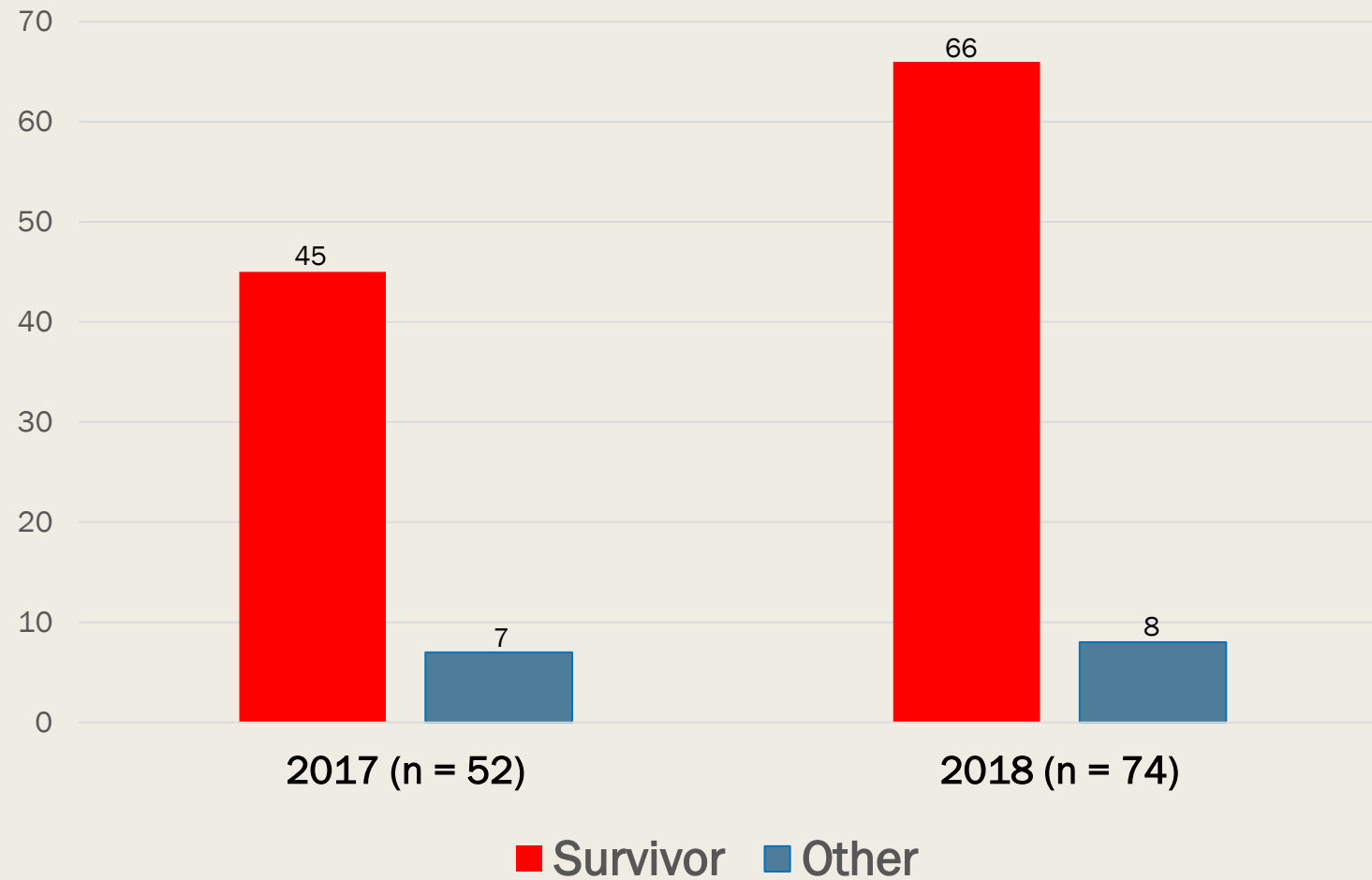


III: AVAILABLE DATA

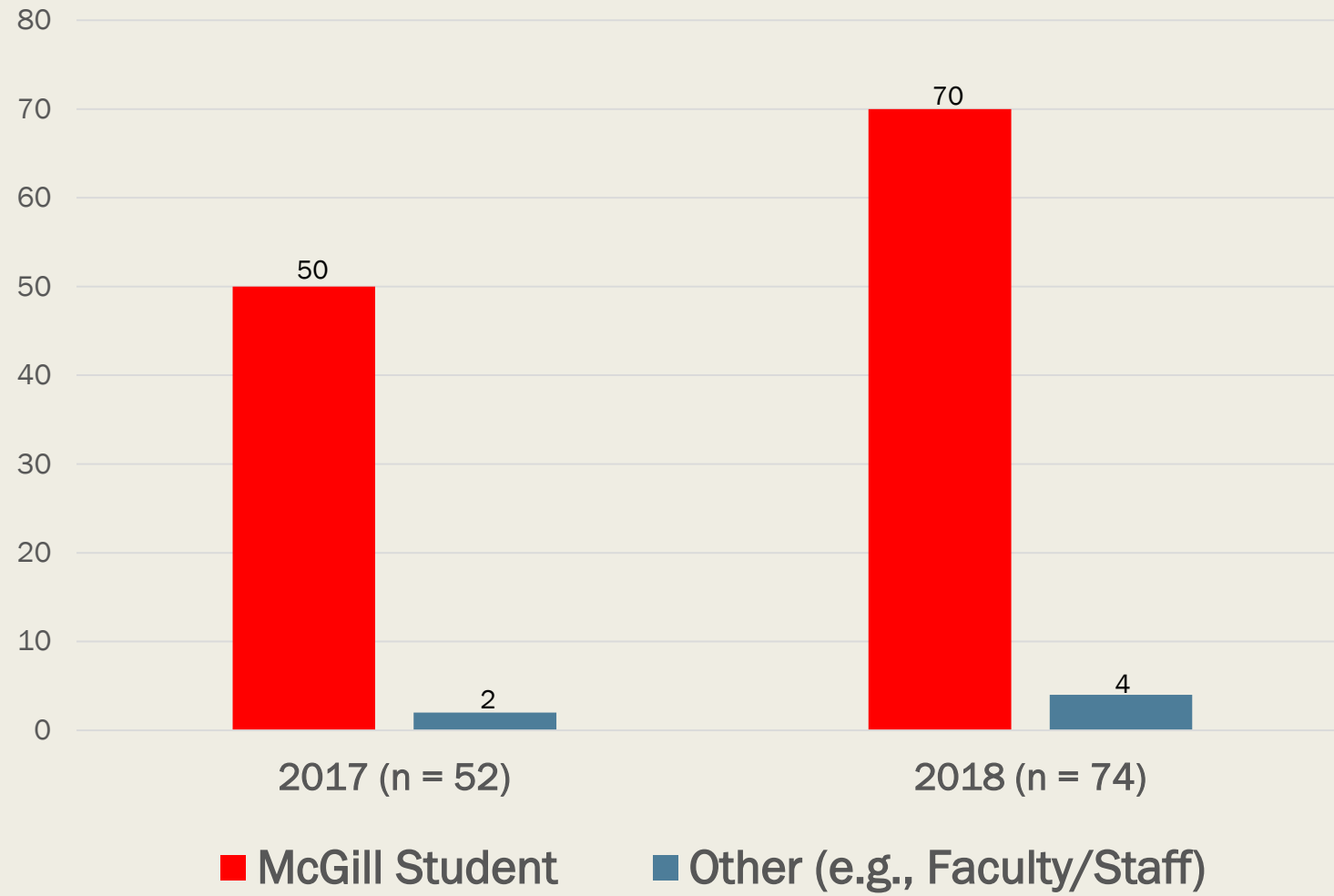


Disclosures (O-SVRSE)

Who is Accessing O-SVRSE?

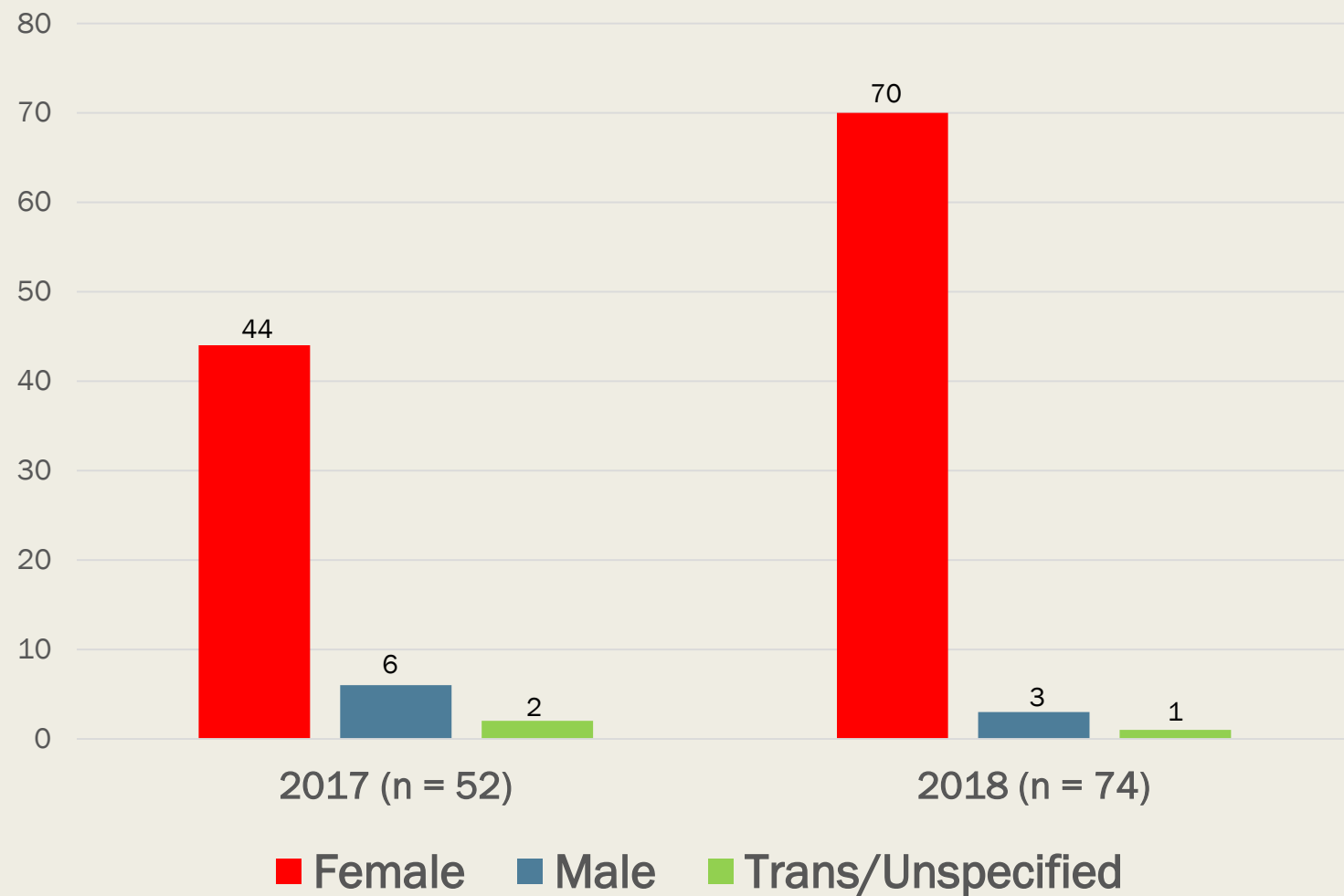


Who is Accessing O-SVRSE?



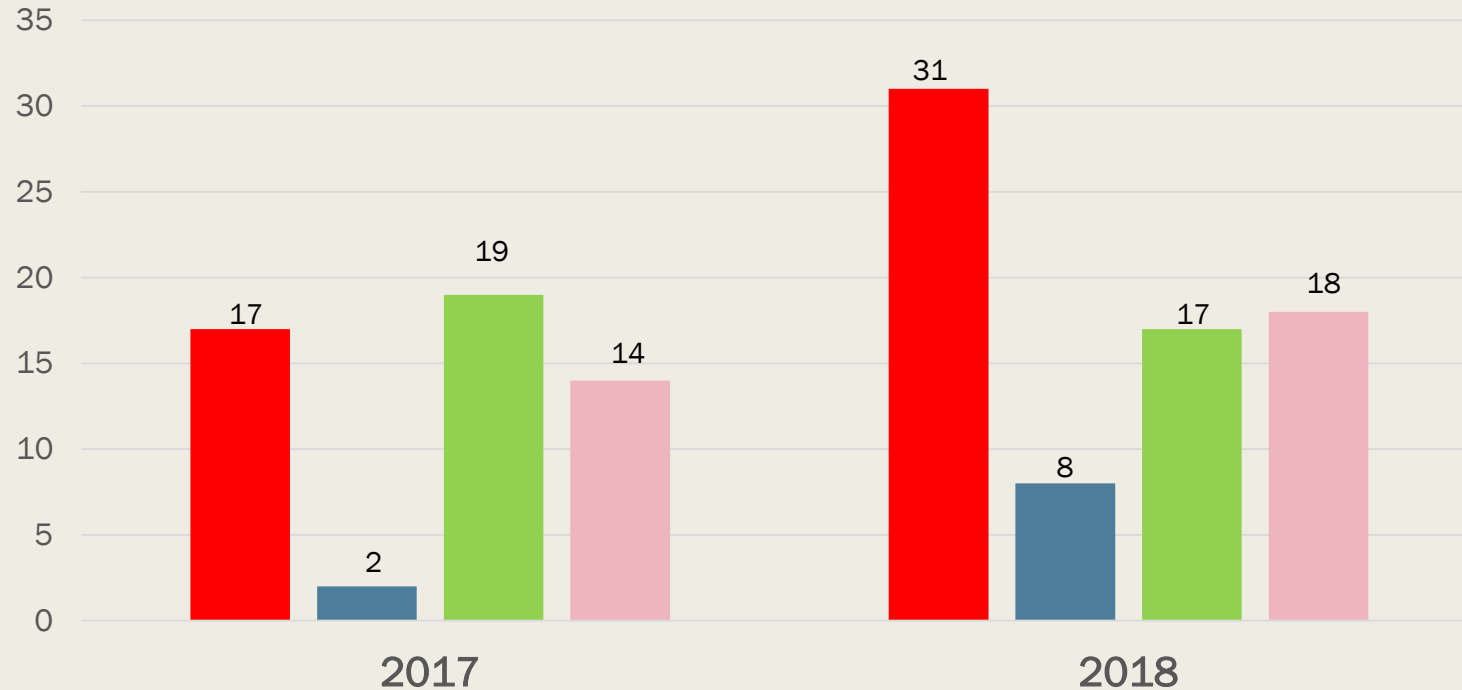
Disclosures
(O-SVRSE)

Who is Accessing O-SVRSE?



Disclosures
(O-SVRSE)

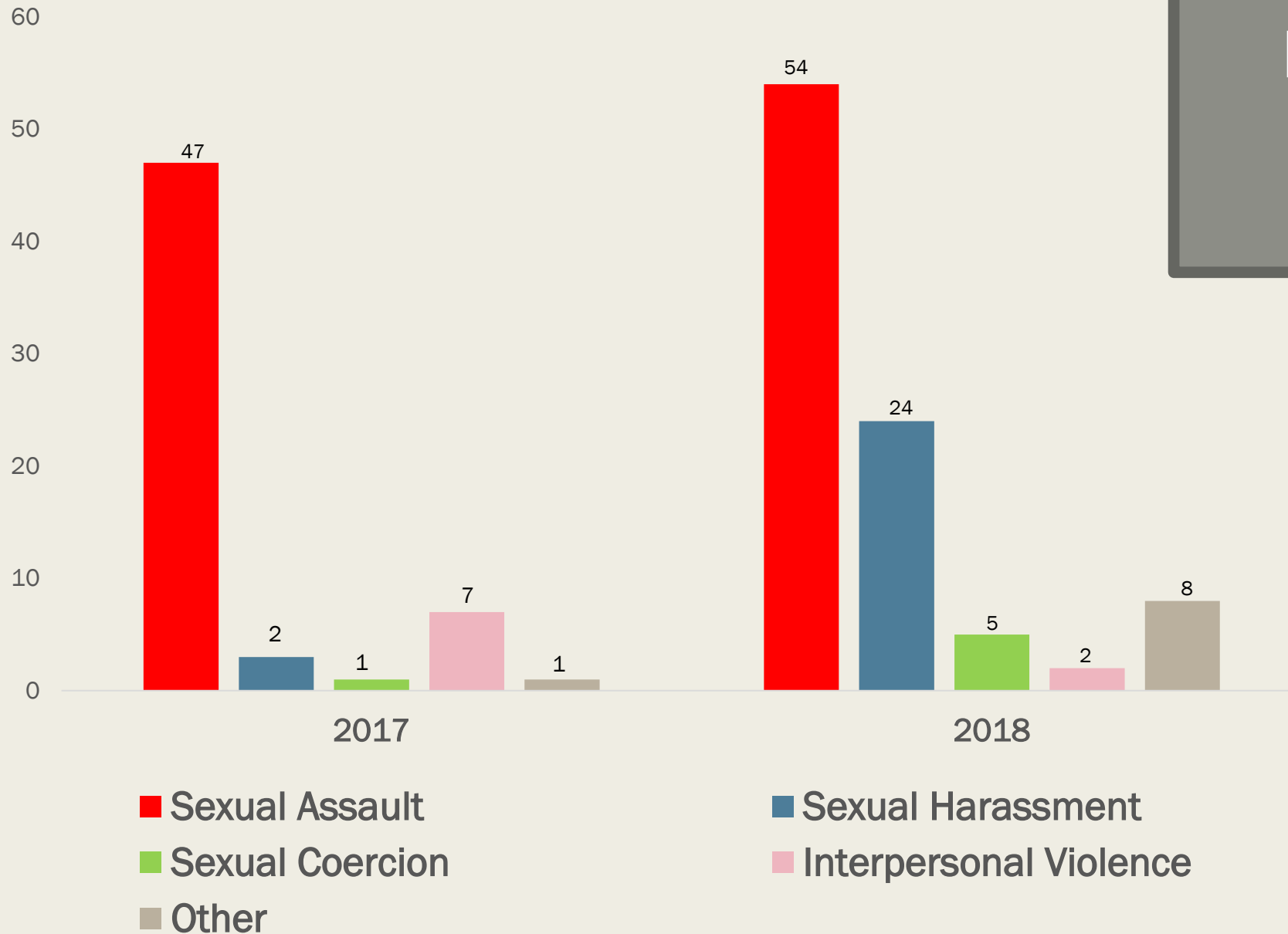
Status of the Person Alleged to Have Committed Sexual Violence



- McGill Student
- McGill Staff/Faculty Member
- External
- Unknown

Disclosures
(O-SVRSE)

Incident Leading to Disclosure



Disclosures
(O-SVRSE)

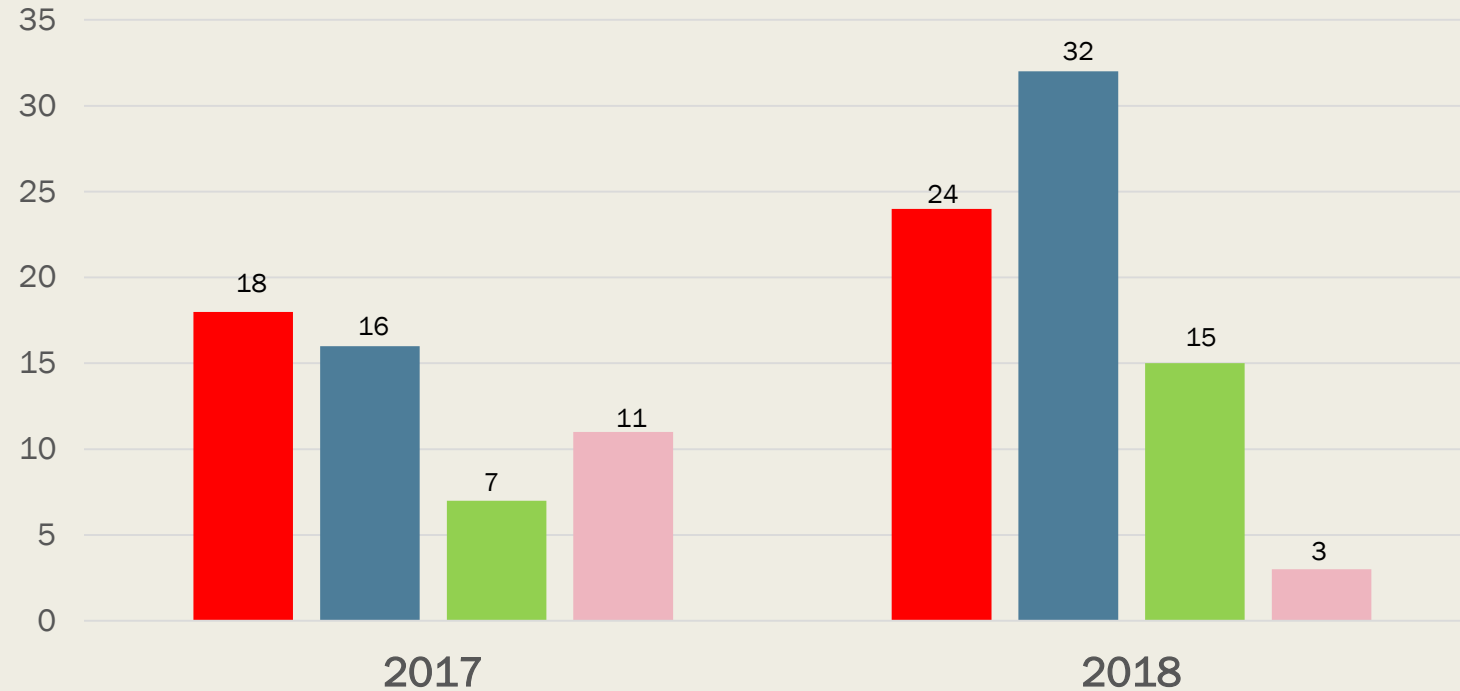
Sexual Assault means intentional sexual contact with another person without that person's consent.

Sexual Harassment is as defined in [Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law](#) (s. 2.11)

Sexual Coercion means abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose.

Interpersonal Violence includes physical or emotional violence.

Time Since the Incident that is the Subject of the Disclosure



- 1 month or less
- Between 1 month and 1 year
- Over 1 year
- Unknown

Disclosures
(O-SVRSE)

Formal Reports/ Complaints

Reporting Channel	Number of cases
Report through <i>Policy on Harassment, Sexual Harassment, & Discrimination Prohibited by Law</i>	4
Report to Faculty Dean	6
Report through Dean of Students/ <i>Code of Student Conduct & Disciplinary Procedures</i>	n/a*

*Data will be available as of 2019 given revisions to the Code.

Intimate Relationships: Teaching Staff- Student

The 2018 [Guidelines on Intimate Relationships between Teaching Staff and Students](#) provide (s. 11):

The University shall report annually to Senate aggregate data on complaints involving teaching staff-student relations, including number of complaints, number of complaints investigated, number of investigations resulting in disciplinary proceedings, and the range of disciplinary sanctions imposed.

Intimate Relationships: Teaching Staff-Student

(Data 07/15 to 11/18)

Cases brought to the attention of a Faculty Dean	Formal report initiated by student in the relationship *	Investigations	Cases in which misconduct found	Cases resulting in <u>disciplinary</u> measures	Cases resulting in <u>administrative</u> measures
11	5	11	6	6	8

* In other cases: the relationship would have been brought to the Dean's attention anonymously, by a third party, or by the teaching staff member concerned.

Examples of factors considered in determining disciplinary outcomes

- Nature, scope, gravity of the misconduct and harm caused, as determined by the investigation
- Is this a first incident or is there a record of past misconduct (sexual misconduct or otherwise)
- Impact on student(s) concerned
- Impact on the learning/work environment

NB: Factors such as whether the staff member has tenure and the quality their academic/research record are irrelevant to decisions about discipline.

Intimate
Relationships:
Teaching Staff-
Student

Intimate Relationships: Teaching Staff- Student

Range of <u>DISCIPLINARY</u> measures imposed	Examples of <u>ADMINISTRATIVE</u> measures imposed
<p>University regulations foresee 3 possible measures:</p> <ul style="list-style-type: none">• letter of reprimand• suspension without pay• dismissal <p>To-date, in these cases, the University has imposed either or both of:</p> <ul style="list-style-type: none">• Letter of reprimand• Suspension without pay (up to 4 months)	<ul style="list-style-type: none">• Suspension with pay pending investigation• Removal or suspension of supervisory/training privileges• Training and/or counselling• No meetings with students outside of office hours• Oversight of/support to teaching/supervisory environment


Disciplinary Measures: Who Decides?

- The Faculty Dean, given their disciplinary authority over all teaching staff members in their Faculty.

OR

- The Principal in cases where the Dean recommends a sanction more severe than a letter of reprimand.

Intimate
Relationships:
Teaching Staff-
Student



IV: QUESTIONS & DISCUSSION

