



Memorandum

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TO: Senate
FROM: Angela Campbell, Associate Provost (Equity & Academic Policies)
SUBJECT: *Policy against Sexual Violence* 2021 Annual Report
DATE: 19 January 2022
DOCUMENT #: D21-33
ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE 2021 Annual Report on the *Policy against Sexual Violence*

BACKGROUND & RATIONALE The *Policy against Sexual Violence* (“the Policy”) calls for the Provost to report annually to Senate on its operation.
This report addresses activities, cases, and developments under or in connection with the Policy in 2021.

PRIOR CONSULTATION n/a

SUSTAINABILITY CONSIDERATIONS Strong policies relating to social climate, and accountability in relation to their application, contribute to social sustainability on our campuses.

IMPACT OF DECISION AND NEXT STEPS This report will be presented to the Human Resources Committee of the Board on January 20, 2022.

MOTION OR RESOLUTION FOR APPROVAL n/a

APPENDICES Appendix A: 2021 Annual Report: *Policy against Sexual Violence*

Policy against Sexual Violence
Annual Report to McGill's Senate and Board of Governors
January 2022

Introduction

The present report is submitted to McGill's Senate and Board of Governors pursuant to section 50 of the University's [Policy against Sexual Violence](#) (Policy), which provides:

50. The Provost shall report annually to Senate and the Board of Governors on the implementation and application of this Policy. This report will include information about the number of Disclosures and received during the reporting period, and about measures taken to pursue the prevention and education objectives of this Policy. Subject to the University's obligations to respect the privacy rights of Members of the University Community, annual reports to Senate and the Board will include aggregated information on the number of Reports of Sexual Violence submitted during the reference period by or against students, faculty and staff, the number of Reports where the evidence was sufficient to find that Sexual Violence had occurred, the number of cases where the disciplinary officer followed or did not follow a recommendation of the Special Investigator in regard to imposing discipline, and the types of disciplinary and administrative measures imposed.

This Report covers a 12-month period: 1 January 2021 to 31 December 2021.

Objectives of the Policy

McGill's first *Policy against Sexual Violence* was adopted in December 2016. The Policy underwent a significant review in AY2018-19 leading to a revised Policy adopted on 1 April 2019.

This Policy pursues the following objectives:

- Sexual Violence prevention through education and other systemic and proactive efforts to promote awareness about the nature and effects of Sexual Violence;
- establishing and maintaining a climate and culture in which all members of the University Community enjoy a safe and respectful working and learning environment;
- support for Survivors; and
- effective and timely response to Disclosures and Reports.

Implementation Committee

The Policy (section 9) mandates the creation of a standing committee to oversee its implementation. This committee is known as the Implementation Committee and includes

representation of students, academic staff, and administrative and support staff. The role of the Implementation Committee is to examine the operation of the Policy, with a focus on:

- Ensuring that McGill's [Office for Sexual Violence Response, Support & Education \(OSVRSE\)](#) can carry out its work effectively in connection with education, survivor support, and confidential data collection about disclosures;
- Assessing campus sexual violence prevention and response education initiatives;
- Evaluating communications about the Policy and associated resources;
- Consulting with various relevant campus services and offices; and
- Making recommendations to strengthen the Policy and associated Procedures or resources.

Throughout the reference period, the Implementation Committee met 4 times. All of the committee's meetings took place via Zoom due to COVID-19.

Educational Activities

Through the Policy, the University commits to a series of educational activities aimed at raising awareness about sexual violence and its impacts with a view to a reduction of occurrences. Educational efforts were rolled out throughout the reference period via a number of formats. The OSVRSE is McGill's central site for sexual violence education and support of all members of the University community. The OSVRSE leads most awareness-raising efforts at McGill in relation to sexual violence and consent.

Throughout the reporting period, OSVRSE led a multitude of education and awareness-raising activities and events. These efforts focused on communication and education through various platforms that include facilitated workshops, tabling at both campuses, and podcasts. Some events also were organized in collaboration with student organizations.

The Policy also requires mandatory training and orientation sessions for all faculty, students, and staff. The University worked to fulfill this obligation primarily through the [It Takes All of Us](#) (ITAOU) online program, which all students, faculty and staff are required to complete.

As of January 2022, ITAOU completion rates for the current University population were:

- Students: 83.3%
- Tenure-Track and Tenured Academic Staff: 93.5%
- Other Academic Staff (e.g., contract academic staff and clinical staff): 52.2%
- Administrative and Support Staff: 77.4%

Additionally, in 2022, training will be developed for and delivered to groups outside of the OMR who are most likely to receive information about sexual violence allegations. Targeted workshops will be held with diverse groups at McGill including:

- Academic leadership (Deans, Chairs, Directors)
- Residence staff
- New/incoming faculty
- Human Resources Advisors
- Building Directors
- Security Services

These workshops will address the following topics: (1) identifying and understanding sexual violence and its impacts, (2) trauma-informed responses to disclosures, and (3) effectively and responsibly responding to potential incidents of sexual violence.

Disclosures

The Policy defines a Disclosure as “the act of informing the Office for Sexual Violence, Response, Support, and Education about an incident of Sexual Violence for the purpose of seeking support.” [emphasis added]

Of note, then, is that a Disclosure under the Policy does not lead to an investigation unless the person who comes forward also chooses to launch an investigative process, whether under McGill’s Policy or with external authorities. A Disclosure under the Policy is made with the OSVRSE.

During the Reporting period, OSVRSE received 149 Disclosures from members of the McGill community (as compared with 83 Disclosures in the prior reference year). Disclosures were often accompanied by requests for psychological support. Disclosures in some cases also included requests for accommodations, safety measures, and information about/accompaniment during formal reporting processes.

Reports

The Policy defines a Report as “the act of informing the Special Investigator about an incident of Sexual Violence in accordance with this Policy for the purpose of investigation.”

Hence, unlike a Disclosure, which is confidential and primarily made to acquire support services, a Report is made to initiate an investigation into a claim that sexual violence has occurred. A Report thus can lead to disciplinary consequences for the Respondent party.

As of September 2019, all reports of Sexual Violence at McGill are investigated by a Special Investigator (SI) external to the University (that is, not a McGill employee). This decision was made to ensure the impartiality and competence of sexual violence investigations.

Reports reach the SI through the [Office for Mediation and Reporting \(OMR\)](#), which is the site for intake of all reports regarding sexual violence, as well as those relating to harassment and discrimination. Reports of sexual violence filed through the OMR are referred to the SI for investigation. Once the SI completes an investigation, the SI prepares a written report that sets

out findings based on the evidence presented and considered. The SI then draws a conclusion as to whether the evidence presented was sufficient to establish, on a balance of probabilities, that the alleged sexual violence occurred.

The SI’s written report is filed with the Provost. Where the Special Investigator’s report yields a finding of Sexual Violence, the Provost refers the matter to the appropriate disciplinary authority who determines whether disciplinary and/or administrative measures will be imposed. The disciplinary stage of this process must abide by the requirements of applicable regulations, policies, and collective agreements.

1. Number of Reports and the Parties Involved

Six new Reports requesting investigation of an allegation of sexual violence were initiated between 1 January 2021 and 31 December 2021. This is considerably fewer than the total Reports filed in the last two reference periods (18 and 19 in 2020 and 2019 respectively). The drop in reports might be explained by fact that the pandemic compelled predominantly remote work and learning conditions throughout most of the reference year, while also severely limiting in-person gatherings and social events. Reduced contact and interactions would predictably limit, although not altogether eliminate, the circumstances under which sexual violence typically arises.

At the same time, it is important to note that the Policy does not have a time delay by which incidents of misconduct must be reported; as such, incidents reported in a reference year might have occurred before that timeframe.

In a **seventh case**, while no Report was filed pursuant to the Policy, University authorities had sufficient information from other channels to investigate – applying a trauma-informed and procedurally fair approach – the alleged sexual violence. That case is thus included in the data below.

Parties involved in reports filed during the reference year, and the two years prior, are as follows:

Survivor	Respondent	Total 2021	Total 2020	Total 19/20
Undergraduate student	Undergraduate student	3	9	9
	Academic staff*	0	1	3
Graduate Student	Admin. staff	1	0	0
Admin. staff	Admin. staff	1	1	1
Other**	Academic staff	0	5	5
	Admin. staff	2	0	0
	Undergraduate student	0	1	1
	Graduate student	0	1	0
		7	18	19

* Academic staff = tenure-track or tenured professor, contract academic staff (including nil-salary with hospital/health centre affiliations), and course lecturer.

**Other = alumnus/a, anonymous reporter, or unknown/undisclosed.

2. Form of Sexual Violence Reported (more than one form of sexual violence may be alleged)

	2021	2020	19/20
Sexual Assault	4	10	11
Sexual Harassment	3	7	8
Stalking/Voyeurism	1	1	0
Sexual Exploitation	0	0	1
Breach of Code of Conduct (s.8)	0	0	0

3. Gender of the Parties

The gender of the parties involved was as follows:

Gender Identity	2021		2020		19/20	
	Survivor	Respondent	Survivor	Respondent	Survivor	Respondent
Woman	5	0	15	0	19	0
Man	0	6	1	18	0	19
Non-binary/other	0	0	0	0	0	0
Unknown*	2	0	2	0	0	0

*Unknown = anonymous reporter or gender not disclosed to the Office for Mediation and Reporting.

4. Outcomes of Investigations

All Reports were found to be within the jurisdiction of the Policy.

No Reports were resolved through mediation.

All Reports proceeded to an investigation.

The outcomes of the 7 investigations are as follows:

	2021	2020	2019
Finding of Sexual Violence	6	9	8
No Finding of Sexual Violence	0	3	4
Ongoing at the end of the reference period	1	4*	7

*In the current reference year, these four investigations ongoing at the end of 2020 were completed. In each of these cases, there was a finding of sexual violence.

All investigations were completed within the 90-day delay set by the Policy.

5. Disciplinary Measures Imposed

Where the investigation yielded a finding of sexual violence, discipline was imposed. Disciplinary measures imposed during the reference year included:

For students:

- Admonishment
- Conduct probation and associated conditions (e.g., cease and desist communication and contact orders)
- Formal Reprimand
- Expulsion

For staff:

- Suspension without pay
- Termination

Conclusion and Looking Forward

Extensive energy and skill are brought to the critical work needed to meet the objectives that the Policy sets. Through the combined efforts of the OSVRSE, the OMR, and the Special Investigators, McGill has established a robust framework for sexual violence prevention and response. While much work has been done to build and sustain this framework, there is always room for learning and growth. Hence, in 2022, the Policy will be reviewed for the first time since it was significantly revised in 2019. This will be an important opportunity to strengthen the Policy and associated resources further. Any proposed revisions to the Policy that result from this review process will be presented to Senate and the Board for review and approval.