



Memorandum

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TO: Senate
FROM: Angela Campbell, Co-Acting Provost & Vice-Principal (Academic) and Associate Provost (Equity & Academic Policies)
SUBJECT: Annual Report on the Policy against Sexual Violence (2021-2022)
DATE: March 22, 2023
DOCUMENT #: D22-51

ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE Annual Report on the Policy against Sexual Violence (2021-2022).

BACKGROUND & RATIONALE The Policy against Sexual Violence (“the Policy”) calls for the Provost to report annually on its operation. This Annual Report addresses activities, cases, and developments under or in connection with the Policy in 2021-2022.

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 Annual Report will be presented to the Executive Committee of the Board of Governors on March 23, 2023.

MOTION OR RESOLUTION FOR APPROVAL N/A

APPENDICES Appendix A: Annual Report on the Policy against Sexual Violence (2021-2022)

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

Introduction

The present report is submitted to McGill's Senate and Board of Governors pursuant to section 54 of the University's [Policy against Sexual Violence](#) (Policy), which provides:

54. 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 Reports 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 2022 to 31 December 2022.

Objectives of the Policy

McGill's first *Policy against Sexual Violence* was adopted in December 2016. The Policy was reviewed during the reference period, leading to a revised Policy adopted on 6 October 2022.

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.

Review of the Policy

The Policy was subject to its triennial review during the reference year. The review followed a comprehensive consultation process and culminated in the approval of a revised Policy by Senate and the Board of Governors on September 21, 2022 and October 6, 2022 respectively. The review was led by a working group whose composition is defined within the Policy (now s. 55). Given the importance and sensitivity of the subject matter, discussions with other universities in the Province about proposed amendments to our Policy also were conducted.

The triennial review permitted several updates to the Policy, including amendments that reflected the recent establishment of our Office for Mediation and Reporting (OMR), as well as adjustments to improve processes for investigations, which draw on feedback from users of the Policy. The timing of this triennial review was opportune, given recent legislative changes (*Act to modernize legislative provisions as regards the protection of personal information*, SQ 2021, c 25, amending section 4 of the *Act to prevent and fight sexual violence in higher education institutions* CQLR c P-22.1) that necessitated amendments to our Policy. These changes in Quebec law require institutions of higher education to share information about disciplinary outcomes with survivors who so request following investigations that have led to a finding of sexual violence. This legislative requirement is presently reflected in ss. 46ff of the revised Policy adopted in Fall 2022.

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.

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.

During the reference year, OSVRSE was required to decelerate its activities (see "Disclosures" below). Increased demand and staff shortages led to an evaluation of OSVRSE's sexual violence prevention and response work and a needs assessment to ensure the sustainability of services and the flexibility to adapt to the evolving needs of the McGill community. A change in OSVRSE's internal structure and increased staff were approved and the University is currently working towards full staffing for this new structure .

Despite these limitations, over the course of the reference year, OSVRSE led or co-facilitated **30 workshops and information sessions**, 12 for staff and 18 for students, for approximately 802 participants.

Additionally, made-to-measure training was developed for and delivered to units and groups across our campuses who are most likely to receive information about sexual violence allegations. These groups included:

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

Educational initiatives tied to the Policy 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.

During the reference year, as part of McGill's commitment to preventing sexual violence, the University's reviewed and relaunched [*It Takes All of Us*](#), our mandatory online sexual violence awareness and prevention training program for students, staff, and faculty. The relaunch features an updated version of the program and went live as of 30 January 2023. Blending a universal design for learning approach with trauma-informed pedagogy, the new program delivers an improved, more survivor-centred learning experience. Major updates include:

- self-paced delivery of the content instead of a single 45-minute video;
- more variety in interactions to accommodate a variety of learning styles;
- updated statistics, language, and content that better reflects the intersectionality of gender-based violence with the experience of those who are historically marginalized;
- combining the separate staff and student versions into a single program to ensure a shared understanding of the program's learning objectives;
- division of content into five modules instead of four to ease engagement with difficult topics; and
- integration of additional support within the program that is easier to locate, such as an ever-present navigation bar that includes a "Take a Break" guided 5-5 breathing technique, and a "Need Help" button to locate a variety of on- and off-campus resources for students and staff.

Given that this revision of *It Takes All of Us* is substantial, all members of the McGill community must complete it anew between 30 January 2023 and 28 April 2023.

As of January 2023, ITAOU completion rates for the current University population were:

- Students: 87.7%
- Tenure-Track and Tenured Academic Staff: 94.2%

- Contract academic staff (not including clinical academic staff): 65.1%
- Administrative and Support Staff: 79.5%

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 to the OSVRSE.

During the reference year, OSVRSE received 105 Disclosures from members of the McGill community. Disclosures were consistently accompanied by requests for 1) emotional/psychological support, 2) coordination of academic, housing, and work accommodations, 3) coordination of safety measures on McGill campuses, 4) reporting information and/or accompaniment, and 5) referrals to further psychological and/or medical assistance.

During roughly the last quarter of the reference period (mid-October to end of December), to mitigate the impact of staffing shortages, OSVRSE worked with university partners. (e.g., the Office of the Dean of Students, Residences, the Wellness Hub, and the Office for Mediation and Reporting). OSVRSE’s services were maintained within the University to sustain support for survivors. During this period, although McGill community members could not book new appointments with OSVRSE directly, OSVRSE ensured consistency of the reporting process by offering consultation on disclosures received by other offices and followed up with ongoing clients as needed.

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 a formal process (mediation or investigation) related 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. Presently, in view of feedback from the McGill community, we are exploring the potential to conduct some investigations of sexual violence by impartial investigators who are internal to the University.

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

15 new Reports were initiated in the reference year. This is an increase from the total Reports filed in the last reference period (n=6). It is possible that fewer reports in the prior reference period might be explained by the fact that the pandemic conditions during that time compelled predominantly remote work and learning conditions and fewer social gatherings, whereas restrictions began to ease during the present reporting period.

Three of the 15 Reports filed within this reference year did not fall within the Policy's scope because the Respondent was not a member of McGill.

Parties involved in Reports that fell within the Policy's scope filed during the reference year, and the three years prior, are as follows:

Survivor	Respondent	Total 2022	Total 2021	Total 2020	Total 19/20
Undergraduate student	Undergraduate student	6	3	9	9
	Graduate student	3	0	0	0
	Academic staff*	0	0	1	3
Graduate Student	Admin. staff*	0	1	0	0
	Graduate Student	1	0	0	0
Admin. staff	Admin. staff	1	1	1	1
Other**	Academic staff	0	0	5	5
	Admin. staff	0	2	0	0
	Undergraduate student	0	0	1	1
	Graduate student	0	0	1	0
	Other	1	0	0	0
		12	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 or anonymous reporter.

*** 7 cases are noted for the 2021 reporting period because in one 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.

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

	2022	2021	2020	19/20
Sexual Assault	5	4	10	11
Sexual Harassment	6	3	7	8
Stalking/Voyeurism	2	1	1	0
Sexual Exploitation	0	0	0	1
Indecent Exposure	1	0	0	0
Distribution of Sexual Images	2	0	0	0
Breach of Code of Conduct (s.8)	1	0	0	0

3. Gender of the Parties

The gender of the parties involved was as follows:

Gender Identity	2022		2021		2020		19/20	
	Survivor	Respondent	Survivor	Respondent	Survivor	Respondent	Survivor	Respondent
Female	10	1	5	0	15	0	19	0
Male	2	11	0	6	1	18	0	19
Non-binary/ other	0	0	0	0	0	0	0	0
Unknown*	0	0	2	0	2	0	0	0

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

4. Outcomes of Investigations

12 Reports proceeded to an investigation and no Reports were resolved through mediation.

The outcomes of the 12 investigations are as follows:

	2022	2021	2020	2019
Founded	5	6	13	8
Not Founded	1	0	3	4
Ongoing at the end of the reference period	6	1*	0	0

*In the current reference year, this investigation that was ongoing from 2021 was withdrawn, and the investigation did not continue.

Of the six investigations completed within the reference period, three investigations were completed within the 90-day delay set by the Policy. Three investigations exceeded the 90-day delay, two of these by seven days. In another case, the investigation took 120 days due to complexities arising after the Survivor withdrew from the process. Delays in investigations can occur where the parties or a witness delay meetings with or responses to the investigator or where the file is especially complex. An extension can be granted where the University is satisfied that this would not compromise our commitments to a trauma-informed and procedurally fair process.

5. Disciplinary Measures Imposed

Where the investigation yielded a finding of sexual violence (5 cases), discipline was imposed in all but one case where the respondent had left the university before the disciplinary process could be completed. Further, in the one case that was deemed unfounded, the Co-Acting Provost asked the disciplinary authority to consider whether there was a breach of the Code of Conduct, and this resulted in disciplinary measures being imposed.

Disciplinary measures imposed during the reference year included:

- Suspension
- Admonishment and conduct probation
- Formal Reprimand
- Cease and desist communication and contact orders
- Note in an employee record for a staff member who had left the University

Disciplinary measures were often accompanied by administrative measures (e.g., measures to avoid contact between the parties, appointing a mentor, training, and educational requirements).

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. In 2022, the Policy was reviewed for the first time since it was significantly revised in 2019. This was an important opportunity to strengthen the Policy and associated resources further.

In the year ahead, we will deepen our efforts to prevent and respond to sexual violence, notably through the restructured and bolstered capacity within OSVRSE, the relaunch of *It Takes All of Us*, broadened educational and awareness-raising activities, and the ongoing professionalization of mediation and investigation services deployed to address reports of sexual violence.