

## Policy against Sexual Violence

*Approved:*

Senate  
Board of Governors

November 23, 2016  
December 1, 2016

Minute IIB4  
Minute 13

*Full history appears at the end of this document.*

### **Preamble:**

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.

The University does not tolerate Sexual Violence in any form. It acknowledges that attention to Sexual Violence is particularly important in university campus settings, and that the University has a role to play in preventing and responding to Sexual Violence. It further acknowledges that, while Sexual Violence impacts all members of society, Sexual Violence and its consequences may disproportionately affect members of social groups who experience intersecting forms of systemic discrimination or barriers (on grounds, for example, of gender, sexual orientation, gender identity and expression, race, religion, Indigenous identity, ethnicity, disability or class).

The University recognizes that Sexual Violence often involves power imbalances and is under-reported on account of a range of reasons, which include stigmatization, the risk of further trauma and difficulties associated with investigating and imposing sanctions for Sexual Violence. This Policy focuses on ensuring support for Survivors, as opposed to attributing fault or responsibility. The University commits to support Survivors based on their personal experiences, whether or not a criminal offence has been proven, 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 complements and 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](#), [Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law](#) and [Regulation on Conflict of Interest](#).

## 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 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.
  - 4.2 “Disclosure” means the act of informing a member of the Office for Sexual Violence Response, Support and Education 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 “Office for Sexual Violence Response, Support and Education” means the University office created to establish and coordinate processes for supporting Survivors who make Disclosures or Reports and for education initiatives that seek to raise awareness about and prevent sexual violence on campus.
  - 4.5 “Report” means the act of informing an individual having authority to discipline an alleged perpetrator (for example, the Dean of Students, the Dean of Graduate and Postdoctoral Studies, a Faculty Dean) about an incident of Sexual Violence for the purpose of initiating a disciplinary or administrative process.
  - 4.6 “Sexual Violence” means 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.
  - 4.7 “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 prevent Sexual Violence through education and other proactive efforts to promote awareness about the nature and effects of Sexual Violence;
  - b. to support Survivors; and
  - c. to respond effectively and in a timely manner to Disclosures and Reports.
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. Processes related to disciplinary investigations and measures are established by other University policies and regulations (e.g., [Code of Student Conduct and Disciplinary Procedures](#), [Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff](#)) and collective agreements.

7. This Policy's objectives shall be pursued through an implementation plan, developed and guided by a committee that includes representation of students, academic staff and administrative and support staff. This implementation plan will include:
  - a. the allocation of resources for pursuing the Policy's objectives, including provision for appropriate and accessible physical space for the Office for Sexual Violence Response, Support and Education;
  - b. the appointment of adequate and qualified staff within the Office for Sexual Violence Response, Support and Education with capacity to respond to, and develop awareness about, the impact that potentially intersecting factors, such as racial, religious, gender and sexual identity, may have on experiences of Sexual Violence;
  - c. the establishment, within the Office of Sexual Violence Response, Support and Education, of services to inform, support and accompany Survivors, especially in connection with navigating Disclosure and Reporting processes;
  - d. the development of a confidential monitoring framework, which includes recording the number of Disclosures and Reports, to ensure ongoing assessment of the effectiveness of the University's responses to Sexual Violence, and to inform Senate reporting and the triennial review of this Policy;
  - e. the review and strengthening of existing support, education, communication, prevention and training measures and resources, including those provided through existing orientation sessions for students, academic staff, and administrative and support staff;
  - f. the establishment of an obligation for the University to provide continuous education for all Members of the University Community, with the ultimate goal of mandatory education for all Members of the University community about sexual violence, its prevention and University resources for responding to Disclosures and Reports;
  - g. stakeholder engagement and consultation (for example: SSMU, PGSS, MACES, MCSS, SACOMSS, SEDE, JBSCE, AGSEM, AMURE, AMUSE, MAUT, MUNACA, MUNASA, MCLIU, SEU);
  - h. the revision of responsibilities for responding to Reports, specifically to ensure that disciplinary officers assigned to Sexual Violence cases have appropriate training.

### **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 faculty, staff, and students work, live and learn including in collaboration with various campus services;
  - c. a dedicated accessible website that includes information about the nature of Sexual Violence, resources within and outside the University relevant to Survivors and their supporters, and about the processes associated with making a Disclosure or a Report;
  - d. orientation and training sessions for all students, academic staff and administrative and support staff intended to raise awareness about Sexual Violence and about the shared role of all Members of the University Community in preventing Sexual Violence;

- e. mandatory training for all academic, administrative and support staff who provide front-line health and counseling student services and those charged with investigation and disciplinary authority under University policies and regulations, about effective, Survivor-focused methods of responding to a Disclosure or Report;
- f. education initiatives that develop awareness about the impact that potentially intersecting factors, such as racial, religious, gender and sexual identity, may have on experiences of Sexual Violence.

### **Responding to Disclosures**

9. The University shall support Survivors regardless of where or when the incident of Sexual Violence occurred. When responding to Disclosures, members of the Office for Sexual Violence Response, Support and Education shall take all reasonable efforts to do the following, as applicable, with a view to informing and empowering Survivors:
  - 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, such as law enforcement and legal, health and social services;
  - 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 blaming of the Survivor (such as questions or comments about the Survivor's dress, conduct, language, emotional disposition, past sexual history, consumption of alcohol or drugs, or about the timing of the Disclosure or Report);
  - f. respect the Survivor's wishes in regard to being accompanied by a person who provides support throughout the duration of processes associated with making Disclosures and Reports;
  - g. facilitate referrals to the appropriate University office 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, including the length of time that a disciplinary process may take;
  - i. respect, insofar as possible and taking into account the University's institutional obligations, including the obligation to take reasonable measures to protect the safety of the University Community, 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 and Reports 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. strive to ensure that a Survivor need not unnecessarily recount the details of their experience of Sexual Violence multiple times;
  - m. 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, the matter will be referred to the appropriate University authority, who is the person with authority to investigate and discipline the alleged perpetrators (for example, the Dean of Students, the Dean of Graduate and Postdoctoral Studies, a Faculty Dean).
- 11.1 The Office for Sexual Violence Response, Support and Education and, where appropriate, McGill Campus Security may facilitate such referral.
12. In responding to a Report, the appropriate University authority will initiate an investigation or disciplinary process in accordance with procedural fairness, as established by applicable University regulations or policies (e.g., [Code of Student Conduct and Disciplinary Procedures](#), [Regulation Relating to the Employment of Tenure Track and Tenured Academic Staff](#)). Pursuant to such regulations and policies, 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. Disciplinary measures may be accompanied by mandatory education about sexual violence and its attendant harms.
13. During an investigation that follows a Report, the University authority charged with the investigation shall provide the Survivor with reasonable periodic updates about the status of the investigation. These updates must not include substantive information about the investigation, unless appropriate consents have been obtained from individuals whose personal information would be disclosed.
14. Where a Survivor wishes to make a Report to external law enforcement authorities, this process will, with the Survivor's consent, be facilitated by the Office for Sexual Violence Response, Support and Education and by Security Services.
15. The University will, insofar as possible taking into account its institutional obligations, notably its obligation to take reasonable measures to protect the safety of the University Community, 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.
16. 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**

17. Once made aware of a Disclosure or Report, the appropriate University authority will consult with the Survivor and undertake an initial risk assessment to identify and implement immediate reasonable measures necessary to protect and support the Survivor and the University Community in compliance with applicable McGill policies, regulations and collective agreements and Quebec law. A Survivor will be informed about the length of time that may be required to institute an immediate measure, and will be entitled to periodic updates according to the terms set by Section 13 of this Policy.
18. Such immediate measures may be taken whether or not the Survivor makes a Report.

19. Any immediate measures instituted shall comply with University regulations, policies and collective agreements, and shall ensure that procedural fairness 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 Fairness**

20. The University's commitment to supporting Survivors shall not deprive anyone of procedural fairness, or of access to appropriate University services to which they are entitled under applicable policies, regulations and collective agreements.
21. Any person who makes a Disclosure or Report, or who is involved in an investigation or other process that follows a Disclosure or Report, maintains entitlements afforded to them under applicable policies, regulations and collective agreements, including a right to be protected against harassment and vexatious conduct.

### **Campus Study of Sexual Violence**

22. Within four months of this Policy coming into effect, the Provost shall initiate a study of Sexual Violence at the University. An *ad hoc* panel with relevant expertise, which will include student representation, will conduct this study. In carrying out this study, efforts will be made to engage with individuals who have had direct experiences with Disclosure or Report processes, and with individuals and groups with relevant expertise and knowledge. This study will also assess the present Policy's harmonization with current University policies and procedures and may make recommendations intended to enhance the present Policy and its implementation. The results of this study shall be reported to McGill Senate and shared with the Members of the University Community.

### **Biennial Report to Senate**

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.

### **Policy Review**

24. A triennial review of this Policy shall be conducted by a working group chaired by the Provost (or delegate) and comprised of one representative each of: SSMU, PGSS, MACES, MCSS, SACOMSS, SEDE, JBSCE, AGSEM, AMURE, AMUSE, MAUT, MUNACA, MUNASA, MCLIU, SEU. This review shall include an assessment of the effectiveness of the educational measures established in this Policy, as well as recommendations aimed at their enhancement.

***History:***

***Approved:***

Senate  
Board of Governors

November 23, 2016  
December 1, 2016

Minute IIB4  
Minute 13