



## **Carleton Graduate Students' Association and Canadian Union of Public Employees 4600 Joint Response to the Carleton Sexual Violence Policy**

This letter embodies months of meetings, ongoing engagements with Equity Services and the Office of the Vice-President Students and Enrolment, as well as careful analyses of the previous and current [Sexual Violence Policies](#) (SVP) at Carleton University. Submitted by dedicated graduate students and employees of Carleton University, in collaboration with the Graduate Students Association (GSA) and Local 4600 of the Canadian Union of Public Employees (CUPE 4600), we have compiled a thoughtful and nuanced response we demand be taken seriously by the Carleton University administration before finalizing the updated SVP in April 2019.

We have compiled a series of serious and unresolved issues unaddressed in the review process. If unaltered, we maintain the strength and legitimacy of the SVP will negatively impact campus culture and [Carleton University's mandate](#) of ending sexual violence on campus. Our in-depth concerns with the current SVP draft are four-fold, including: [1\) a demand for an unconditional and survivor-centric immunity clause](#); [2\) restructuring the composition of the Sexual Violence Review Committee](#), most notably the removal of the Vice-President of Students and Enrolment due to their evident conflict of interest; [3\) employing policy embodying survivor centrism and actively fostering consent culture over hollow rhetoric](#), and; [4\) committing to resources and implementing educational initiatives to transform our campus community towards prioritizing and supporting survivors of sexual violence](#).

### **Issue #1: The Need for an Unconditional and Survivor Centric Immunity Clause**

The existing partial immunity clause is arbitrary and incomplete. It is unclear why the subjective and conditional immunity clause protects claimants against some infractions and not others. Protecting all survivors coming forward is important in encouraging them to report experiences of sexual violence. We call for an unconditional immunity clause reflecting the reality that fear of persecution bars survivors from requesting support and accessing the policy freely. Moreover, a developed and unconditional immunity clause challenges rape myths and other problematic notions that individual behaviors creates the conditions or circumstances of sexual violence.

We need to ensure that Carleton University community members do not face barriers when coming forward with incidents of sexual violence. Creating safe(r) spaces for Carleton students, staff, faculty, and visitors facilitates this process.

We assert the current and limited immunity clause (Section 8.9) “[No Prosecution of Minor Drug and Alcohol Offences](#)” be amended into its own section and include:

1. An unconditional immunity clause.
  - a. On January 30th 2019 Carleton University acknowledged in their [SVP Review Feedback](#) a major gap in the previous SVP was the lack of an immunity clause protecting the safety and privacy of a complainant. As outlined in Section 8.9 of the current policy draft under “[No Prosecution of Minor Drug or Alcohol Offences](#)”, immunity is granted to complaints who commit minor drug and/or alcohol offences. The current provisions neglect to protect the safety and privacy of all survivors disclosing acts of sexual violence. A well-developed, transparent, and inclusive immunity clause is necessary for a SVP supporting an *ethos* of survivor-centrism and an ethic of care for all Carleton students, staff, faculty, and visitors reporting sexual violence.
  - b. [In conceding a partial immunity clause Carleton University has acknowledged that survivors of sexual violence should be protected when reporting their experiences.](#) Furthering this logic, a partial immunity clause is contradictory because it directly implies not all survivors qualify for the protections offered under the policy. Adding an unconditional immunity clause remedies the contradiction inherent in the administration’s current draft of the policy.
2. Clearly dictated protections under the SVP immunity clause supersede punitive action through other campus policies.
  - a. Survivors’ likelihood of reporting will be hindered if unclear whether their behaviours will be met with punitive measures. A truly survivor-centric policy should not incite fear or be punitive in nature, but offer support for all individuals reporting incidents of sexual violence.
  - b. Examples of this include but are not limited to:
    - i. Underage drinking
    - ii. Underage cannabis use
    - iii. Drug use (of any kind)
    - iv. Contraband possession
    - v. Engaging in sex work
    - vi. Working in the lab after hours
    - vii. Gambling
    - viii. Breaking rules in residence as outlined in the [Residence Standards](#) (noise, drinking, drugs, gambling, guests, etc.)
3. Immunity for individuals called forth as witnesses in the complaint process.
  - a. Following the arguments outlined in sections 1 and 2 above, we argue that individuals called forth as witnesses in the complaint process should be protected from punitive actions.

## Issue #2: Composition of the Sexual Violence Review Committee

The [Sexual Violence Review Committee](#) (SVRC) is extremely influential in governing the adjudication of all cases relating to sexual violence at Carleton University. The SVRC has the power to: [determine which cases are eligible to use the policy](#); [interview both the complainant and respondent at will](#); [evaluate the utility of the investigator's information](#), and; [make final decisions regarding the outcome of the complaint](#).

The SVRC is currently comprised of high ranking university administrators, which is concerning for the following reasons: it presents a conflict of interest for administrators who are incentivized to protect Carleton University's reputation and enrolments; members of the SVRC are not experts in responding to sexual violence, and; the demographic of the SVRC (especially concerning race, gender, ability, and class) may alienate survivors from coming forward. Overall, we assert that comprising the SVRC of senior administrators favours the university and is not in the best interests of survivors, which is contrary to the survivor centric mandate of this policy.

Our recommendations for amending the SVRC are as follows:

1. Remove the Vice-President Students and Enrolment (VPSE) from the Committee.
  - a. The responsibilities of the VPSE position are evidently in a conflict of interest when determining whether a complaint may fall under the purview of the policy given that cases may affect the reputation of the University. We demand the VPSE should be removed from the committee or, at the very least, not serve as chair.
2. The SVRC should be chaired by an external organization.
  - a. The external organization should be one that is dedicated to supporting survivors of sexual violence, and is thus both trauma informed and knowledgeable about the complexities of sexual violence. We suggest a local organization such as the [Ottawa Rape Crisis Centre](#). Furthermore, the external chair should be compensated for their efforts. Given that the SVRC interviews complainants we believe a trauma informed Chair is absolutely necessary. Given that the SVRC reviews the findings of the investigation and determines whether they are credible, we believe the Chair must be sufficiently educated about nuances of sexual violence, trauma, and rape culture on campus. Hiring an external body to oversee the SVRC thus avoids potential conflicts of interest and ensures the Chair has the necessary expertise to oversee the SVRC.
  - b. We note that in section 10.2 "[Appeal Process](#)" the policy states, "The Appeal Board will be chaired by a person external to the University Community who has the appropriate legal training." As Carleton University already acknowledges the utility of an external chair for the process of appeals, we recommend an external chair throughout the entirety of the process.
3. The introduction of a veto clause to prevent conflict of interest.

- a. Should the respondent or complainant have a pre-existing relationship with a member of the SVRC, or have reason to believe that a member of the SVRC might be unduly biased, the identified committee member should be excluded from all SVRC duties related to the case in question.
  - b. In all cases where a designate is selected to fill in for the missing SVRC member (whether due to use of the veto clause or through other circumstances), the designate must be given training equal to the training received by sitting members of the SVRC. Under no circumstances should someone sit on the SVRC without extensive training regarding sexual violence and procedural fairness.
4. Replace the current members of the SVRC with members of the [Sexual Violence Prevention and Education Committee](#) (SVPEC)
- a. At present, the SVRC is comprised of high level administrators, or their designates. We suggest these administrators are predisposed to protect the University and are insufficiently trained in issues related to sexual violence. Conversely, members from the SVPEC are more representative of the Carleton community and through their role in combating sexual violence on campus they are aware of the intricacies of addressing sexual violence.
5. In instances where either the complainant or respondent is a student, a student representative should sit on the committee. In instances where either the complainant or respondent is a union member, a union representative should sit on the committee. Both the student and union committee members should be included in all equity training offered to other committee members.

### **Issue #3: Employing policy embodying survivor centrism and actively fostering consent culture over hollow rhetoric**

Although Carleton University mandates a survivor centric approach as outlined in “[Carleton's Commitment and Values](#)” under Section 2.1(d) and positive consent culture as outlined in Section 2.1(g) these obligations are hollowly fulfilled throughout the policy. Regarding the existing policy, both consent culture and survivor centrism are mentioned, yet rarely upheld in practice through the policy’s application. These shortcomings are evident in how the policy places particular restrictions on survivors throughout the policy process, including but not limited to: [gag orders](#), [the lack of an advocacy role throughout the policy process](#), and [the timeline on appeals processes](#).

Consent culture refers to the fostering and maintenance of a campus culture that promotes consent as a necessary standard of interpersonal relationships. Consent culture is a [“culture in which the prevailing narrative of sex is centered on mutual consent. It is a culture that does not force anyone into anything, respects bodily autonomy and is based on the belief that a person is always the best judge of their own wants and needs. Consent to any activity is ongoing, freely given, informed and enthusiastic.”](#) We assert the policy should explicitly define “consent

culture” and “coercion” as well as substantively embody consent culture throughout the policy by mobilizing survivor centric language.

Survivor-centrism, as a guiding value of the policy, places survivors of sexual violence at the centre of institutional policy making. A key component in maintaining survivor centrism is to engage and respect the consent of survivors accessing the policy. Furthermore, the policy should provide services and resources for the purpose of maintaining a level of dignity and pride before, during and after the process of review. It is critical to ensure a survivor-centric approach is taken to support the safety of the survivor throughout the reporting process and in the long-term. An *ethos* of survivor-centrism is substantively ignored throughout the hollow language in the policy. Survivor-centrism and consent culture must be a living set of actions explicitly protected and embodied in the document.

The following recommendations to amend significant elements of the policy embody and mobilize survivor-centric and consent culture values [Carleton University has committed to](#):

1. Remove gag orders restricting the survivors from speaking out about their experiences of sexual violence.
  - a. Section 7.2 “[Confidentiality](#)” states “All members of the University community who receive a report or disclosure of sexual violence or who are involved in addressing or investigating it must keep the matter confidential.” This clause silences survivors and polices their capacity to heal on their own terms. It also undermines informal care networks in which survivors share their experiences to warn their peers of a respondent’s behaviour.
2. Add an advocacy role supporting survivors throughout the policy process.
  - a. While Section 8.4 “[Support Person](#)” outlines that complainants are allowed a person of support to accompany them throughout the policy process, this person is not eligible to speak for them at any time. Individuals process trauma differently and may not be able to communicate their experiences before a panel of higher up Carleton University administrators. This limit on a survivor’s person of support should be removed to better facilitate their healing processes through the policy.
3. Outlining and ensuring clear timelines on all stages of the policy process
  - a. Under Section 8.6 “[Timelines](#)” there are no clear or concise timelines for the policy process. The only concrete timeline is provided under Section 10.1(c) “[Appeal](#)” and does not acknowledge that survivors may require more time before mounting an appeal. More broadly we urge that the SVP should respect the boundaries of the survivor when facilitating timelines at all points, not just the appeal process.
4. Respect the consent of survivors throughout the policy.
  - a. Survivors should be empowered with agency if practices unfold nonconsensually. We argue for Carleton University to remove the caveat that a complainant may withdraw a complaint but that the University can ignore that withdrawal under Section 8.2 “[Choice not to file a formal complaint or not to investigate](#)” except

when under obligations to take legal actions. This removes agency and autonomy from survivors in the policy process and is therefore antithetical to a survivor-centric policy.

- b. We suggest that certain points of the SVP directly allow the institution to circumvent consent. More precisely,
    - i. Section 6.5 "[Follow-up on disclosure](#)" could document that the consent of the survivor is assessed at all the steps of the policy process.
    - ii. Section 7.4 "[Confidentiality](#)" does not embody consent culture and disregards survivor anonymity and autonomy in instances where the University follows through its legal obligation to take action. The SVP should explicitly state the importance of confidentiality and how it will be maintained throughout the reporting, investigating and the appeal processes.
    - iii. Carleton University should explicitly indicate who it shares information with and when it may override a confidentiality request so survivors can make informed decisions before reporting their experiences.
    - iv. The complainant should have a right to know the outcome of the investigation and the details of the discipline to help them feel safer on campus, including not having to worry about running into them on residence, in a class, etc. contrary to Section 9.7 "[Decision of the Sexual Violence Review Committee](#)."
    - v. Section 11.2 "[Amendments](#)" should commit that any modification to the policy requires the approval of the Carleton University community.
5. Eradicating language perpetuating rape myths.
- a. A significant concern raised throughout the SVP is its failure to embody survivor centric language. We have identified multiple areas in which language in the policy further propagates rape myths:
    - i. Language around "good faith" is included but not necessarily limited to Sections 8.6 "[Timelines and Timely Progress Updates Provided to Parties](#)" and 8.9 "[No Prosecution of Minor Drug and Alcohol Offences](#)" directly implies that there are survivors coming forward with ill-intentions. As the policy [has committed to survivor centrism](#), it is both unacceptable and inconsistent to assume survivors reporting would act in "bad faith".
    - ii. Language around "more serious" in section 8.11 "[Procedural Fairness](#)" and "severity" in Section 9.7(c) "[Decisions of the Sexual Violence Review Committee](#)", implicitly asserts a hierarchy of sexual violence.

The current iteration of the policy falls short in fostering a campus culture of consent by prioritizing bureaucratic processes and saving face with hollow commitments over survivors' needs and support. True consent culture reflects policy positively aimed at promoting a healthy and respectful community around mutual respect and and autonomy.

#### Issue #4: Committing to resources and implementing educational initiatives

Sections 2.1 “[Carleton’s Commitment and Values](#)” and 5.1 “[Education, Prevention and Awareness](#)” of the SVP commit to ending sexual violence on campus through public education and providing the University community with ongoing education and training. We identify this as an empty commitment due to the lack of specific details on how the University plans to implement these education programs.

Sexual violence prevention is an ongoing process and never conclusive. We request a detailed and specific outline to accomplish Carleton University’s mandate of ending sexual violence on campus. It is important that the University meaningfully engages with our community to ensure prevention measures are reflective of stakeholders and appropriately address situations in line with its commitments for education and training.

The following are our requests for Carleton University to explicitly define education and resource initiatives aimed at affirmatively transforming our campus community:

1. Offer education and awareness training for all students, faculty, staff and administration.
  - a. Under section 2.1(h) “[Carleton’s Commitment and Values](#)”, Carleton University uses ambiguous language to offer education and awareness training to the University community. We assert that Carleton University should clearly mandate that said education and training be for all students, faculty, staff and administration.
  - b. Under Section 5.1 “[Education, Prevention and Awareness](#)” we request an expanded outline of Carleton University’s proposed education commitments. We request these educational processes are free, frequent, and accessible to all students, staff, faculty, administrators, and other employees and contractors. Some specific suggestions and requests include but are not limited to:
    - i. Accessing the SVP due to it’s complicated, unclear, and inaccessible structure. [Feedback given to Equity Services noted](#) the policy is difficult to consume. Programing to increase the digestibility in addition to the incoming flow charts will benefit the Carleton community.
    - ii. Equity and inclusivity training reflecting [Carleton University’s mandate of supporting a consent culture](#). These initiatives should take an intersectional and anti-oppression approach to addressing the issue of sexual violence and recognize different experiences of violence. Programming should educate participants on systemic issues contributing to sexual violence and challenge rape culture and other forms of discrimination, and create a supportive environment for survivors.
    - iii. Resource materials, such as pamphlets, posters and flyers, on topics of consent, sexual violence and sexual health be present and public in multiple locations on campus at all times ensuring that information is accessible to students.

- iv. Multiple spaces addressing stereotypes surrounding sexual violence, what it means, and where or how it happens including definitions, resources and supports for individuals having experienced sexual violence.
  - v. A wide variety of frequent workshops and seminars focused on consent, sexual health, reproductive justice, and safer sex practices. These workshops are imperative in shifting attitudes around sex to prioritize consent and communication.
  - vi. Early outreach programs for students transitioning to university, before/during/after frosh and upon entering residences to ensure all new students are aware of the importance and process of consent, and feel safe, supported, and confident in their choices.
2. Consent culture and sexual violence education for all respondents regardless of the outcome of the investigation.
- a. Adding a mandatory education clause for ALL respondents is an important step in recognizing that their actions have harmed a member of the Carleton University community, regardless of the SVRC's final decision. Education is not a punitive action, rather a commitment to challenging and transforming rape culture on campus.
3. Transparency in the monitoring process of the SVP.
- a. Under Section 5.1(d) "[Education, Prevention and Awareness](#)", Carleton University commits to monitoring and evaluating the effectiveness of this policy. This section lacks evaluation criteria. We demand that Carleton University adds a comprehensive list of evaluation criteria that is transparent in how the effectiveness of the policy will be measured.
  - b. Furthermore, as stipulated under Section 5.3 "[Education, Prevention and Awareness](#)", "The Board of Governors shall receive and consider annual reports in respect of sexual violence". In the past Equity Services has authored this report, but they have removed themselves from this policy. No department has been named to fill this role. we request that Carleton University name who will be authoring the evaluative report and provide a transparent reporting process outlining how data will be interpreted.
4. Specificity about the sexual violence and procedural fairness training the Sexual Violence Review Committee and designates receive.
- a. Section 6.5c "[Follow up on Disclosures and Accomodations](#)" introduces the Sexual Violence Review Committee and states they will receive sexual violence and procedural fairness training. We call on Carleton University to specifically detail who is included in these training sessions, who is providing this training, and the training schedule. We maintain this training should be ongoing and come from an intersectional and anti-oppression framework to ensure the SVRC is educated in understanding structural forces propagating rape culture and have the ability and resources to challenge their own thoughts contributing to victim blaming and furthering stereotypes of sexual violence.



5. Adding a comprehensive list of support resources.
  - a. While Section 6.2b “[Support and Services](#)” provides a limited list of support resources available from the university including Equity Services, Counselling Services and Campus Safety, we assert this list needs to be much more extensive. We recommend adding a comprehensive list of the campus resources available to survivors that are offered by a variety of campus partners, even if they are not directly provided by Carleton University. This ensures survivors have agency in accessing support services that suit their needs. These resources could include but are not limited to [CUSA Service Centres](#), the [Graduate Student Association](#), [union spaces](#), [various peer support centres](#), mentorship networks on campus, residence fellows, managers, departmental offices, and residence commons.
  - b. In agreement [with feedback given to Equity Services](#) during the consultation process, we request a synthesized copy of on- and off-campus support services of be added to the beginning of the policy ensuring survivors are able to easily find and access these services. While this may not be [considered best practice](#) it undoubtedly makes the policy more accessible and useful for survivors resulting in a better policy for the entire Carleton community.

Signed,  
Consent Culture Committee  
CUPE 4600 Women’s Caucus  
Graduate Student Association Executives  
CUPE 4600