

Report on Sexual Violence Policy Review Feedback

Drafting Phase

Equity and Inclusive Communities and Office of the Vice-President (Students and Enrolment)

April 29, 2022

Content Warning

As a content warning, please note that this report includes a summary of the feedback received throughout the consultation process as well as verbatim feedback from the online submission forms. We understand that reviewing the report can trigger strong reactions and we encourage the community to connect with [Carleton University's Sexual Assault Support Centre](#) and/or [Health and Counselling Services](#) for support. [Additional community supports](#) are also available.

Overview

The following report is a summary of the feedback received on Carleton's Sexual Violence Policy throughout the drafting phase of the consultation work plan.

Consultation Meetings

Throughout the drafting phase of the consultation process, the Office of Student Affairs, Health and Counselling Services, and the Office of Quality Initiatives met with key stakeholder groups on-campus. Consultation meetings occurred with:

- Carleton Academic Student Government (CASG) Council
- Carleton Trans Advocacy Group (CTAG)
- CUASA
- CUPE 4600
- CUPE 2424
- Graduate Students' Association (GSA)
- PSAC 77000
- Rideau River Residence Association (RRRA)
- Sexual Violence Prevention and Education Committee
- Other individuals as requested

Other unions and groups either did not respond or declined to meet. A total of 23 people were consulted as part of these meetings.

Information and Feedback Sessions

A total of 3 information and feedback sessions were scheduled for members of the Carleton community; one for students, one for faculty, and one for staff. No one signed up or participated in these sessions. Individuals were invited to request a specific session or one-on-one meeting by emailing sypolicy@carleton.ca.

The objective of these sessions was to host a supportive, creative space wherein members of the community can provide their feedback on the revised draft of the Sexual Violence Policy.

Online Feedback

During the drafting phase, there were 12 anonymous form submissions and 1 emailed response. This online feedback is presented as submitted.

Main Themes

Throughout the drafting phase of the consultation process, several main themes emerged from the feedback provided:

- **Policy Administration:**
 - Accommodations and Support
 - Inclusivity of the Policy
 - Faculty-Student Relationships
 - Sexual Violence Review Committee
- **Response**
 - Formal Process
- **Prevention and Education**

This report has been organized by these themes and has the aggregated feedback received during the drafting phase of the consultation process. This feedback has been examined and assessed in the review of the Sexual Violence Policy. Responses to the feedback received have also been included. Overall the limited amount of feedback received and participation in consultation sessions reflects the maturity of the Policy and the overall satisfaction of the community with the Policy.

Policy Administration

Accommodations and Supports

The following feedback was received regarding survivor-centric support options and accommodations offered through the Sexual Violence Policy:

- Ensure that survivors are referred to Health and Counselling Services and that there are more resources for sexual assault counsellors
- Expand the list of resources listed in the policy
- Questions on why ‘for their needs’ removed in section 6.2 support and services about receiving appropriate accommodation and why “handling” was removed in section 6.4
- Include trigger warnings on communications related to the policy review

University Response

Updates have been made to section 6.5(a) of the revised draft of the Policy to clarify that when a person reports sexual violence to Campus Safety Services and/or EIC, they will be provided with the option to be contacted by an EIC Advisor who will offer support and present the options available to them in a timely and supportive way. Supports from EIC are based on the person’s needs and on the specific circumstances which can include a referral to Health and Counselling Services, referrals to community-based organizations, academic accommodations, employment accommodations, etc.

Under section 6.2 Supports and Services, a web link to additional campus and community-based resources has been added. A weblink will allow resources to be updated in between policy review periods.

In sections 6.2 and 6.4 of the draft Policy, grammatical suggestions were made in a prior draft. The text “for their needs” and “handling” have been returned to their original state.

A content warning has been included in this feedback report and will be included in the body of future email communications related to the consultation process for 2021-22.

Inclusivity of the Policy

Feedback was received regarding the inclusivity of diverse lived experiences of sexual violence under the policy and the intersectional impacts. The following concerns were highlighted:

- Include a definition of gendered violence
- There is no mention of transphobia, race, or disability in the policy
- Include more concrete examples under the 'Workplace sexual harassment' definition
- Include a commitment to also ending gendered violence and that transphobia will not be tolerated at Carleton

University Response

The Policy addresses intersectionality to ensure that lived experiences and intersectional impacts are considered. Section 1.1 of the Sexual Violence Policy includes the following statement: "Carleton acknowledges that individuals who are members of equity-seeking groups who experience intersecting forms of disadvantage based on the protected grounds in the Ontario Human Rights Code may be disproportionately affected by sexual violence and its consequences." Reference to protected grounds under the Human Rights Code ensures that all possible and legally recognized grounds and groups are covered by the Sexual Violence Policy.

Section 2.1(g) has been updated to recognize systemic forms of oppression including but not limited to racism, ableism, sexism, transphobia, and homophobia. The Sexual Violence Policy references related policies under section 12 and are to be read in conjunction with those policies such as Carleton's Human Rights Policies and Procedures and Workplace Harassment Prevention Policy.

The definition of workplace sexual harassment is appropriate and specific questions regarding whether conduct or examples meet the definition are best addressed contextually.

Faculty-Student Relationships

There were concerns raised about faculty-student relationships and that this should be addressed in the policy.

- Concern that section 2.2 of the policy is unclear. The definition of consent says that consent is not possible if a person has abused a position of power, but faculty-student relationships are allowed. Concern that this is a contradiction.
- It was suggested to use stronger language to discourage these relationships
- Concern there is no way to neutralize this power imbalance and that there is no consent if someone is in a position of power such as a professor in a relationship with an undergraduate or graduate student
- There should be zero tolerance for faculty-student relationships
- Concern that the tone of section 2.2 comes off as shaming and that these relationships can be consensual
- Questions were raised on why there was an emphasis on past relationships and more clarity is needed
- Clarity on what circumstances would require disclosure of past relationships and who receives that information

University Response

Carleton's existing policies strongly discourage faculty-student relationships and relationships between supervisors and employees. Although such relationships are not banned, the relationships are strongly discouraged in the existing sexual harassment provisions of Carleton's Human Rights Policies and Procedure and through the existing definition of consent in the Sexual Violence Policy.

Section 2.2 of the Policy addresses consensual romantic or sexual relationships between individuals in positions of authority and students or employees. This section is based on existing policies in Carleton's Human Rights Policies and Procedure and reinforces and reminds the university community of the existing disclosure requirements. As is stated in section 2.2 of the revised draft of the policy, and as required by the existing policy, any existing or past relationships with a power imbalance must be disclosed in a timely manner and appropriate steps taken.

Sexual Violence Review Committee

We heard the following concerns about the composition of the SVRC and its role:

- Concerns with having students or members of student government on the SVRC due to potential risks to privacy
- Members of the SVRC should receive appropriate training
- Concern that there are no external community members of the SVRC and that the current composition is of only administrative staff
- Request to clarify the process in section 8.8 for the complainant to identify a conflict of interest with a member of the SVRC.

University Response

Carleton University believes that the best practice for reviewing formal cases of sexual violence is to have a committee review each case following an investigation by a trained expert investigator. Based on feedback received during the previous consultation process in 2018-2019, a conflict of interest provision was added as section 8.8. Section 8.8 has been updated to clarify that a party may raise concerns regarding conflict of interest to the General Counsel for review. Further, the Policy states that members of the SVRC may have a designate as per section 6.5(c).

All members of the SVRC receive sexual violence and procedural fairness training as stated in section 6.5(c) of the policy. Procedural fairness training is provided by the Ottawa Rape Crisis Centre and is trauma-informed. This half-day training is provided annually to all members of the SVRC. As part of the formal process, Carleton also relies on legally trained investigators who have a background in sexual violence investigations. Sexual violence training is also provided by Equity and Inclusive Communities. The University is legally responsible for reviewing and making decisions related to sexual violence complaints and senior management individuals have the training, experience, fiduciary responsibility as well as obligations to ensure confidentiality and privacy. It would be inappropriate to have students and non-management staff on the SVRC committee reviewing and making decisions related to sexual violence. Students and non-management staff can and do serve on the Sexual Violence Prevention and Education Committee.

Response

Formal Process

Feedback was received on the formal complaint process and the investigation.

- Clarity on who will be involved in the formal process if the employees are non-academic staff. It was suggested to look at having a differentiation and clarity on academic vs non-academic staff submitting a formal complaint
- Clarity on the investigation process after the SVRC receives a formal complaint such as whether the investigator is internal to Carleton
- It was suggested to provide more clear timelines for the formal investigation and next steps after a formal complaint is received
- Questions were raised for section 7.4 on what is the university's legal option to act on a report
- Clarity on the jurisdiction of the Ottawa Police Services
- Concerns that section 8.13 on irrelevant questions needs examples
- Question on conflicts of interest and what would be a reasonable apprehension of bias and who the appropriate replacement would be?
- Concerns were raised regarding the confidentiality and investigative report such as why the respondent is allowed to view and comment on the report
- Questions were raised on confidentiality and how this is thought of for survivors who need support during a formal complaint process from peers
- Question on if the respondent and complainant make oral arguments together in the same room?
- Survivors should have a support person present during a formal complaint process

University Response

Section 9.1 of the Policy describes the process for filing a formal complaint, which states that the Director, Labour Relations, Human Resources (or designate) is responsible for receiving formal complaints of sexual violence related to professional services employees.

The Sexual Violence Policy requires that formal investigations be conducted by trained investigators with expertise in investigations of allegations of sexual violence. The investigators ensure that all investigations are conducted in an appropriate and sensitive manner

Section 8.6 of the policy covers timelines and timely progress updates. The university will make every step to complete the complaint process in a timely fashion without compromising procedural fairness. Each party will receive regular updates on the progress of their case, estimated timeframes and any delays related to the matter.

Decisions required under section 7.4 are contingent on the University's legal obligation to take action and provide a learning, living and work environment that is safe and free from sexual violence for all members of the University community.

As noted in section 9.1(c) a formal complaint process may be suspended due to jurisdictional or other legal considerations such as an active police investigation or criminal prosecution. Regardless of the status of any process, support and accommodations to complainants will continue to be provided as is detailed in the Sexual Violence Policy.

Section 8.13 has been added as required and defined by provincial regulation. Individuals will not be asked irrelevant questions, including irrelevant questions relating to the person's sexual expression or past sexual history. It is not appropriate to include examples as relevancy is inherently contextual.

Section 8.8 has been updated to clarify that a party may raise concern regarding conflict of interest or reasonable apprehension of bias to the General Counsel for review.

The University is committed to a fair, impartial and confidential process for all involved in a formal investigation. This includes allowing both the Complainant and Respondent to have access to all information provided during an investigation, including written statements, which is a procedural fairness requirement.

While we recognize that some survivors may wish to speak out about their experience as part of a therapeutic process, an important aspect of procedural fairness and an impartial formal investigation is confidentiality during the process. However, this does not prevent a survivor from seeking support through counselling, peer support, crisis line support, or by meeting with an EIC advisor at any time.

Section 9.6 states that the Complainant or Respondent may request accommodation regarding their participation at a meeting.

A survivor may be accompanied by a support person of their choice at any time during the formal complaint process, as stated in section 8.4 of the policy. A friend, family member, advisor, or employee union representative may serve as a support person.

Prevention and Education

To ensure the prevention of sexual violence, an ongoing commitment to education and training has been emphasized as essential. Suggestions include:

- Ensure that sexual violence prevention training is available to Residence
- It was suggested to include Teaching Assistants and Contract Instructors in the Sexual Violence Prevention and Education Committee

University Response

As stated in section 5.2 of the Policy, the Sexual Violence Prevention and Education Committee (SVPEC) has representation from students, staff, faculty and senior administrators. Individuals are invited to self-nominate/apply for the SVPEC. The University will ensure that a wide range of faculty members, including teaching assistants and contract instructors will be provided with the opportunity to self-nominate to the SVPEC.

Equity and Inclusive Communities continues to provide ongoing training to the community, including Housing and Residence Life, on topics of Bystander Intervention, Creating Consent Culture, Responding to Disclosures of Sexual Violence, and customized training is available upon request.

Sexual Violence Prevention and Education Committee

The feedback that pertains to the role and composition of the Sexual Violence Prevention and Education Committee included:

- Increasing the number of student representatives on the committee
- Clarity on how members are selected to sit on the committee
- Creating a Sexual Violence Prevention Policy
- Having a representative from CUSA and RRRA

University Response

As stated in section 5.2 of the Policy, the Sexual Violence Prevention and Education Committee (SVPEC) has representation from students, staff, faculty and senior administrators. Individuals are invited to self-nominate/apply for the SVPEC. The University will ensure that student governments are provided with the opportunity to self-nominate to the SVPEC.

Through the SVPEC, Carleton University has developed Campus Sexual Violence Prevention Strategy, *Honouring Each Other: Building Consent Cultures on campus, together*. The objectives and strategies laid out in the strategy are based on a timeline of approximately three years but are subject to continuous review and updating in order to meet with the best practices and current culture surrounding the prevention and education of sexual violence, as well as supporting survivors of sexual violence. Feedback from this consultation process will be assessed and included in the updated strategy.

Online Feedback

The following feedback was received through email and the anonymous feedback online form. Responses to address this feedback are included in this aggregate report. Carleton University is committed to having a survivor-centric policy while ensuring procedural fairness. The University thanks the Carleton community for their feedback throughout the extensive consultation and review process of the Sexual Violence Policy.

Date	Format	Content
1-Mar-22	Form	Great work by the team. I support this policy and am very pleased with how far it's come. What happens if there is a conflict for one of the folks on the committee? I.e. someone reports to/through to one of them. Will their name be redacted in reports? I would be afraid to bring things forward.
1-Mar-22	Form	what is the school doing to prevent sexual assault on campus? What is the school doing to prevent the offender or abuser to assault a second time? I have heard that survivors are offered security to walk with them to have safety but why aren't we having security walk with the abuser ? Why are we making survivors uncomfortable? What information is provide to the survivor about their abuser remaining on campus? what is being done for the survivor to feel safe or that the school is being pro active?
1-Mar-22	Form	What measures are the school taking when they are brought aware of sexual assault on campus? How are they preventing a repeated offence? What does the school plan to do about the offender being on campus at the same time as the survivor? Does the school plan on monitoring the offender? How is the school making survivors feel safe on campus without making them uncomfortable?
1-Mar-22	Form	This whole effort stinks of puritanicalism. Instead of encouraging victimhood, why not encourage students (and staff) to stop pretending like sex is some sort of big deal? It's supposed to be a growth/experience phase of life but this coddles students into fiercely protecting their safe spaces. Just grow up and put out - and voila, problem solved without this never-ending make-work farce. And the experience may not be so bad, after all.
1-Mar-22	Form	As a part-time mature student, I appreciate the transparency of this process. To me, it means that don't have to be "in the know" in order to participate. It is important for all of us to see how change happens.
1-Mar-22	Form	Section 8.12 lists examples of Interim Measures to be considered. Will there be measures put in place for when such interim measures cause an individual to fail to meet some of their commitments? For example, w.r.t. 8.1.1.2 Restrictions to access campus or part of campus, what measures would be taken if an individual has commitments (professional or personal) in the area of campus to be restricted?
1-Mar-22	Email	I carefully read through the revised sexual violence policy . Your team did a great job. However I notice one gap.

		<p>s. 8.8 provides</p> <p>8.8 Conflict of Interest If a University official has a real or apparent conflict of interest in a particular matter or there is a reasonable apprehension of bias, then that individual will not continue their involvement in the matter and the University will appoint an appropriate individual to act in that role for the purposes of that matter.</p> <p>Obviously this is the correct approach. But the policy is silent on the process. If complainant feels that the person dealing with her/his complaint (in whatever capacity) has a conflict of interest , what is the complainant to do. Who does she/he complain too, in what form, how is the complaint handled, who in the end decides if the complaint is justified and whether the person should be recused.</p> <p>I think the policy should spell this out to give more reassurance to potential complainants.</p>
2-Mar-22	Email	<p>Huge tip if you're trying to help sexual assault survivors.. TW: TRIGGER WARNINGS I was mentioning the trigger warning in the Subject line of the email. The current subject line is Sexual Violence Policy Review and I know some people who would be triggered by that coming up so abruptly on their phone or email. I hope that makes sense. I feel as if trigger warnings should be added to the subject line and the feedback report. Thank you for understanding.</p>
17-Mar-22	Form	<p>how to deal with allegations if you believe you are innocent, at the end of the day the victim left feeling uncomfortable so what is a good way of hearing this and responding if they believe they didn't do anything wrong</p>
21-Mar-22	Form	<p>Should TAs be listed in the passage about power dynamics and need for disclosure about a sexual or romantic relationship? I feel as though this is much more common than student relationships with professors.</p>
21-Mar-22	Form	<p>Does Carleton have any specific protections or policies in place to address sexual blackmail?</p> <p>Examples include threatening to release sexual photos or threatening to out someone as queer/trans/a sex worker.</p>
30-Mar-22	Form	<p>Faculty members must go through mandatory sexual violence prevention training. Many faculty members have no idea how to respond to disclosures and where to direct students if they need assistance. Optional training is not enough. We need real change.</p>
4-Apr-22	Form	<p>As a student who has been impacted by this at Carleton, I brought it up then and will say it again now, complainant and respondent are terrible terms for those involved. Referring to someone who has experienced something terrible as a complainant conjured up images for me of me being a burden. Complainant has a negative connotation while respondent has a neutral connotation. I just find it disturbing that this is the case.</p> <p>Also, an Ottawa Police Services detective got upset with me for sharing information regarding an active investigation with Campus Security Services, and I don't see this policy addressing this issue. How are students made aware of jurisdiction in these instances?</p> <p>I had issues with the SVRC not being especially helpful in my situation. They placed a no-contact order, when I already had one in place with CSS. Therefore, they established nothing. The person did live in my building and I would have appreciated them being immediately moved, but the SVRC did not take that action. I wish they had contacted me to ask what they could do to help, it would have avoided the redundancy and made me feel significantly safer in my residence. I understand I could have responded to the interim measures, but I was already struggling to function in light of what happened.</p> <p>I had a prior negative experience with a member of the SVRC, would there have been a way for me to express my concerns with them presiding over my case.</p> <p>If the respondent leaves the university, what steps are put in place to ensure the safety of students at any future institutions they attend?</p> <p>If the investigation with the police concludes, when does the university recommence their investigation?</p> <p>Other than some tweaking of language, this policy review fails to address concerns that I have previously verbalized to EIC. If Carleton would like to help students in these situations, a larger policy update will be needed, this really misses the mark. The whole system and policy needs to shift perspective, not just a couple words every clause with the addition of a subsection. The current system from my experience is quite broken and this maintains the status quo that left me lost, unsupported, and let down.</p>