DEPARTMENT OF Equity Services CARLETON UNIVERSITY

Office of the Vice-President Students and Enrolment CARLETON UNIVERSITY

Report on Sexual Violence Policy Review Feedback

Consultation Meetings, Design-Thinking Workshops, Online Feedback

Date: January 30, 2019

Overview

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

Consultation Meetings

Throughout the listening phase of the consultation process, Bailey Reid (Sexual Assault Services Coordinator, Equity Services) and Laura Storey (Director, Housing and Residence Life, Office of the Vice-President (Students and Enrolment) (OVPSE)) met with key stakeholder groups on campus. Consultation meetings occurred with:

- Carleton University Students' Association (CUSA)
- Graduate Students' Association (GSA)
- Carleton Academic Student Government (CASG)
- Rideau River Residence Association (RRRA)
- OurTurn
- CUASA
- CUPE 910
- CUPE 2424
- CUPE 3778
- CUPE 4600
- OPSEU 404

Design-Thinking Workshops

A total of 13 design-thinking workshops took place for members of the Carleton community, which were a combination of open sessions for the general population as well as closed sessions for groups who traditionally experience oppression and marginalization. In total, 22 people participated in these workshops.

In order to provide insight into how the feedback from the design-thinking workshops was obtained, we have included the agenda for these workshops as an appendix.

Online Feedback

During the listening phase, there were 14 anonymous form submissions, 4 emailed responses and 1 editorial from the Charlatan. This online feedback is presented as submitted.

Main Themes

Throughout the listening phase of the consultation process, several main themes emerged:

- Policy Administration
  - Accommodation process
  - Composition of the Sexual Violence Review Committee
  - Immunity clause for drug and alcohol use
  - Off campus and non-Carleton community member processes
  - Accessibility of the Policy
  - Question of false claims and due process, including restorative or educational options

- Response
  - Communication around timelines including the appeal time limit
  - Faculty-student relationships
  - Confidentiality constraints, including speaking publicly about the experience
  - Face-to-face meetings
  - Fear of reprisal

- Education and Continuous Improvement
  - Role of the Sexual Violence Prevention and Education Committee
  - Support services offered

This report has been organized by these themes and has the aggregated feedback of the listening phase as well as the submitted feedback received online. This feedback has been examined and assessed in the review of the Sexual Violence Policy. Responses to the feedback received have also been included.

Policy Administration

Accommodation process

The following feedback was received regarding accommodations offered through the Sexual Violence Policy:

- Consider the Graduate Student experience specifically, including:
  - Milestones and timelines for the graduate level
  - Withdrawals/funding
  - Ensure language includes research assistants, contract instructors, and teaching assistants
- Clarify that a respondent does not need to sign a “no contact order” for it to be in effect
- Clarify what interim measures are available
- Clarify what a faculty member’s role is if both the complainant and respondent are students and are in a room together; and be clear on the liability that the faculty member has if there is further harm done
- Power structures need to be addressed within the policy, particularly around discipline or sanctions
- Clarify in the policy the language and roles that a support person or mediator has. As well, clarify if the complainant or respondent bring a support person, and that support person is also a triggering person to the other party, what happens?
- Stronger language for the prohibition on retaliation

University Response

As is already stated in the policy under section 6.5(a), interim academic or employment accommodations are available and depend on the person’s needs and the circumstances. Each accommodation is provided in a specialized way to the person, whether they be an undergraduate student, graduate student, staff member, or faculty member and that are appropriate in the specific circumstances. In the revised draft of the policy, additional language has been added to section 8.12 regarding interim measures. The additional language adds further clarity to interim measures, including examples, the related process for the review of any such measures and addresses potential non-compliance with measures.

Updates have been made to section 8.4 of the revised draft of the policy to clarify whom a support person may be and clarifies that a support person may not be a witness in the complaint process.

A new Alternative Resolution provision has been added as section 8.10 of the revised draft of the policy, which clarifies the process, roles, that the parties must engage voluntarily in any alternative resolution and remain free from reprisal.

The Sexual Violence Prevention and Education Committee (SVPEC) will look at enhancing the communication of various support services and accommodations, which are available relating to sexual violence.

The Sexual Violence Policy currently includes wording in section 9.5 that specifically addresses reprisal, which is a serious offence. Reprisal would be the subject of disciplinary action and would be considered a significant aggravating factor.

Every member of Carleton's community is responsible for preventing sexual violence by challenging misogyny and rape culture. Under the Sexual Violence Policy, when a member of the university community receives a disclosure of sexual violence, the person to whom it is disclosed is to ensure that the person who has disclosed sexual violence is referred to the Sexual Assault Services Coordinator at the Department of Equity Services.

Composition of the Sexual Violence Review Committee

The composition of the Sexual Violence Review Committee (SVRC) was flagged as a potential barrier in feedback. We heard the following concerns about who sits on the committee:

- Concerns with the Chair:
  - What qualifications allows that person to chair?
  - Concerns around this position in the university's interests being related to preventing sexual violence vs. protecting the reputation of the university
- Concerns about the Director of Equity Services and the Director of Safety being on the committee for perceived bias
- Equity Services, Campus Safety Services, Health and Counselling, and someone from Human Resources should all have a place on the committee
- It was suggested that the Director of Equity Services chair the committee
- Bring in an outside agency who are impartial and experts in subject area to review and later implement policy, not upper management who could have a perceived biased by a complainant or respondent
- What happens if someone in the Equity Services Office or the SVRC is accused of sexual violence?
- What happens if there is a conflict of interest with the SVRC?
  - Is there an opportunity to replace someone on the committee with someone else?
  - How are the members of the committee chosen?
  - Can there be a panel of people to choose from?

In addition, the following feedback was suggested to remedy the concerns:

- Can there be a role for advocates? What about the role of the support person?
- Include more people who have experience with this, or more expert voices on the committee

- Could a lawyer, with a background in activism, be involved in this review process?
- The review committee should consist of at least one student representative (can be a peer supporter since they are already bound by confidentiality commitments) and should have more representation of groups that traditionally experience oppression
- There was a request for how decisions are made by the committee: i.e. when making a decision, does everyone have to agree unanimously? Or is it 50%+1?
- Address the disconnect between the community and administration, particularly when it comes to accountability and transparency with the process

University Response

The university is committed to a process that provides procedural fairness for all parties to a complaint. This has been explained in detail in the revised draft of the policy in section 8.11. The process includes an impartial and fair investigation conducted by a trained investigator. The process also ensures that apart from non-disciplinary interim measures, disciplinary action is taken only where appropriate and at the conclusion of the process. Further, each party involved in a complaint may appeal if there was a procedural error or new relevant facts uncovered.

All members of the Sexual Violence Review Committee receive sexual violence and procedural fairness training as stated in section 6.5(c) of the current policy.

In the revised draft of the policy, section 8.8 has been added to include a conflict of interest provision and requiring any official in conflict to withdraw from the process.

As supported by Equity Services, the Director of Equity Services will no longer sit on the Sexual Violence Review Committee in the revised draft of the policy (as noted in section 6.5(c)). This revision is supported by Equity Services and allows the Sexual Assault Support Centre, housed within Equity Services, to act as an independent body focused solely on support and removes the potential for a conflict of interest. This also reinforces the role the SVRC has in the formal process, which is intended to be a neutral process and does not provide a support role to either the complainant or respondent.

However, as is stated in section 6.5(e), the Sexual Violence Review Committee can, on a confidential basis, consult or seek the assistance of other internal authorities, such as Equity Services, Health and Counselling Services, or Human Resources, as appropriate.

Additionally, the Sexual Assault Services Coordinator and the Director of Equity Services will remain involved with the Sexual Violence Prevention and Education

Committee in order to continue the mandate to prevent sexual violence on campus and offer education and training to all members of the community.

Immunity clause for drug and alcohol use

We received feedback that an “immunity clause” would ensure that anyone who had committed minor infractions related to drugs or alcohol would be protected under this clause in reporting sexual violence, and therefore would lessen barriers to reporting.

There were also requests to consider how the complainants are interviewed throughout the process, and receive protection from questions like, “What were you wearing” or, “What is your sexual history?”

University Response

In the revised draft of the policy, section 8.9 has been added providing immunity for minor drug and alcohol offences. Specifically, a complainant acting in good faith who discloses or reports sexual violence will not be subject to actions for violations of university policies related to drug and alcohol use at the time the sexual violence took place.

The Sexual Violence Policy requires investigations to 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.

Off campus and non-Carleton community member processes

Feedback was received to include visitors and alumni in the policy. Additional feedback included:

- Clarify in the policy who is defined as a community member. Some suggestions include:
  - Adjunct faculty
  - Alumni
  - Visitors such as campus guests
  - Visiting speakers
- Define how Carleton handles sexual violence that is both experienced and committed by visitors to the campus.
- Clarify that the policy includes co-op and practicum placements in the policy.

University Response

The Sexual Violence Policy currently defines “University community” in section 4.1:

“University community” means all individuals who have a relationship with or to the University (or had at the time of the incident), including but not limited to:

- Students, meaning individuals registered as students at the University, whether full-time or part-time (including special students), at the non-credit, undergraduate or graduate level;
- All employees and faculty, including all unionized and non-unionized academic and support staff as well as those whose salary is paid through sources other than the University’s operating funds, such as grants, research grants and external contracts;
- Persons with an academic appointment including but not limited to adjunct, visiting and emeritus professors, post-doctoral or clinical fellows and research trainees;
- Contractors, consultants, suppliers or other entities engaged by the University to provide services or goods when on University property or while acting in a capacity defined by their relationship to the University;
- Members of the Board of Governors, of the Senate and any of their respective committees, as well as members of any advisory committee formed to help the University achieve its goals; and,
- Employees of both unionized and non-unionized employee and student groups when on University property or while acting in a capacity defined by their relationship to the University.

(Highlights added for emphasis)

As stated in the above definition, the policy applies to all individuals who have a relationship with the university.

In the revised draft of the policy, section 9.1(c) has been updated to address concerns about how a formal complaint is handled against a person who is not a member of the university community such as a visitor.

The Sexual Violence Policy already applies to off-campus events through sections 3.1 and 4.1. Additionally, there are other policies and processes that address visitors to the campus.

Accessibility of the Policy

Related to the clarity of the policy in general, we received feedback specifically on how to make the policy more accessible to readers. The suggestions we received to address this were:

- Include an executive summary
- Have different ways that the policy could be consumed (i.e. infographic, flowchart, one page summary etc.) on Equity website
- Clear process page that just lists the step-by-step procedures for a formal complaint
- Outline informal or restorative approaches**,** as well as options for an informal process (healing circles, mediation, etc.)
- Include a table of contents
- A clear definition of a formal report (versus informal report)
- Use CNIB-approved font

University Response

It is not considered best practice to include an executive summary within a policy. However, the university will develop a flowchart to explain the policy, processes and options for both formal and informal complaints. This will be promoted across the campus and on appropriate websites.

In terms of offering more restorative approaches, the university has added section 8.10 in the revised draft of the policy, which addresses an Alternative Resolution to the process in order to increase the options available to parties under the policy for informal resolution. Alternative Resolution can include restorative justice approaches, mediation/facilitation, education or other similar methods as noted above.

Prior to the publication of the Sexual Violence Policy, a table of contents will be added.

The policy defines the difference between formal reports and disclosure.

The revised draft of the policy has been updated to use CNIB-approved font (12pt, Arial).

A review of due process including question of false claims and restorative or educational options

The design-thinking workshops had participants create a "Value Proposition Canvas," in which they acted as three "users" of the Sexual Violence Policy: the complainant, the respondent, and the university. The results from this activity are the following:

For complainants, the participants clearly identified that the policy must be survivor centric, receptive to the individual experience, and be clear about the agency or choice the complainant has in the process. These values were in many ways echoed for the respondent as the user of the policy. For respondents, the participants identified a need for a clear explanation of the process, a respectful process, one that is confidential, and also expresses the reasons for consequences or sanctions with clarity.

Building on this Value Proposition Canvas, one suggestion was to include a statement of ethics or something similar at the beginning of the policy. From the activity in the workshop, the following values for the policy were identified as critical:

- Supportive
- Respectful
- Timely
- Clear
- Sensitive
- Fair
- Thoughtful

Participants in the design-thinking workshops were also asked, “How can we balance ‘due process’ for survivors and respondents?” This is what they suggested:

- Survivor is taken to be truthful until proven otherwise
- Respondent is taken to be innocent until proven guilty
- Option for informal (conflict resolution, community based, etc.) resolution (before policy process)
- Transparency of process
- Neutral third party investigation

Ultimately, what we heard from this feedback process was that both complainants and respondents are seeking timely process which respect each individual and can provide a clear explanation of what is happening, and why.

Finally, we also received feedback on a need within the policy for an informal process that was based on restorative justice principles. It was suggested that such a process allows for survivors to feel that there has been accountability for the respondent, but aims to educate, rather than punish, those who are responsible for causing harm.

University Response

The university is committed to a process that provides procedural fairness for all parties to a complaint. This has been explained in detail in the revised draft of the policy in section 8.11. The process includes an impartial and fair investigation conducted by a trained investigator. The process also ensures that apart from non-disciplinary interim measures, disciplinary action is taken only where appropriate and

at the conclusion of the process. Further, each party involved in a complaint may appeal if there was a procedural error or new relevant facts uncovered.

Statistically speaking, complaints brought forward in bad faith are rare; Carleton engages and relies on trained investigators who are capable of identifying false claims if the situation arises.

The university has also committed to finding out from complainants and respondents how they would like to receive correspondence from the SVRC throughout a formal process, including how often and when they need to hear updates. This is intended to increase the sense of transparency and communication about the process, and also responds to each parties' unique needs in the case. This has been clarified in section 8.6 of the revised draft of the policy in which the parties will receive regular updates on the progress of their case.

In section 2.1 of the Sexual Violence Policy, the university's commitment and values are listed in order to further emphasize the needs identified in the Value Proposition Canvas.

In terms of offering more restorative approaches, the university has added section 8.10 in the revised draft of the policy, which addresses an Alternative Resolution to the process in order to increase the options available to parties under the policy for informal resolution. Alternative Resolution can include restorative justice approaches.

Response

Communication around timelines including the appeal time limit

- There was a significant request for setting timelines within the policy**.**
- It was recommended that the investigation be given a timeline with the clause that if it appears the investigation will take longer than that, the committee commits to updating the complainants and respondents.
- Alternatively, if a timeline cannot be set in the policy, the SVRC should be held to providing communication and updates to the complainants and respondents at set intervals to maintain continuing communication.
- We received feedback that the appeal process in the policy seemed too vague, and that the time limit for an appeal was too short.

University Response

The university has committed to finding out from complainants and respondents how they would like to receive correspondence from the SVRC throughout a formal process, including how often and when they need to receive updates. This is intended

to increase the sense of transparency and communication about the process, and also responds to each parties' unique needs in the case. This has been clarified in section 8.6 of the revised draft of the policy in which the parties will receive regular updates on the progress of their case. In addition, the policy has been revised in section 8.6 to further clarify that each step in the complaint process is to be completed as expeditiously as possible.

In the revised draft of the policy, the appeal time limit has been extended to 30 days in section 10.1(c).

Faculty-student relationships

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

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. To address the feedback, section 2.2 of the revised draft of the policy has been added regarding consensual romantic or sexual relationships between individuals in positions of authority and students or employees. This section is based on current and 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 existing policy, any relationships with a power imbalance must be disclosed in a timely manner and appropriate steps taken.

Confidentiality constraints, including speaking publicly about the experience

One of the most common requests we heard for clarification in the policy was around confidentiality and regulations for privacy as set out by FIPPA. The confidentiality questions in the policy have two major themes: One, can the complainant know the consequences or measures that are given to the respondent, and secondly, can complainants in the policy speak out about their experience?

- The majority of feedback requested that a complainant is made aware of the measures taken by the committee to hold the complainant accountable. There was also a request that if a person is expelled for sexual violence, that should go on their permanent record.

- There was also a sense that both the complainants and respondents need to have a better sense of what “confidentiality” means in the policy- though they may only disclose to one person, the nature of the process is such that more people know than just who they disclose to.
- Many feel that speaking about the experience of sexual violence is one way that complainants can heal. However, they felt that the policy does not allow for this. There was a recommendation that survivors be allowed to speak of their experience, however they cannot disclose the name of the person who caused harm.
- Consider in Section 7.1, clarifying that “confidentiality” means that reports of workplace violence needs to be sent along to the Joint Health and Safety Committee, which is only for formal complaints, and would not include names.

University Response

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. We have reviewed the confidentiality section to ensure that we are not creating a policy that violates the rights of any parties, exposes complainants to possible cases of defamation, and appropriately balances the confidentiality requirements and complies with legal obligations (such as the *Freedom of Information and Projection of Privacy Act*). Sections 7 and 8.5 of the Sexual Violence Policy describe and clarify the scope of confidentiality and also allow for any additional specific questions related to confidentiality that can be addressed throughout the process.

Face-to-face meetings

- Some feedback was received that the complainant and the respondent should never be forced to meet face-to-face
- It was also suggested that the term “mediation” needs to be defined or explained more clearly

University Response

In the revised draft of the policy, language has been added in section 9.6 whereby the complainant or respondent may request accommodation regarding their participation at a meeting.

Mediation is addressed in the new Alternative Resolution section. At the time that a party wishes to enter into an Alternative Resolution process, the options will be explained to them.

Fear of reprisal

- Stronger language for the prohibition on retaliation especially when employees make a report about a superior

University Response

The Sexual Violence Policy already includes wording in section 9.5 that specifically addresses reprisal, which is a serious offence. Reprisal would be the subject of disciplinary action.

Education and Continuous Improvement

Role of the Sexual Violence Prevention and Education Committee

The Sexual Violence Prevention and Education Committee is a commitment from the Policy, and we received feedback on how to make that committee stronger. The feedback received included:

- Reinforce educational outreach to the campus
- Some of the commitments of the policy seem to be vague:
    - There is a commitment to education from the policy, however, who is giving the information and to whom?
- What are the guaranteed resources to this committee?
- Clarify how often do staff, faculty and TAs get training, and if it is mandatory
- Can this committee be responsible for measuring the operational success of the policy?

University Response

The Sexual Violence Prevention and Education Committee (SVPEC) will be tasked with developing the Campus Sexual Violence Prevention Strategy, which will be their work plan. Many of the feedback items identified in this report will be used in the strategy including educational outreach. The SVPEC continues to be committed to providing sexual violence training and information to members of the university community. Additionally, in the revised draft of the policy under section 5.2(c), the

SVPEC has been tasked with making recommendations on the policy for consideration during the review process every three years.

Support services offered

We received the following feedback:

- Mention of union support as a possible support (in sections 8.1 and 6.5)
- Be more intersectional, by including a statement at the beginning addressing that certain groups who disproportionately experience systemic oppression are more likely to experience sexual assault
- Clarify under what circumstances the university would continue with a formal request if a survivor pulled out of the process, and if a survivor can decide to back out of formal to informal processes
- Additionally, there was questions about at which point the university may have to act on their legal obligations, and what role (if any) the survivor needs to have in that process if they did not choose to report formally.
- Include online acts in this policy (revenge porn, etc.)
- Workplace sexual harassment needs to be included in a more specific and detailed way
- When the investigation process occurs, the complainant needs to know more about the process in order to address fear as a barrier for reporting

Further, requests were also made for the policy to be clear on how it interacts with other policies on campus, including the Free Speech Policy (and its relation to hate speech), and the Human Rights Policy.

University Response

In the current policy, section 1.1 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.”

In the revised draft of the policy, under section 8.4, clarification has been made that a support person may include an employee union representative.

Section 8.2 of the current policy provides information regarding when the university would continue with an investigation pursuant to its legal obligations after the complainant withdraws from the process. The complainant has the right not to participate in such an investigation. In addition, the policy currently provides that a complainant may withdraw a complaint at any time.

The policy applies to online activity. Section 3.1 of the current policy includes language relating to online activities through social or other electronic media.

Sexual harassment and workplace sexual harassment are defined in section 4.1 of the current policy.

A flowchart regarding the formal complaints process will be developed by the university. Websites will be updated to ensure they provide clear and appropriate information on the process.

Policies that are related to the Sexual Violence Policy are noted in section 12. The Freedom of Speech policy is a framework policy that informs the interpretation of and is reflected in other university policies.

Additional Policy Feedback

In order to dig further into the process itself, participants were asked in the workshops to answer the following questions:

- What barriers do you perceive to reporting sexual violence through the policy?
- What does a "survivor-centric" approach mean to you?
- How do we challenge rape culture on campus?
- How can we balance "due process" for respondents and survivors?
- What is the most critical quality to you for the sexual violence policy to have?

Below, we detail what was suggested that would help to further clarify the process itself.

"Perceived barriers to reporting sexual violence through the policy:"

Key highlights:

- Accessibility (it is not easily readable)
- Unclear on understanding of what happens when there is a formal process
- Composition of the SVRC is intimidating and biased
- Document itself is hard to understand
- Currently no immunity clause
- Lack of trauma-informed approaches
- SVRC has all the power and the chair is in a conflict of interest

"What does a 'survivor-centric' approach mean to you?"

Key Highlights:

- Burden of labour isn't on the complainant
- Empathy at all stages of the process

- Considered truthful until proven otherwise
- Survivor can have an advocate who is allowed to speak
- Ability to withdraw or file complaint at any time
- Policy nor healing is a linear process
- Survivor controls how they move through the process

“What is the most critical quality to you for the sexual violence policy to have?”

Key Highlights:

- Immunity/amnesty clause
- Survivor-centric language and practices
- Enshrining and protecting the values of consent culture (survivor consents to policy)
- Protecting the “lower rung” staff, faculty and students

University Response

Responses to address this feedback are included in the comments found above. Carleton University is committed to having a survivor-centric policy while ensuring procedural fairness. The university thanks the Carleton community for this feedback as we make draft revisions to the Sexual Violence Policy.

Online Feedback

The following feedback was received through email and the anonymous feedback online form.

Date	Format	Content	Response
12-Sep-18	Form	I remember when I stayed there on residence and the RA. Came into a room where there was drinking and dancing, she got into one guy's face agressively and he kind of brushed it off by continuing to dance until she got annoyed and left .. turned out she wrote a complaint that it was some sort of sex dance and all of a sudden he's kicked out of residence and banned and with all the rumors surrounding it was labeled some form of sexual deviant... I would hope you instil some form of protection from false claims of sexual whatever... Because that is such a travesty you should be ashamed for that.	This was brought forward from the Process Consultation phase. The university is committed to a process that provides procedural fairness for all parties to a complaint. This has been explained in detail in the revised draft of the policy in section 8.11. The process includes an impartial and fair investigation conducted by a trained investigator. The process also ensures that apart from non-disciplinary interim measures, disciplinary action is taken only where appropriate and at the conclusion of the process. Further, each party involved in a complaint may appeal if there was a procedural error or new relevant facts uncovered. Statistically speaking, complaints brought forward in bad faith are rare; Carleton engages and relies on trained investigators who are capable of identifying false claims if the situation arises.
13-Sep-18	Form	the appeal time limit should be extended.	This was brought forward from the Process Consultation phase. In the revised draft of the policy, the appeal time limit has been extended to 30 days in section 10.1(c).
13-Sep-18	Form	Under law, all individuals are deemed innocent until prove guilty. I hope this will be enforced by Carleton as well. If there is such an public accusation, please	This was brought forward from the Process Consultation phase.

		make sure the identity of the accused is protected until proven guilty by court.	The university is committed to a process that provides procedural fairness for all parties to a complaint. This has been explained in detail in the revised draft of the policy in section 8.11. The process includes an impartial and fair investigation conducted by a trained investigator. The process also ensures that apart from non-disciplinary interim measures, disciplinary action is taken only where appropriate and at the conclusion of the process. Further, each party involved in a complaint may appeal if there was a procedural error or new relevant facts uncovered. Statistically speaking, complaints brought forward in bad faith are rare; Carleton engages and relies on trained investigators who are capable of identifying false claims if the situation arises. In addition, the complaint process is subject to confidentiality as described in sections 7 and 8.5 of the policy and required by law.
13-Sep-18	Form	Please change the term survivor to only those who went through life critical situations. Such examples could be attempted murder after rape. Rape victims are victims, not survivors.	This was brought forward from the Process Consultation phase. The term "survivor" is used appropriately in the policy and is a defined term.
13-Sep-18	Form	The most serious of the many flaws in the Sexual Violence Policy is its failure to protect the charter right of the accused to the presumption of innocence. This is particularly apparent in the the explicit policy of Equity Services unconditionally to believe all accusers (the "We Believe You" poster), thus prejudicing the process against the accused.	This was brought forward from the Process Consultation phase. The university is committed to a process that provides procedural fairness for all parties to a complaint. This has been explained in detail in the revised draft of the policy in section 8.11. The

		Section 11 of the Charter guarantees every person certain rights when are charged with a criminal offence. Section 11 applies to all types of offences (criminal, quasi-criminal, and regulatory offences). Note especially Section 11(d): the right to be presumed innocent until proven guilty in a court of law. The Supreme Court of Canada has referred to this constitutional right as "the golden thread" that runs through the criminal law. The burden is always on the prosecution to prove a criminal case. The presumption of innocence acts as a shield to protect an accused where the evidence falls short of proof beyond a reasonable doubt. Section 11(d) entrenches the long standing common law principle that no person can be convicted if there exists a reasonable doubt that he committed the offence. It is because of s. 11(d) that the court is constitutionally required to prove every element of the offence beyond a reasonable doubt and also to disprove the validity of any defence beyond a reasonable doubt. The Supreme Court has ruled that it would contravene s. 11(d) if the defence was required to disprove an element of the offence or to prove the existence of a defence. Thus, at minimum, the defence must show that the case, as presented by the prosecution, leaves a reasonable doubt as to whether the defendant is guilty.	process includes an impartial and fair investigation conducted by a trained investigator. The process also ensures that apart from non-disciplinary interim measures, disciplinary action is taken only where appropriate and at the conclusion of the process. Further, each party involved in a complaint may appeal if there was a procedural error or new relevant facts uncovered. Statistically speaking, complaints brought forward in bad faith are rare; Carleton engages and relies on trained investigators who are capable of identifying false claims if the situation arises. In addition, the complaint process is subject to confidentiality as described in sections 7 and 8.5 of the policy and required by law.
10-Oct-18	Email	Hello, I would be interested in participating in a workshop. When is the Closed Graduate Students workshop offered? Alternatively, is there an estimated date for further details on the session specifically for TAs?	Person has been contacted.

		Thank you. I look forward to attending,	
10-Oct-18	Email	My name is [redacted] any I have received several emails from you; I do not usually provide feedback, but I am willing to make an exception due to the important nature of this topic that is very close to my heart. I believe we need to focus our efforts in fighting sexual harassment/sexual violence on the online frontier. It is no secret to anybody that an unacceptably large amount of such harassment occurs on the internet, but the question of the hour is how to stop it. My suggestion here is to change what our school representatives post online; if our school community sees that it is acceptable for prominent CUSA members to post pro-sexual assault comments (among others, but let's focus on sexual assault for now, and not their general terrible online history), then it will be set in precedent that the school does not care. That's right; as it stands, Carleton does not care whatsoever about what is posted online by its own representatives, so how can the school care about what non-school employed students post? If you truly are serious about fighting sexual assault on campus, hold those who support these toxic ideas on the internet accountable to their actions, stop paying them a school salary, and make people accountable for what they say. Of course, I know this advice will not be followed. A	The Sexual Violence Policy applies to online activity. Section 3.1 of the current policy includes language relating to online activities through social or other electronic media.

		crocodile-tear apology was issued by the perpetrators (before posting more toxic material almost immediately after, but I digress) and the school is more than happy to ignore the situation. But if you are not willing to see the obvious, please save us both some time and stop contacting me with updates to a situation that you are fundamentally unable and unwilling to fix. Feel free to contact me if you are serious about fixing this issue; as I mentioned, this issue is very close to me and I genuinely want to see the Carleton community improved. Good day,	
10-Oct-18	Email	Hello, After reading through the Sexual Violence Policy draft I was wondering the steps that would be taken to ensure that the investigation is fair. To the best of my knowledge, a lot of universities have a guilty until proven innocent approach when it comes to sexual violence accusations. Would this be any different? If so, how? Also, I couldn't find anything that details the consequences to the Complainant if the sexual assault accusation is found to be false and filled with malicious intent. On the other hand, the policy seems to be very detailed. I'm very glad that Carleton is putting in the effort to create a really comprehensive and fair sexual violence policy.	The university is committed to a process that provides procedural fairness for all parties to a complaint. This has been explained in detail in the revised draft of the policy in section 8.11. The process includes an impartial and fair investigation conducted by a trained investigator. The process also ensures that apart from non-disciplinary interim measures, disciplinary action is taken only where appropriate and at the conclusion of the process. Further, each party involved in a complaint may appeal if there was a procedural error or new relevant facts uncovered. Statistically speaking, complaints brought forward in bad faith are rare; Carleton engages and relies on trained investigators who are capable of identifying false claims if the situation arises.

		Looking forward to hearing from you! Thanks	In addition, the complaint process is subject to confidentiality as described in sections 7 and 8.5 of the policy and required by law.
10-Oct-18	Form	It might be helpful to outline what services are available to those who experienced sexual violence before entering the university but now require accomodations or advice from the university's system. There is no clause stating otherwise, but it might be better to say so explicitly.	The support services are provided by Carleton University unconditionally. There is no requirement to file a complaint or for sexual violence to have occurred at Carleton in order to receive support services. The Sexual Violence Policy allows support for those who have experienced sexual violence prior to joining our community through both workplace and academic accommodations. The Sexual Violence Prevention and Education Committee (SVPEC) will look at enhancing the communication of various support services and accommodations, which are available relating to sexual violence.
11-Oct-18	Email	There should be a special identity protection mechanism for those employees who make a report about a superior. This is a very special circumstance and simple policies surrounding this type of reporting, which may include a no reprisal clause, is simply not sufficient. Once the reporter has been exposed, the end result will not be good for the subordinate who has made the report. Regards	Carleton is committed to an environment that is safe for those reporting sexual violence to come forward. The Sexual Violence Policy already includes wording in section 9.5 that specifically addresses reprisal, which is a serious offence. Reprisal would be the subject of disciplinary action.
11-Oct-18	Form	What the policy is missing is that it does not address the “elephant in the room” - relationships between students and faculty or staff. Due to power imbalance, there should be provisions in the policy that state relationships with students are not permitted when staff or faculty are in a teaching or supervising relationship with a student. Relationships were there is	Carleton’s existing policies strongly discourage faculty-student as well as 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

		a supervision aspect or power imbalance present are not permitted in other contexts or professions. There is no reason why universities should be different and addressing it in the policy would help to protect students and prevent situations like what has happened at UBC and university of manitioba.	definition of consent in the Sexual Violence Policy. To address the feedback, section 2.2 of the revised draft of the policy has been added regarding consensual romantic or sexual relationships between individuals in positions of authority and students or employees. This section is based on current and 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 in the revised draft of the policy, and as required by existing policy, any relationships with a power imbalance must be disclosed in a timely manner and appropriate steps taken.
11-Oct-18	Form	To ensure fairness, there needs to be a total barrier between support services and the complaint process. The Director of equity should be removed from the committee and it be clear that in take for complaints is to be done by people who are not at all involved supporting survivors.	As supported by Equity Services, the Director of Equity Services will no longer sit on the Sexual Violence Review Committee in the revised draft of the policy (as noted in section 6.5(c)). This revision is supported by Equity Services and allows the Sexual Assault Support Centre, housed within Equity Services, to act as an independent body focused solely on support and removes the potential for the conflict of interest. This also reinforces the role the SVRC has in the formal process, which is intended to be a neutral process and does not provide a support role to either the complainant or respondent. However, as is stated in section 6.5(e), the Sexual Violence Review Committee can, on a confidential basis, consult or seek the assistance of other internal authorities, such as Equity Services, Health and Counselling Services, or Human Resources, as appropriate.

			Additionally, the Sexual Assault Services Coordinator and the Director of Equity Services will remain involved with the Sexual Violence Prevention and Education Committee in order to continue the mandate to prevent sexual violence on campus and offer education and training to all members of the community.
11-Oct-18	Form	I would like to see somewhere stated in policy, that professor - student/staff sexual relationship is prohibited.	Carleton's existing policies strongly discourage faculty-student as well as 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. To address the feedback, section 2.2 of the revised draft of the policy has been added regarding consensual romantic or sexual relationships between individuals in positions of authority and students or employees. This section is based on current and 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 in the revised draft of the policy, and as required by existing policy, any relationships with a power imbalance must be disclosed in a timely manner and appropriate steps taken.
17-Oct-18	Form	Carleton University needs to capitalize on this moment in time and set new standards for behavior by emulating the new policy at Laval University which prohibits faculty-student relationships.	Carleton's existing policies strongly discourage faculty-student as well as relationships between supervisors and employees. Although such relationships are not banned, the relationships are

		https://globalnews.ca/news/4546440/laval-university-bans-teacher-student-relationships/ Any updated policy that Carleton approves must ensure from a legal perspective that procedural fairness is built into the policy. If there is no strong provision for procedural fairness, the policy is a failure and the university will be vulnerable to legal challenges and liabilities. We're coming up to 2019 - faculty/student relationships should be prohibited. Victims of assault and alleged perpetrators are both entitled to procedural fairness under a revised Sexual Violence policy.	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. To address the feedback, section 2.2 of the revised draft of the policy has been added regarding consensual romantic or sexual relationships between individuals in positions of authority and students or employees. This section is based on current and 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 in the revised draft of the policy, and as required by existing policy, any relationships with a power imbalance must be disclosed in a timely manner and appropriate steps taken.
17-Oct-18	Form	"Host design-thinking workshops for students, faculty (including contract instructors, sessional lecturers, teaching assistants, etc.), staff (including academic and administrative staff), and senior administration. Each event is structured with a facilitator to lead the groups through activities where they work towards the co-creation of key policy changes. " I'm going to suggest you hold a men-only one as well, as anxieties of male victims are being ignored. More perspectives from men need to be heard when creating this kind of policy, and a closed session for men ensures that men will be able to give their honest feedback and concerns, which are important and valuable.	Based on this feedback, a design-thinking workshop for male-identified community members was held on November 27, 2018.
22-Oct-18	Form	I was surprised to see that as an employee, if I report that I am assaulted or raped by another staff member on campus, the information goes to a committee of	In the revised draft of the policy, section 8.8 has been added to include a conflict of interest provision

		upper management - some of whom I report to. This is so inappropriate that I can hardly believe this is part of the process. I can honestly say that if I was a sexual assault survivor, I would not report it on campus and would go to the police instead. I would not want upper management knowing my personal information, nor would I want them judging me, my situation, and perhaps even preventing me from changing jobs in the future based on their own assumptions of my situation. Upper management should never by privy to employees personal information. The committee should be made up of non-biased people, ideally who do not work on campus. I am appalled and hope that this part of the process will be changed.	and requiring any official in conflict to withdraw from the process.
31-Oct-18	Form	I very strongly feel that it is a conflict of interest that staff complaints are heard by [Vice-President (Students and Enrolment)] and [Director of Health and Counselling]. It is very wrong that a staff member who works under them would have to have their private business disclosed to them. I can understand for student complaints but staff complaints should go to an outside source and not someone that could know the people involved in the case. This is a huge problem and could make things much worse for staff.	In the revised draft of the policy, section 8.8 has been added to include a conflict of interest provision and requiring any official in conflict to withdraw from the process.
8-Nov-18	Charlatan Editorial	One of the biggest policy updates under Carleton university president Benoit-Antoine Bacon is to the university's sexual violence policy (SVP). The listening phase of the consultations on the policy is currently in progress. One of the suggested changes is the addition of a clause which protects complainants from punishment for minor violations relating to alcohol or drug use.	In the revised draft of the policy, section 8.9 has been added providing immunity for minor drug and alcohol offences. Specifically, a complainant acting in good faith who discloses or reports sexual violence will not be subject to actions for violations of university policies related to drug and alcohol use at the time the sexual violence took place.

		Carleton administration should strongly support this clause in order to eliminate a major barrier to reporting incidents of sexual assault. The fear of being punished for the circumstances surrounding their sexual assault is one among many deterrents for survivors of sexual assault in reporting their case to authorities. In creating an immunity clause for survivors in the SVP, the university gets a little bit closer to an incident reporting process that shows compassion to those who choose to come forward. It's important for the university to regularly update its sexual violence policy, especially since understanding of, and beliefs surrounding, sexual violence, survivors, and perpetrators, are constantly changing.	
21-Nov-18	Form	I echo the recommendations made by the Graduate Students' Association, shown below. My own concern is the incentive that Carleton has to promote sexual violence reporting. Carleton would obviously like to have low sexual violence on campus, which, by making a system that deters survivors from reporting, could lead the data to show that there is low sexual violence on campus. Instead, we need a system that encourages reporting. The Graduate Students' Association comments, which I agree with, are shown below: 1. We recommend the Sexual Violence Prevention and Education Committee (established under section	Carleton is committed to providing a safe environment where everyone feels safe to report an incident of sexual violence and encourages survivors to come forward. Carleton respects that the decision to come forward must be the choice of the complainant. The Sexual Violence Prevention and Education Committee (SVPEC) will be tasked with developing the Campus Sexual Violence Prevention Strategy, which will be their work plan. Carleton will continue to focus on the implementation of the Sexual Violence Policy. In the revised draft of the policy under section 5.2(c), the SVPEC has been tasked with making recommendations on the policy

		5.2) be given the ability to make ongoing recommendations on the Policy. The work of the Committee can be facilitated through Equity Services, while the Committee itself reports to the President and has the ability to address the Board of Governors. In the first years of implementing the Policy, the Committee will play a crucial role in assessing support services and the complaints process, while also working to address any unresolved issues in relation to the Policy, its implementation, as well as educational initiatives that are undertaken. The Committee would have access to non-identifying information on requests for support services as well as complaints. 2. It is strongly believed that a survivor-centric policy for Carleton University should facilitate a complaint process that does not require the Complainant and Respondent to face each other in a formal hearing. Requiring survivors of sexual violence to face the accused person makes the process of filing a complaint no less arduous than pursuing criminal charges through the legal system. Carleton University's policy should aim to make the process less onerous by ensuring that a Complainant is not forced into a meeting with the Respondent. 3. Language must be included that protects a Complainant from reprisal for violations relating to alcohol or drug use. The Community Update presents an argument against providing "blanket immunity" and states that the "mandate is to focus on sexual violence and the complaint at hand, independently of other	for consideration during the review process every three years. The Sexual Violence Policy is based on ensuring that both parties have procedural fairness. The Sexual Violence Review Committee will consider appropriate and reasonable accommodations as necessary to meet this requirement. Language has been added in the revised draft of the policy in sections 8.11 and 9.6. In the revised draft of the policy, section 8.9 has been added providing immunity for minor drug and alcohol offences. Specifically, a complainant acting in good faith who discloses or reports sexual violence will not be subject to actions for violations of university policies related to drug and alcohol use at the time the sexual violence took place. 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 complaint process. We have reviewed the confidentiality section to ensure that we are not creating a policy that violates the rights of any parties, exposes complainants to possible cases of defamation, and appropriately balances requirements and complies with legal obligations (such as the *Freedom of Information and Projection of Privacy Act*). Sections 7 and 8.5 of the policy describe and clarify the scope of confidentiality and also allow for any additional

		policies." It is not possible to address sexual violence in isolation. It is unlikely that survivors will seek support services or file a complaint if they risk persecution under other policies. Language could easily be included that provides immunity under specific circumstances. The Policy could, for instance, specifically indicate to survivors that they will not be persecuted if they were in violation of alcohol or drug use policies at the time of the incident. 4. Complainants should be able to speak publicly about their experience with the understanding that providing identifying information may jeopardize their case and / or leave them legally liable. While clarifying the term "public statements" is a useful step, the expectation that survivors of sexual assault can only speak about their experiences for therapeutic purposes contributes to the silence surrounding sexual violence. 5. To clarify the applicability of the Policy to off-campus events, the addition of the following sentence to section 3.1 is recommended: Off-campus interactions would reasonably fall under the scope of this policy when the outcomes of such interactions are reported to have an impact on an individual's ability to learn and/or work at Carleton University.	specific questions related to confidentiality that can be addressed throughout the process. The Sexual Violence Policy already applies to off-campus events through sections 3.1 and 4.1. Additionally, there are other policies and processes that address visitors to the campus. In the revised draft of the policy, section 9.1(c) has been updated to address concerns about how a formal complaint is handled against a person who is not a member of the university community, such as a visitor.

Appendix A: Design-Thinking Workshop Agenda

Welcome, land acknowledgement, introductions (7 min)

- If you are triggered by the content of this workshop, please connect with Bailey Reid, Sexual Assault Services Coordinator at 613-520-2600 ext 8454, or chat with your facilitator about resources on campus.
- If you would like to offer feedback that you didn't feel comfortable giving in this workshop, please feel free to use the online form at: https://carleton.ca/sexual-violence-support/sexual-violence-policy-consultation/

Opening: **Meaningful/Pleasant** (5 min) (1 sheet per session)
In this activity, the group works together to identify what will make the workshop today meaningful, as well as the things that will make it pleasant. This map is kept up to form a set of "ground rules" for the duration of the workshop.

Big picture thinking: **Value Proposition Canvas**: (35 min) (3 groups per session, one sheet per group)
In this activity, the participants are broken into three groups, each with represent a "user" of the Sexual Violence Policy: The complainant, the respondent, and the university. Coming from each of these viewpoints, the groups will create a vision and set of values for the policy as three users.
Each group is given ten minutes per user to brainstorm values, and then the sheets will rotate. Each group will have the chance to work as each user.

Formal complaint process review: **Storyboarding** the ideal process (35 min – 20 min of work and 15 min to debrief as a group) (3 groups per session, each storyboard has 2 sheets)
The purpose of this activity is to identifying the "ideal state" of the formal reporting process for Carleton. Specifically, the Board of Governors has identified the following areas for review:

- the perceived requirement within the Policy for the Complainant and Respondent to face each other in a formal hearing;
- potentially adding an immunity clause or statement which protects Complainants or those seeking help from punishment for minor violations relating to alcohol or drug use;
- reconciling the perceptions of cross-institutional applications of FIPPA as it relates to sharing information about disciplinary actions or consequences against the Respondent, and;
- articulating the types of statements which are prohibited within the confidentiality section in the Policy;
- clarifying timelines throughout the Policy;
- whether to include visitors and alumni into the scope of the Policy under the definition of "University Community";
- clarifying the accommodation process and interim measures;

- as the Policy applies both on and off campus, consider specifying how the Policy is applied to incidents which occur off campus;
- reviewing the role of the Director of Equity Services on the Sexual Violence Review Committee;
- reviewing the Section 10 appeal process, and;
- changing the font that the policy is published in to align with CNIB recommended fonts.

Small groups will be given a set of worksheets to "storyboard" the ideal process, particularly considering these identified areas, though it is not limited only to those areas. Each group will be given eight sections for the storyboard, but more can be provided if needed. Ideally these stories are drawn, not written.
Each group will share their board, and everyone will listen for insights, themes, or "ah-ha" moments.

Answering Key Questions: **Carousel** (30 min) (Individual answers on answer sheets)
In this activity, we ask five key questions to the group, which they are given six minutes to answer before they switch to the next question. This is done individually, not as a group. The goal of this activity is not to get all the information, but instead get the most meaningful information.
The questions asked will be:

1. What barriers do you perceive to reporting sexual violence through the policy?
2. What does a "survivor-centric" approach mean to you?
3. How do we challenge rape culture on campus?
4. How can we balance "due process" for respondents and survivors?
5. What is the most critical quality to you for the sexual violence policy to have?

Closing activity: **Start Stop Continue** (8 min) (3 groups)
In small groups, participants are given the "Start/Stop/Continue" Matrix for the Sexual Violence Policy and are asked to come up with ideas about what to start doing in the policy, what to stop doing in the policy, and what to continue to do in the policy. These charts will be collected.