

## McGill University Policy against Sexual Violence

McGill University is committed to creating and sustaining a safe environment through proactive, visible, accessible and effective approaches that seek to prevent and respond to Sexual Violence. The University further recognizes the singular importance of striving toward an equitable environment in which all Members of the University Community feel respected, safe and free from violence, including Sexual Violence.

The University does not tolerate Sexual Violence in any form. It acknowledges that attention to Sexual Violence is particularly important in university campus settings. It further acknowledges that individuals who are members of equity-seeking groups who experience intersecting forms of disadvantage (on grounds, for example, of gender, sexual orientation, gender identity, race, Indigenous identity, ethnicity, disability or class) may be disproportionately affected by Sexual Violence and its consequences.

The University recognizes that Sexual Violence often involves power imbalances and is under-reported on account of a range of understandable reasons, which include stigmatization and the risk of trauma. This Policy focuses on ensuring support for Survivors of Sexual Violence. Through it, the University commits to support Survivors based on their personal experiences, whether or not a criminal offence has occurred, and whether or not the Survivor chooses to make a Report through University or external law enforcement processes.

### General

1. This Policy applies to all Members of the University Community.
2. This Policy extends to all Sexual Violence.
3. This Policy does not derogate from or supersede other University policies, regulations or applicable collective agreements, including those that establish disciplinary and administrative processes, such as McGill's *Code of Student Conduct and Disciplinary Procedures, Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff and Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law*.

### Definitions

4. For the purposes of this Policy, the following definitions apply:
  - 4.1 "Consent" means free, informed, expressed and ongoing agreement to engage in sexual activity. Consent may not be free or informed when a person is intoxicated, unconscious or where the sexual activity has been induced by conduct that constitutes an abuse of trust, power or authority.
  - 4.2 "Disclosure" means the act of informing a University staff member holding office under Section 7 of this Policy about an incident of Sexual Violence for the purpose of seeking support.
  - 4.3 "Member of the University Community means the following:
    - a. anyone holding office under the University Charter and Statutes;
    - b. an appointee or employee of the University; or

- c. a student as defined in Section 1 of the *Code of Student Conduct and Disciplinary Procedures*.

4.4 “Report” means the act of informing an individual having authority to discipline an alleged perpetrator about an incident of Sexual Violence for the purpose of initiating a disciplinary or administrative process.

4.5 “Sexual Violence” means sexual activity imposed on a person without that person’s Consent.

4.6 “Survivor” means any person who has experienced Sexual Violence, including individuals who self-identify as a victim or victim/survivor.

## **Objectives**

- 5. The Policy shall have the following objectives:
  - a. to seek to prevent Sexual Violence through education and other proactive efforts to promote awareness about the nature and effects of Sexual Violence;
  - b. to support Survivors of Sexual Violence; and
  - c. to respond effectively to Disclosures and Reports of Sexual Violence.
- 6. This Policy is Survivor-focused. It aims to promote the development and implementation of proactive measures for reducing Sexual Violence and its attendant harms and supporting Survivors through means that are compassionate and respectful of their dignity and autonomy.
- 7. This Policy’s objectives shall be pursued through the allocation of appropriate resources. Such resources shall include provision for appropriate, visible and accessible physical office space and the appointment of adequate and qualified staffing focused on Sexual Violence case management, education, prevention and support, which accounts for the particular effects of Sexual Violence on members of equity-seeking groups.

## **Education and Awareness**

- 8. The University shall take proactive, visible measures to provide education, guidelines and dissemination of information relating to Sexual Violence and varied impacts of Sexual Violence through a variety of means, as appropriate, including the following:
  - a. informational campaigns across its campuses;
  - b. training and information sessions within various sites where student live and learn including in collaboration with Teaching and Learning Services, University Residences, Athletics and Recreation and Security Services;
  - c. a dedicated accessible website that includes information about the nature of Sexual Violence, resources within and outside the University relevant to Survivors of Sexual Violence and their supporters, and about the processes associated with making a Disclosure or a Report;
  - d. orientation and training sessions for students and for academic and administrative and support staff; and
  - e. training for administrators, in particular for those charged with disciplinary authority under University policies and regulations, about effective, Survivor-focused methods of responding to a Disclosure or Report.

## **Responding to Disclosures**

9. The University shall support all Survivors regardless of where or when the incident of Sexual Violence occurred. When responding to Disclosures, staff members holding office under Section 7 of this Policy shall take all reasonable efforts to do the following, as applicable:
  - a. inform about and provide access to appropriate University services, including health and counseling services;
  - b. inform about and support access to appropriate services beyond the University;
  - c. encourage the Survivor to seek support and care, while not directing the Survivor to use particular resources or take specific recourses, either within or outside of the University;
  - d. preserve the Survivor's privacy and confidentiality whenever possible under the law and under applicable University policies and procedures;
  - e. refrain from questions or comments that imply judgment or blame of the Survivor (such as questions about the Survivor's dress, conduct, language or consumption of alcohol or drugs);
  - f. respect the Survivor's wishes in regard to being accompanied by a person who provides support;
  - g. facilitate referrals to the appropriate University authority in cases where reasonable accommodations or immediate measures may be warranted as a result of the incident of Sexual Violence;
  - h. inform about the process associated with making a Report;
  - i. respect, insofar as possible and taking into account the University's institutional obligations, the Survivor's decision to refrain from making a Report;
  - j. respect the Survivor's decision to, at any time, discontinue their involvement in any process associated with a Disclosure;
  - k. ensure that processes established to receive Disclosures are free and clear of discrimination prohibited by law, as defined in McGill's *Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law*;
  - l. deliver services to the Survivor in the official language of their choosing.
10. A Survivor who is of the view that the University has not adhered to the requirements set by Section 9 may pursue a recourse through the grievance process established by the applicable University regulation or collective agreement.

## **Responding to Reports**

11. Where a Survivor wishes to make a Report to the University, the matter will be referred to the University authority having authority to discipline the alleged perpetrators. Staff members appointed under Section 7 of this Policy and, where appropriate, McGill Security Services may facilitate such referral.
12. In responding to a Report, the appropriate University authority may initiate an investigation or disciplinary process in accordance with procedural equity, as established by other University policies and regulations.

13. Where a Survivor wishes to make a Report to external law enforcement authorities, this process will, with the Survivor's consent, be facilitated by staff members appointed under Section 7 of this Policy and by Security Services.
14. The University will, insofar as possible taking into account its institutional obligations, respect the wishes of the Survivor in regard to internal measures and external recourses, including respecting the Survivor's decision to discontinue their involvement in any process associated with a Report.
15. The University shall communicate information about processes for Disclosures and Reports through multiple formats to promote the accessibility of this information to Members of the University Community.

### **Immediate Measures**

16. Once made aware of a Disclosure or Report, the appropriate University authority may take immediate measures that such University authority deems necessary to protect the Survivor and the University Community in compliance with applicable McGill policies, regulations and collective agreements and Quebec law.
17. Such immediate measures may be taken whether or not the Survivor Makes a Report.
18. Any immediate measures instituted shall comply with University regulations, policies and collective agreements, and shall ensure that procedural equity is maintained. Such measures may include:
  - a. voluntary measures (i.e., those agreed to by the alleged perpetrator);
  - b. devising and implementing alternate academic (e.g., course changes or reimbursement of fees associated with academic tuition), extra-curricular, residential or work arrangements in regard to the Survivor and alleged perpetrator;
  - c. temporarily excluding the alleged perpetrator from campus or limiting that person's role, privileges or duties, in accordance with applicable University policies, regulations and collective agreements.

### **Procedural Equity**

19. The University's commitment to supporting Survivors shall not deprive anyone of procedural equity or access to appropriate University services to which they are entitled under applicable policies, regulations and collective agreements.

### **Annual Report**

20. The Provost shall report biennially to Senate on the application of this Policy.

### **Review of Sexual Violence at the University and this Policy**

21. Within four months of this Policy coming into effect, the Provost shall initiate a review of the phenomenon of Sexual Violence at the University. In carrying out this review, efforts will be made to engage with individuals who have had direct experiences with Disclosure or Report processes, and with individuals and groups on campus with relevant expertise and knowledge. This review will also assess the present Policy's harmonization with

current University policies and procedures. The results of this review shall be reported to McGill Senate and shared with the Members of the University Community.

22. The Provost shall conduct a triennial review this Policy in consultation with all appropriate stakeholders as determined by the Provost, including student, faculty and staff associations (for example: SSMU, PGSS, MAUT, MUNACA, MUNASA).

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