

Brief Submitted as part of the Consultations on Campus Sexual Violence



**UNION ÉTUDIANTE
DU QUÉBEC**

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WRITTEN BY:

Émile Grenier-Robillard, Researcher
Guillaume Raymond, Vice-President

REVISION:

Nicolas Lavallée, President

TRANSLATION:

Gene Morrow

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Quebec Student Union

6217 rue St-André
1-877-213-3551
unionetudiante.ca/home
info@unionetudiante.ca

The Quebec Student Union's mission is to defend the rights and interests of the student community, of its member associations, and of their members, by promoting, protecting, and ameliorating the conditions of students and those of local and international communities.

The QSU represents more than 72,000 members from university campuses across Quebec. Its intention is to act as the primary interlocutor towards the different levels of government and with civil society organizations on matters related to the accessibility of higher education and the living conditions of students.

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LIST OF RECOMMENDATIONS

Recommendation 1 : That the consultation process underway serve to determine national guidelines to direct the actions taken by each university on the issue of sexual violence.

Recommendation 2 : That a policy specifically focused on sexual violence be developed and adopted at each university, and that such cases no longer be handled under general policies against harassment.

Recommendation 3 : That the policies and action plan for combating sexual violence be developed in collaboration between the students and administrators at each university.

Recommendation 4 : That recurring, indexed, and public funds be made available in a budgetary envelope wholly distinct from universities' existing budgets.

Recommendation 5 : That a process be put in place to ensure the accountability of universities in taking concrete actions and applying their specific action plans.

Recommendation 6 : That the audiences held under Law 95 be expanded to include testimony by student associations, following the presentation made by their university's administrators.

Recommendation 7 : That the policies and action plans put in place take the different realities of visible, sexual, and gender minorities into account, particularly those of Aboriginal women, women with a disability, and women who've immigrated.

Recommendation 8 : That the relevance of developing specific tools and resources to support survivors be evaluated.

Recommendation 9 : That the perspectives of survivors be taken into account when developing internal university processes and services.

Recommendation 10 : That special attention be given to the disclosure process, within the overall processes involved, to minimize the negative impacts on survivors.

Recommendation 11 : That there be a single location where survivors can access help and/or disclose an assault, in order to render these processes as easy and accessible as possible.

Recommendation 12 : That administrative sanctions be developed through a collective process involving university administrators, labour unions, and student associations, such that the consequences of these actions will be widely known.

Recommendation 13 : That these sanctions be developed to ensure a relative concordance throughout the university network.

Recommendation 14 : That sexual relations between professors and the students over which they have a direct link of authority be prohibited and punished, excluding relationships that predate such a link of authority.

Recommendation 15 : That the policies and regulations adopted be made public.

Recommendation 16 : That the total independence of survivor-focused resources from the university administration be evaluated.

Recommendation 17 : That the possibility of establishing a shared service or partnerships with specialized community organizations to offer resources to survivors, if the integration of such services by each university at every campus proves to be too

onerous.

INTRODUCTION

Sexual violence is a serious problem in Quebec: the limited data collected on the subject each year clearly demonstrates the seriousness of this issue. Unfortunately, universities are no exception. Like many other social environments, universities reproduce the same dynamics and norms found throughout Quebec society. University campuses are also characterized as being more or less closed social environments, with all of the attendant advantages and disadvantages. One advantage is that the respect of certain baseline norms can sometimes be more easily ensured by all of the social actors composing it. It's also easier to observe, quantify, analyze, and control such norms. Nonetheless, it goes without saying that enacting a culture change requires a long-term commitment.

Student associations have been working for the past several years to confront and dismantle the pervasive rape culture on university campuses. Their efforts are predicated on the belief that rape culture can be countered by the emergence, diffusion, and population-wide adoption of new cultural norms. Despite these organizational and mobilization efforts, events continue to reinforce that there is a long way to go before sexual violence has been eliminated from university campuses. Recent high-profile cases have been pushing politicians to act, and they have started participating in the reflections and actions initiated by student associations—and some university administrations.

As a result of the rapid turnover in the Minister of Higher Education's position, the government and legislature has so far been slow to take action and join their efforts to those already underway within the university community. However, the newly-appointed minister, Hélène David, has moved quickly on this issue. She has created a dialogue forum

that is holding meetings at five university campuses to discuss the issue of sexual violence at universities and to seek solutions from the community itself. The minister has even earmarked funds to support the initiatives that come out of this process.

The present document is our contribution to that consultative process. It begins with an overview of problems posed by sexual violence in Quebec, which extend far beyond its university campuses. The document then moves on to highlight positive aspects in the research report prepared on this subject by the BCI (Bureau de coopération interuniversitaire), as well as some lingering issues in its redaction. We move on to briefly consider measures put in place to address the issue of sexual violence elsewhere in Canada, presenting possible solutions as well as false-starts to be avoided. Finally, recommendations are provided for the government's future initiatives on these issues.

SEXUAL VIOLENCE IN QUEBEC: A GENERAL OVERVIEW

The statistics in Quebec are deeply troubling¹: 1 in 3 women has been a victim of sexual violence before the age of 16, and 82% of sexual assaults target women. This isn't to say that men are exempted: 1 in 6 men will be a victim of a sexual assault in their lifetime. Two-thirds of survivors were under the age of 18 at the time of their assault. Statistics for visible, sexual, and gender minorities are even worse². Over 75% of young indigenous women under 18 have been victims of sexual assault, as well as 40% of women with a physical disability. Far from the stereotype that is prevalent in popular culture, of a shady-looking stranger attacking women in an alley, nearly 8 out of 10 victims knew their aggressor before-hand. For 1 out of 7 women, the perpetrator is their partner. As for the platitudes to avoid dark corner and bars, 7 out of 10 victims are sexually assaulted in a private residence. Finally, probably the most troubling statistic about sexual violence in Quebec: nearly 90% of sexual assaults go unreported to the police.

Since March 2016, the campaign “Sans oui, c’est non!”³, which focuses on issues of consent, has spread to almost all of Quebec’s universities. We believe that this campaign provides a significant contribution towards a positive culture change within the university community. It would be important for this campaign to develop into a lasting presence on university campuses.

¹ Ministère de la Santé et des Services sociaux, « Agression sexuelle », Québec 2016. Online. http://www.msss.gouv.qc.ca/sujets/prob_sociaux/agression_sexuelle/index.php?des-chiffres-qui-parlent.

² All of the numbers used in this section are drawn from note 1. For more information, please refer to sources 58 and 59 of the BCI (Bureau de coopération interuniversitaire) report.

³ Translator’s note: literally “Without a yes, it’s not.”

SEXUAL VIOLENCE IN UNIVERSITIES

As these statistics show, Quebec faces a widespread problem of sexual violence. As an integral part of that society, the university community is in no way exempted from this situation. Indeed, recent studies paint a distressing portrait³: 75% of female students and 33% of male students have experienced some form of sexual violence during their studies. Of those women affected, 44% have been subject to unwanted physical contact. Additionally, 13% of female students have reported a sexual assault—a number that must be interpreted while keeping in mind how many sexual assaults go unreported. Far from the caricature of an ivory tower, far removed from the rest of society, universities share the same struggles as the community members composing it. It should be no surprise then that sexual violence is as present there as anywhere else. Yet post-secondary institutions could also be a part of the solution.

Universities are, by definition, powerful tools of social transformation, and they can be a critical setting for strategic social interventions. Through the application of sustained campaigns on prevention and awareness at all levels of these institutions, a culture changed can be initiated, among members of the university community, that will gradually spread outwards and influence society as a whole. However, the situation on university campuses can't be changed by brute force. Dramatic actions, like banning alcohol from events or abolishing Frosh and orientation events, could actually serve to worsen the problem, forcing these types of events off campus into less secure environments. At the same time, a critical opportunity for change has been lost.

³ Task Force on Respect and Equality (2015). Report of the Task Force on Respect and Equality: *Ending Sexual Violence at the University of Ottawa*. Ottawa: University of Ottawa. Online.
<https://www.uottawa.ca/president/sites/www.uottawa.ca.president/files/report-of-the-task-force-on-respect-and-equality.pdf>.

In reality, these types of prohibitions simply push activities into higher-risk environments without appropriate supervision. For example, Frosh-like events would end up being organized by informal groups of students with no interest in regulations, leading to more high-risk behaviours and settings. The situation in France provides a telling example: although orientation and Frosh events have been banned since 1998, clandestine events continue to be held regularly⁴. It is far more effective to provide student associations with resources that help them to hold respectful and safe orientation and frosh events.

The Quebec Student Movement has been sounding the alarm regarding sexual violence for a long time. We know that changing attitudes on campus and changing the overall culture of our universities takes time. It took nearly ten years of high-profile scandals (frosh events, waves of accusations, witnesses, assaults) for academic and political decision-makers to finally realize that something must be done.

PRESENTATION OF THE BCI REPORT

On October 14, 2016, the BCI adopted a voluminous report entitled "Le harcèlement et les violences à caractère sexuel dans le milieu universitaire"⁵ [Harassment and Sexual Violence in the University Context]. This report was prepared by a working group on policies and procedures related to sexual harassment and sexual violence (GT-PHS [French acronym for the working group]). A full year of work culminated in a series of recommendations intended to ensure an academic environment free from any form of

⁴ Le Monde, 2016. « Bizutage : Certains chefs d'établissements ferment les yeux ». Online. http://www.lemonde.fr/vie-etudiante/article/2015/10/28/nous-avons-decompte-une-dizaine-de-cas-de-bizutage-depuis-la-rentree_4798239_4468406.html.

⁵ Bureau de coopération interuniversitaire (BCI), 2016. « Le harcèlement et les violences à caractère sexuel dans le milieu universitaire : Rapport du Groupe de travail sur les politiques et procédures en matière de harcèlement sexuel et de violence sexuelle (GT-PHS) ». Online. http://www.crepuq.qc.ca/IMG/pdf/Rapport-GT-PHS_adopte-CA_2016-10-14-VF.pdf.

sexual violence. Divided into six sections and several general orientations, it offers 79 recommendations that university establishments can adapt to their specific context and resources. Although the intention of the report is admirable, it is critical that concrete actions be taken in order to advance the necessary culture change.

The general section, entitled *Working together towards a culture of respect and to prevent sexual violence*ⁱⁱ, presents more general commitments intended to publicly affirm the commitment of universities to improve their practices. This is followed by six sections (Understanding harassment and sexual violence in the university context; Legal framework and mandatory management practices; Best practices for prevention on campus; Best practices for on-campus response measures; Best practices for policies and regulations; Resources and partners), which we will consider individually to highlight each of their findings and recommendations.

In the section *Working together towards a culture of respect and to prevent sexual violence*, the BCI foregrounds the very serious problem posed by sexual violence in society as a whole, and on university campuses in particular. It notes that universities are responsible for assuring physical safety as a fundamental right. It also underlines the common problem of administrations working on these issues in isolation.

It therefore recommends the promotion of an atmosphere on campus that is diametrically opposed to rape culture—one that supports egalitarian relationships and that is founded on respecting difference. It focuses on the importance of denouncing sexual violence in

ⁱⁱ Translator's note: The BCI report has only been published in French. English translations of the section titles are provided in this document for the sake of English-language readers. The original French titles can be found by consulting the BCI report, linked to in note 5.

particular and of unifying the efforts of different universities to fight against it.

In Understanding harassment and sexual violence in the university context, the BCI presents a realistic portrait of the situation on campuses. The statistics are far from encouraging and reflect those cited earlier in this brief, while further recognizing the greater risk of women who are immigrants, indigenous, visible and sexual minorities, suffering from mental health issues, or living with a disability. The study also recognizes that sexual violence goes beyond sexual assault and includes other unacceptable behaviours, such as sexual harassment and inappropriate behaviour of a sexual nature. The BCI reiterates the importance of starting from the principle of consent when raising awareness and reflecting on these issues. The report identifies the difficulties faced by survivors in going through the entire process for formal complaints, for a variety of reasons. It also notes the increase in sexual violence around certain events (parties, orientation events, the first year at university). The study recognizes the problems posed by the power dynamics between students and professors, and between management and employees, especially for graduate students. Finally, it recognizes and explains the concept of rape culture.

This section provides a number of recommended actions, particularly regarding rape culture. Raising awareness, discussions, and dialogue are put forward as means for overcoming the taboos around rape culture and relationships between professors and students. Finally, a number of actions are proposed to try and increase reporting rates, particularly through facilitation processes.

In the chapter Legal framework and mandatory management practices, the BCI's working

group goes through the current legal framework with a fine-toothed comb, recognizing that universities are contravening the law if they fail to establish and maintain a work environment that is free of harassment. It also notes how most of Quebec's universities are attempting to combat sexual violence by applying their general policies against psychological harassment.

The working group recommends a variety of processes to better inform members of the university community about their institution's policies. It recommends that the individual responsible for handling complaints of sexual violence be granted the independence necessary to fulfill their role autonomously and appropriately. It also recommends that managers be accountable for how they deal with these types of situations, and that they be sanctioned if they refuse to intervene. Further, it recommends that significant measures be put in place to punish those responsible for improper actions, while still guaranteeing certain protections against false accusations. Finally, the BCI recommends that policies protecting complainants from any form of reprisal be adopted.

Prevention is at the heart of the recommendations made by BCI's working group in the section Best practices for prevention on campus. It recognizes a wide variety of practices that should be put forward, as well as the importance of involving all of the actors involved in the university community, particularly student representatives. Awareness campaigns continue to prove effective, according to the BCI, and should focus on changing attitudes towards these issues. This section concludes with the importance of increasing cooperation between all of the actors involved, in order to maximize prevention efforts.

More concretely, the BCI recommends creating new internal bodies to help make

improvements to existing policies and regulations, supporting further collaboration between actors, creating specialized committees, running campaigns to raise awareness, training for members of the university community, and combining different approaches to combating sexual violence. The report emphasizes the importance of properly preparing front-line staff, improving their ability to respond appropriately. It also notes that a healthy collaboration with student associations and labour unions is critical to success. The BCI also recommends putting in place an obligatory information session as one of the requirements in a class. Finally, the report asks universities to provide the necessary human and financial resources required to attack this issue.

The unfortunate reality of sexual violence on Quebec's campuses means that university's need to review their measures for responding to and interacting with survivors. In the section Best practices for on-campus response measures, the working group recognizes from the get-go that many of the front-line staff dealing with these issues are in need of substantial, additional training to better center their work on the survivors themselves⁶. It also advances the importance of providing informal and anonymous channels for disclosures, in order to ease the burden on survivors. The report also notes how, too often, a long delay in processing accusations causes harm to the victim. Finally, in affirming the need for an "impartial, equitable and just process, that is seen as such by the university community,"⁷ the report recognizes that these are not currently in place.

It therefore recommends several actions intended to improve existing services, to bring together the different groups working in silos in order to provide victims with a single point

⁶ Ibid., p.44.

⁷ Ibid., p.56. [Translated]

of contact, and to improve the training given to personnel in general as well as to first-line staff in particular. It also recommends establishing an informal complaint process, if none exists, as well as ensuring that victims are encountered and cared for as early as possible. Without surprise, the most important recommendation is the establishment of an “impartial, equitable and just process that is seen as such by the university community.” Finally, the report reiterates the importance of providing adequate financial and human resources to implement these recommendations.

The second-last section of the report, Best practices for policies and regulations, examines the policies and internal processes in place at different universities. In reviewing the very large number of internal regulations applicable to sexual violence, the working group notes how little impact these actually have if community members are not well educated as to their content. They must be fully endorsed by the upper administration and translated into concrete actions on the ground. It also recognizes that it is always more efficient—in terms of regulations—for sexual violence to be covered by its own policy, rather than diluted within a more general policy document.

The BCI recommends two options for internal regulations: 1) the amendment of existing policies against harassment to specifically include sexual violence and to add specific sanctions for incidents of sexual misconduct, or 2) the creation of a new policy specifically dealing with sexual violence.

Resources and Partners, the shortest section, considers allies in the fight against sexual violence. It simply covers the importance of involving every possible social actor in universities’ strategies, whether they are part of the university community or not. These

include: security services, community groups, police forces, student associations, and hospitals, among others.

More concretely, the working group recommends the development of a large network dedicated to supporting survivors and to promoting the full collaboration of universities, with each other, to tackle these issues.

A CRITICAL LOOK AT THE BCI REPORT

A number of observations can be drawn from the BCI report. Firstly, it confirms the prevalent rape culture in Quebec's universities⁸, an acknowledgement sought by many feminist organizations for years. Having university administrations admit its reality is the first step towards dealing with it. Next, the report recognizes that very few survivors choose to make formal accusations⁹. Further, unofficial channels for accusations, which are preferred by many survivors, are not available everywhere¹⁰. Additionally, the BCI itself acknowledges that universities are not fulfilling all of their legal obligations regarding even those cases that are reported¹¹. The BCI also recognizes that a majority of Quebec's universities simply apply their policy on psychological harassment, rather than adopting a policy that is specific to sexual violence, which is far from optimal as it weakens the overall effort to eliminate sexual violence¹². Finally, the BCI comes to two conclusions that we share: that a close collaboration with elected student representatives essential to successfully shift the university's culture and resolve these issues¹³, and that front-line staff

⁸ Ibid., p.94.

⁹ Ibid.

¹⁰ Ibid., p.99.

¹¹ Ibid., p.95.

¹² Ibid., p.102.

¹³ Ibid., p.104.

must be given training that is specifically focused on responding to these incidents¹⁴.

One thing that is evident from this overview is just how wide the BCI cast its net when producing this report. Although it represents a step in the right direction, overall, a number of points ought to be more fully developed in order to maximize its impact. Firstly, very few punitive measures are given; no real consequences are recommended. The report prefers to speak generically about “regulating”¹⁵ sexual violence, “determining appropriate sanctions,”¹⁶ “taking consistent disciplinary or corrective measures towards those responsible for misconduct.”¹⁷ A greater effort, on the part of the BCI to clearly indicate what they consider to be “appropriate sanctions” for those who commit inappropriate actions would have been a welcome addition. It is worth making a point of the fact that group sanctions, such as banning certain types of events due to issues that occur at them, are counter-productive, creating negative incentives to disclosure by survivors. Many victims will choose to keep quiet about a problem, rather than running the risk of negatively affecting their peers as a whole or of opening themselves up to group reprisals. It is vitally important that, by the end of this process, all members of the university community fully understand this reality. It is important that the consequences match the offense and are equal to its severity, regardless of the campus on which they take place.

Similarly, there is a great deal left unsaid about the problems posed by inappropriate relations between faculty and students. The report chooses not to recommend banning such relationships altogether, limiting itself to merely “opening and favouring discussions

¹⁴ Ibid., p.99.

¹⁵ Ibid., p.103.

¹⁶ Ibid., p.102.

¹⁷ Ibid., p. 96.

on the still-taboo subject of intimate relationships between professors and students”¹⁸ or “establishing guidelines and regulations to better regulate”¹⁹ them. It is appalling for universities to continue hedging their discourse towards the total prohibition of sexual relationships between students and professors, given the direct link of authority between them. Such a restriction could easily include an exclusion for relationships that predate the existence of such a power dynamic. If the decision to favour informal complaint processes is based on best practices in the field and a desire to promote a healing environment for survivors, it is of the utmost importance that it never be used as a means to cover-up events for the sake of protecting an institution’s reputation.²⁰

Nevertheless, the report makes important steps forward on the subject of accusations and the importance of providing support to victims throughout the first steps. It recognizes the need to “offer an impartial, equitable and just process that is seen as such by the university community in order to not discourage disclosures.”²¹ The report recognizes that this is not always the case and that changes must be made to get there—an important admission by university administrators that confirms a criticism formulated by survivors for some time now.

Unfortunately, while the report recognizes that certain groups are at a higher risk of sexual

¹⁸ Ibid., p. 95.

¹⁹ Ibid.

²⁰ See: Le Monde, 2016. « Au Texas, une université est accusée d’avoir voulu étouffer des faits d’agression sexuelle ». Online. http://www.lemonde.fr/campus/article/2016/08/08/aux-etats-unis-des-victimes-d-agressions-sexuelles-accusent-leur-universite-d-avoir-tente-de-les-dissuader-de-porter-plainte_4979986_4401467.html; or Radio-Canada, 2016. « Baïllonnement des victimes d’agression sexuelle: l’Université de Brandon revient sur sa décision ». Online. <http://ici.radio-canada.ca/nouvelle/774100/code-conduite-agression-sexuelle-universite-brandon>.

²¹ Bureau de coopération interuniversitaire (BCI), 2016. « Le harcèlement et les violences à caractère sexuel dans le milieu universitaire : Rapport du Groupe de travail sur les politiques et procédures en matière de harcèlement sexuel et de violence sexuelle (GT-PHS) ». Online. http://www.crepuq.qc.ca/IMG/pdf/Rapport-GT-PHS_adopte-CA_2016-10-14-VF.pdf, p.100.

violence, such as Indigenous students or visible and sexual minorities²², it provides no guidance on how to work towards improving their situation or any measures to better adapt services to their needs. It will be necessary to reflect on these matters so that concrete initiatives that serve more marginalized communities can come out of this consultation process.

Men make up an important minority of victims of sexual assault, yet few specialized resources are dedicated to their cases. The consultation process launched by the Minister should investigate whether a different approach should be taken when responding to these survivors and their experiences.

The sheer number of recommendations included in the BCI report leaves us concerned that the most important one could be left aside: supporting the fight against sexual violence on campuses. Importantly, severe sanctions should be recommended for use against aggressors, especially those abusing a position of authority.

²² Ibid., p.93.

A LOOK AT BEST PRACTICES FROM ACROSS CANADA

Quebec's situation is no different or worse than other provinces. Problems of sexual violence and a pervasive rape culture are just as present in the rest of Canadian society and on its other university campuses. In 2014, the Toronto Star reported that only nine post-secondary institutions in Canada had adopted specific policies addressing sexual assault²³. Only nine out of 102 schools. Nonetheless, campaigns have continued to produce concrete results in the past years. For example, Ontario has put in place a strategy aimed at providing its colleges and universities with training and prevention programs, full-time support services for survivors, and clear protocols for complaints and institutional responses²⁴. Throughout Canada, student associations are criticizing their respective university administrations on the absence of effective measures to combat sexual violence. Still, several interesting practices have emerged in the past several years.

The University of Windsor has put policies in place that are inspired by bystander initiatives from the United States—also the subject of a recommendation in the BCI report²⁵. These strategies focus on getting bystanders to intervene before an assault takes place. To promote these bystander interventions, courses and workshops are given throughout the year to teach members of the university community how to react quickly and appropriately. The program also works off the premise that men can act as allies by engaging them in concrete actions against sexual violence. Small gestures are sometimes enough: simply

²³ Toronto Star, 2014. « Canadian Post-Secondary Schools Failing Sex Assault Victims ». Online. https://www.thestar.com/news/canada/2014/11/20/canadian_postsecondary_schools_failing_sex_assault_victims.html.

²⁴ Ontario, 2016. « It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment – Progress Report 2015-2016 ». Online. <https://www.ontario.ca/page/its-never-okay-action-plan-stop-sexual-violence-and-harassment-progress-report-2015-2016>.

²⁵ Bureau de coopération interuniversitaire (BCI), 2016. « Le harcèlement et les violences à caractère sexuel dans le milieu universitaire : Rapport du Groupe de travail sur les politiques et procédures en matière de harcèlement sexuel et de violence sexuelle (GT-PHS) ». Online. http://www.crepuq.qc.ca/IMG/pdf/Rapport-GT-PHS_adopte-CA_2016-10-14-VF.pdf, p.13; 37-38.

turning the lights on or knocking a glass over onto a possible aggressor can suffice. Although men are more difficult to recruit, an increasing number are working in tandem with women to animate ever more workshops with students. Since 2010, nearly 1000 students have benefited from this program, due to the work of around 100 volunteers²⁶. This method has also seen a great deal of success in the US, according the White House Task Force put in place by President Obama²⁷.

The University of British Columbia has recently improved its prevention measures, following six assaults on its campus between April and October, 2013²⁸. As a result of the embarrassing media coverage, the university improved the lighting on campus, installed security cameras, and put in place a bike patrol. The persistence of assaults on its campus, despite all these changes, strongly reinforces the limits of an approach that focuses solely on increase security and surveillance. Although it can help people to feel safer on their campus, it does nothing to undo the prevalent rape culture that is at the root of these problems. As a result, we cannot endorse any approach that relies solely on increasing security measures.

For its part, Queen's University has a specific policy dealing with sexual assault that was put in place following many months of collaborative work with its student associations, although the policy is not public²⁹. We strongly condemn this glaring lack of transparency. It is critical for policies involved in combatting sexual violence to be made public and that

²⁶ University of Windsor, 2011. « Empowering Student Bystanders ». Online. <http://www1.uwindsor.ca/bystander/>.

²⁷ United States Department of Justice, 2014. « Not Alone: The First Report of the White House Task Force to Protect Students From Sexual Assault ». Online. <https://www.justice.gov/ovw/page/file/905942/download>.

²⁸ Global News, 2016. « UBC Warns of Another Prowler Incident on Campus ». Online. <http://globalnews.ca/news/2614917/ubc-warns-of-another-prowler-incident-on-campus/>.

²⁹ Queen's University. « Sexual Violence Policy ». Online. <http://www.queensu.ca/secretariat/sexual-violence-policy>.

they be widely understood by all, especially to preserve a sense of accountability between administrators and the community.

Many universities have also established training programs specifically for the leaders of student groups and student residences. Unfortunately, few of them have made these training sessions mandatory and, by their very nature, they are ill-suited to students at large.

Governments have increasingly been taking action, in response to the increased media attention given to a few high-profile cases. Yet additional funding is often poorly attributed, according to reports by the *Toronto Star*³⁰. The majority of these funds are put into infrastructure, e.g. emergency phones, security doors and grates for stairwells, or security cameras. Sault College, in Sault Ste. Marie, Ontario, spent two consecutive years of its grant money preparing for a lockdown situation, which is barely related to the fund's purpose³¹. Durham College could think of nothing better to do with it than to clear away shrubs and bushes found on campus³².

For its part, the University of New Brunswick has put in place measures to combat the issue of sexual violence³³ that we find particularly interesting. In addition to adopting a policy focused solely on combating sexual violence, it hired a dedicated staff person for each campus. These new front-line staff members work "at arm's length" from the university, independent from the administration. This decision seems tailor made to counter

³⁰ Toronto Star, 2014. « Canadian Post-Secondary Schools Failing Sex Assault Victims ». Online. https://www.thestar.com/news/canada/2014/11/20/canadian_postsecondary_schools_failing_sex_assault_victims.html.

³¹ Ibid.

³² Ibid.

³³ CBC News, 2016. « UNB Brings in 'Survivor-Centered' Approach for Sexual Assault Reports ». Online. <http://www.cbc.ca/news/canada/new-brunswick/sexual-assault-policy-unb-campus-1.3624854>.

the common critique that universities prefer to protect their reputation than survivors.³⁴ The QSU is well aware that this widespread public perception is largely unfair, particularly for the many staff members who work selflessly to support survivors. We also recognize that most university administrators want to resolve situations, and not just protect their institution's reputation. Nonetheless, we find the direction taken at UNB to be a desirable means of clearly countering this general impression by drawing a clear line between these services and the university's administration.

³⁴ Ibid.

RECOMMENDATIONS

The following recommendations build on our overview of the BCI report, the overall situation in Quebec, and examples drawn from the rest of Canada. They are intended to help orient the efforts of all of the different actors involved in combatting the problem of sexual violence present on university campuses.

Although the government's commitment to help eliminate sexual violence is laudable, it is our opinion that a national plan of action on the issue would be undesirable. The situation on each university campus is so different—due to different compositions, geographic locations, and missions—that reconciling them all would be impossible. The most appropriate role for the government would be to develop broad overall guidelines that each university would use to produce their own campaigns, and by which their efforts would be judged.

<p>Recommandation 1 : That the consultation process underway serve to determine national guidelines directing the actions taken by each university on the issue of sexual violence.</p>
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The measures that have been put in place at Quebec's universities diverge significantly between institutions, as clearly shown in the BCI report. Some have adopted policies and action plans that are specific to the issue of sexual violence, while others have continued to deal with these problems within the larger context of policies against harassment. Although we recognize that these issues have some points in common, we still believe that it is of paramount importance for each university to adopt a policy and action plan that deals solely with the issue of sexual violence. This allows for a clear-minded and coherent approach, while also assisting in holding administrations accountable for improving the

situation on their respective campuses.

Recommendation 2 : That a policy focused solely on sexual violence be developed at each university, and that such cases no longer be handled under general policies regarding harassment.

Policies and action plans must be prepared with the broad involvement of every relevant stakeholder to ensure that everyone in the university community is working together. The total culture shift needed to eradicate rape culture will never come about if different actors engage in disparate, uncoordinated action. In keeping with the collective effort undertaken in the Minister's consultation, each local action plan must come out of a meaningful collaboration between the student associations and university administrators.

Recommendation 3 : That the policies and action plan for combating sexual violence be developed collaboratively by students and administrators at each university.

To ensure a sustained campaign against sexual violence, and the desired culture change in our society, it is of the utmost importance that the government support each university's initiatives for the long-term. Given the state's ongoing austerity policies, it is all the more important that funding for these efforts be available at the level needed to ensure their success. Just as we wouldn't rob Peter to pay Paul, the funds needed to support these initiatives should be distinct from universities' existing budgetary allocations and indexed annually to ensure that natural cost increases are covered.

Recommendation 4 : That recurring, indexed, and public funds be made available in a budgetary envelope, separate *from universities' existing budgets*.

Not only do we need results from administrators, we need them to be accountable to the public and the government to use these new funds appropriately, towards resolving this critically important issue. To avoid creating new administrative structures, and to ease the

overall process, it seems evident to us that the government should take advantage of the appearance by university administrators before a parliamentary commission, already imposed by Law 95, to follow up on their specific action plans regarding sexual violence. Doing so would, however, require a small modification to the overall process in order to include other actors from the university community, such as student associations. Once they are convened before the government's representatives, each institution's administrators and student associations could speak to the progress made.

Recommendation 5 : That a process be put in place to ensure the accountability of universities in taking concrete actions and applying their specific action plans.

Recommendation 6 : That the audiences held under Law 95 be expanded to include testimony by student associations, following the presentation *made by their university's* administrators.

As noted in the BCI report, certain categories of students face a higher risk of sexual violence. This reality should necessarily bring a greater focus to providing these students with additional support, as needed.

Recommendation 7 : That the policies and action plans put in place take the different realities of visible, sexual, and gender minorities into account, particularly those of Aboriginal women, women with disabilities, *and women who've immigrated*.

Recommendation 8 : That the relevance of developing specific tools and resources to support survivors be evaluated.

In several recent media appearances on the subject, survivors have laid out clear and legitimate critiques of the measures in place at universities. We believe that the action plans to be developed must involve substantive collaboration with experts in the field. Further, in order to ease the burden on survivors seeking help or wanting to make

accusations, the processes involved must be easy to understand and accessible to all. To that end, there must be a simple means for survivors of sexual assault and harassment to access all relevant resources and support through a single contact. It is also important to be engaged in constant reflection on the processes in place, and to listen to survivors themselves, to ensure that these resources are meeting the real needs on campus.

Recommendation 9 : That the perspectives of survivors be taken into account when developing internal university processes and services.

Recommendation 10 : That special attention be given to the disclosure process, within the overall processes involved, to minimize the negative impacts on survivors.

Recommendation 11 : That there be a single point of contact through which survivors can access help and/or disclose an assault, in order to render these processes as easy and accessible as possible.

Throughout Canada, there is only a single system of criminal law. This ensures that, wherever a crime is committed, the punishment will be the same. Otherwise, a crime could carry different sanctions from one province to the next. To avoid having that very situation arise for sexual violence on Quebec's campuses, sanctions must be relatively similar among all of the province's universities. These sanctions would necessarily have to be developed through robust discussions that involve all of the relevant stakeholders.

Recommendation 12 : That administrative sanctions be developed through a collective process involving university administrators, labour unions, and student associations, such that the consequences of these actions will be widely known.

Recommendation 13 : That these sanctions be developed to ensure a relative concordance throughout the university network.

Although the QSU understands perfectly well that students are adults and able to make

their own choices, we consider it unacceptable that non-consensual relationships occur between faculty members and students. Under the cover of “free choice,” we sometimes find hiding an abuse of authority that can lead to sexual violence. This is why we recommend a total ban on sexual relations between professors and students over which they have a direct link of authority, excluding relationships that predate such a link of authority.

Recommendation 14 : That sexual relations between professors and the students over which they have a direct link of authority be prohibited and punished, excluding relationships that predate such a link of authority.

The population at large expects both results and transparency regarding these issues. Without necessarily reporting each and every accusation received, it does seem clear that at least the rules and regulations dealing with them must be known—not only for members of the university community, but for the public as well. In the United States, it is this exact lack of transparency that fed a generalized indignation when alleged aggressors were let off without consequences.

Recommendation 15 : That the policies and regulations adopted be made public.

The University of New Brunswick has led the way in creating an effective separation between the administration and resources dedicated to helping survivors. Without passing judgment on its effectiveness, it nonetheless goes a long way towards answering the public perception that universities sometimes prioritize their reputation above the adequate and full investigation of reported assaults. We feel that this possibility should be thoroughly investigated as a part of the current consultation process.

Recommendation 16 : That the implementation of resources for survivors that are wholly independent from the university administration be evaluated.

In our efforts to counter sexual violence, it is critical that each university and each campus have access to the appropriate resources, without basing them on their respective student populations. Proportional funding could easily become an obstacle for parts of the UQ network (ÉNAP, ÉTS, INRS, UQAC, UQAR, UQO, UQAT, UQTR, TÉLUQ) and some of the charter universities (Bishop's, Polytechnique, HEC) that have smaller student populations or multiple campuses to cover, or both. It could also be worthwhile to investigate the implementation of shared services that support survivors from several universities and CEGEPs in the same area, or partnerships with community organizations. For example, the BCI, the UQ, or a university could establish a partnership with specialized resources, like Quebec's sexual assault centers (CALACS), to offer necessary support services to survivors.

Recommandation 17 : That the possibility of offering resources to survivors through a shared service or partnerships with specialized community organizations be investigated, if the integration of such services at each university campus proves to be too onerous.

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ANNEX I

List of the BCI's 79 Recommendations³⁵

	Primary Recommendations from the BCI Report on Sexual Violence
	WORKING TOGETHER TOWARDS A CULTURE OF RESPECT AND TO PREVENT SEXUAL VIOLENCE
1	Promote a culture of respect and the values that underlie egalitarian relationships built on a respect for differences.
2	Acknowledge that sexual violence is a serious social issue, that it is unacceptable, and that it must be denounced and condemned.
3	Develop a collective discourse and objectives in order to multiply our strengths in fighting against sexual violence.
4	Combine initiatives focused on awareness, prevention, and intervention to put a stop to sexual violence.
	SECTION I - UNDERSTANDING HARASSMENT AND SEXUAL VIOLENCE IN THE UNIVERSITY CONTEXT
5	Raise awareness within the community regarding the myths and prejudices about sexual violence that underlie and support rape culture.
6	Encourage discussions about the preconceived notions and negative social norms that are often taken to be true by community members.
7	Create space for and promote discussion of the taboo surrounding intimate relationships between professors and students.
8	Establish guidelines and regulations to better regulate relationships involving an uneven power dynamic, to ensure that the parties are protected and to guarantee procedural fairness.
9	If such relationships are not prohibited, adopt conflict of interest regulations that require staff to disclose such relationships in order to ensure that the parties are protected and to guarantee procedural fairness.
10	Strive to offer quality services and processes that help to facilitate disclosures and accusations.
11	Lobby all relevant levels of government to ensure that all of its agents are working together to remove any obstacles to bringing accusations under the law.
	SECTION II - LEGAL FRAMEWORK AND MANDATORY MANAGEMENT PRACTICES
12	Ensure that all members of the university community are informed about the regulations in place regarding harassment and of the institutional policies that follow from them.
13	Ensure that all members of the university community understand that any deviation from these regulations will not be tolerated.
14	Ensure that all members of the university community understand the recourses available to them to resolve situations arising under the purview of these regulations and provide them with the relevant staff person's information.

³⁵http://www.crepuq.qc.ca/IMG/pdf/Rapport-GT-PHS_adopte-CA_2016-10-14-VF.pdf

15	Grant the individual responsible for handling complaints the independence necessary to fulfill their role, particularly the freedom required to properly conduct their investigations.
16	Require all managers and other responsible staff to adopt an exemplary and respectful conduct.
17	Ensure that managers and other responsible staff understand their responsibility to act diligently in response to any inappropriate behaviour brought to their attention. Should they fail to act, the university may impose appropriate sanctions.
18	Take appropriate disciplinary or corrective measures against any individual responsible for misbehaviour.
19	Impose the same rules of civility as observed in society-at-large on all members of the university community.
20	Inform every member of the university community of their responsibility to inform the involved party, either directly or via their manager, if they feel that they have been subject to offensive behaviour.
21	Ensure that no person who has been the victim of harassment is made to suffer any disadvantage or reprisal following the exercise of this right, unless the complaint is frivolous or made in bad faith.
SECTION III - BEST PRACTICES FOR PREVENTION ON CAMPUS	
22	Commit to taking action and mobilizing resources to prevent sexual violence on campus.
23	Publicly express your total opposition to sexual violence;
24	Create effective policies and regulations;
25	Foster collaboration between actors;
26	Create specialized committees;
27	Hold information campaigns;
28	Offer programs for prevention and training;
29	Train the members of the university community;
30	Work to reduce risk factors
31	Combine approaches.
32	Inform every member of the university about the problem, including professors, students, and administrative, support, and security staff.
33	Ensure an active and substantive involvement of student leaders and associations, faculty associations, and labour unions in developing the prevention and intervention strategies at your university.
34	Distribute information to the university community as a whole on the issue of sexual violence, the university's central resource center (dedicated personnel on campus), aid resources, as well as the recourses and coercive measures in place to deal with cases of sexual violence.
35	Ensure the widest possible distribution, by means such as email, of information relevant to the issue as well as available recourses and resources. Ensure regular reminders of the above.
36	Prioritize informing students during their first semester (e.g. distributing information to each student at the start of their studies, implementing a mandatory information

	session on the issue of sexual violence and consent).
37	Include mandatory participation in an information session as a requirement for a class.
38	Develop and support information campaigns and prevention programs.
39	Privilege a blended approach (psycho-education, bystander, cognitive behavioural).
40	Implement collective campaigns around awareness and prevention.
41	Get men involved in raising awareness around sexual violence, as 95% of sexually violent acts are committed by men.
42	Strive to create a widespread understanding of consent and to increase the practice of empathy among male students.
43	Create discussion spaces for subjects related to issues of sexual violence.
44	Conduct regular evaluations of higher-risk areas and activities on campus, and readjust the preventative measures in place.
45	Promote the practice of behaving as an active witness; encourage the university community to mobilize itself against sexual violence and provide them with the necessary tools to do so.
46	Provide the human and financial resources needed to support initiatives aimed at prevention.
47	Establish a partnership between universities to better share expertise, knowledge, training resources, and informational material.
48	Develop links within a network of internal and external partners to facilitate greater collaboration.
SECTION IV - BEST PRACTICES FOR ON-CAMPUS RESPONSE MEASURES	
49	Recognize that all victims of sexual harassment or violence have the right to respect and empathy from all front-line staff and the right to access services without experiencing any form of prejudice.
50	Evaluate the types of services on campus, identify any weaknesses in what is offered and work towards correcting them.
51	Establish a protocol ensuring that disclosures are met with the best possible response.
52	Clearly identify a single point of service to be the designated resource following incidents of sexual violence.
53	Clearly define the tasks of each actor involved in the institution's response, including the responsibilities and collaboration expected of each. Clearly distinguish the roles and responsibilities of the primary resource person (support, accompaniment, informal responses) and the individual responsible for treating the complaint itself (investigation, decision, sanction, and redress).
54	Ensure that the individuals involved in treating misconduct cases are trained to deal with cases involving sexual violence and that they have the competencies, expertise, and interpersonal skills needed to support victims.
55	Ensure that every disclosure is treated confidentially and that all formal processes following from it benefit from the greatest possible discretion.
56	Create the possibility of anonymous disclosures in order to provide victims with support and information on the resources available to them.

57	Create the possibility for informal resolutions and preventative or accommodating measures to facilitate dealing with the situation and to minimize its negative impacts.
58	Offer psychological and medical support to all involved parties. Ensure that victims are encountered and cared for as early as possible.
59	Offer an impartial, equitable and just process, that is seen as such by the university community in order to not discourage disclosures
60	Ensure that the formal complaint process operates according to best practices and that each step of the process, including delays and possible sanctions, are clearly defined and communicated to the community as a whole.
61	Conduct each step of the formal complaint process with diligence, competence, and professionalism.
62	Avoid the consideration of a complaint related to sexual violence by any investigative or disciplinary committee composed of multiple university representatives, without a request to do so from the victim, due to the sensitive nature of the situations involved.
63	Should an investigation be required, it is best for it to be undertaken by a specialized external actor.
64	Determine appropriate sanctions and put in place so-called restorative measures or support measures to help minimize the effects of sexual violence.
65	Provide support for those responsible for acts of sexual violence to help them recognize their actions, understand their impact, make gestures of reparation (if appropriate), and ensure that they will not repeat the offense.
66	Provide the human and financial resources required to offer sufficient resources that are able to respond quickly and appropriately to any disclosure.
SECTION V - BEST PRACTICES FOR POLICIES AND REGULATIONS	
67	Recognize that official policies and regulations can play a critical role in creating an environment in which every person on campus feels respected.
68	Use policies dealing with psychological harassment to cover incidents of sexual violence /Create a policy or regulations specifically to deal with sexual violence or, as applicable, revise those already in place to ensure that they cover all forms of misconduct involving a sexual component.
69	Draw on best practices when creating or revising regulations and policies.
70	Unequivocally state that victims will be well treated and will receive services that are adapted to their needs, and that the parties at fault will be held responsible for their actions.
71	Prioritize prevention and informal resolutions within regulations.
72	Ensure that these policies are well understood among the university community and exemplified through concrete actions and activities.
73	Ensure that the entire university community understands the contents of the policy and required rules of conduct.
SECTION VI - RESOURCES AND PARTNERS	
74	Develop a network of partners within the institution and community to allow for rapid, effective responses to disclosures and accusations.
75	Identify the roles and responsibilities of each body, service, and individual with a key role to play in treating these cases.

76	Distribute information about and clarify the role of each resource available.
77	Prepare the community to react appropriately to disclosures and direct the individual in question to the appropriate resource.
78	Work in collaboration with the various resources and bodies in a cooperative manner while assuring the total confidentiality of cases.
79	Encourage cooperation and collaboration between universities so as to work together towards countering sexual violence.