

September 28th, 2016

Sandy Welsh
Office of the Vice-Provost, Students
University of Toronto
27 King's College Circle, Room 221
Toronto, Ontario, Canada M5S 1A1

Summary Report: Consultation Findings

In 2014, the University of Toronto Administration struck a Committee to address sexual violence at the University of Toronto. In February of 2016, this Committee released its Final Report. This Report was followed by the release of the President and Provost's Response to the Final Report on April 5, 2016 confirming its principles and recommendations. The Final Report did not recognize the realities of marginalized students, demonstrated a lack of a broad-based and comprehensive approach to addressing sexual and gender-based violence, and did not include a concrete plan of action for tackling sexual and gender-based violence at the University.

That said, SCSU, student unions across the University of Toronto, as well as student groups and Departmental Student Associations initially called on the University of Toronto Administration to create a community-based working group on the creation, implementation, and ongoing review of the University's sexual violence policy and resources for survivors of sexual violence. We asked that this working group include representatives from a variety of student-led organizations and that it strive to meaningfully represent and engage with marginalized students.

Meanwhile, student organizations at the University of Toronto Scarborough have come together to host a student-led consultation, including the Scarborough Campus Students' Union, Association of Part-Time Undergraduate Students, Students for Barrier-Free Access, Students of Sociology, Students of English, Literature and Film, and the Women & Trans* Centre. Our hope is that the University will respect students' input, and that the following recommendations will help to shape the Sexual Violence Policy as well as resources available for survivors of sexual assault at the University of Toronto.

The Consultation

A small group of about 15 students gathered to discuss what safety means to them within the Scarborough Campus context – a community where the majority of students here are marginalized in a multiplicity of ways (race, class, sexual orientation, religious

beliefs, etc.). There was an active listener and a facilitator trained in anti-oppression in the space, as well as a separate decompression space equipped with a counselor for students for folks who are triggered.

The agenda was as follows:

- Land Acknowledgement
- Introductions
- Topics of Discussion
- Feedback on policy
- Breakout sessions

Key Areas Addressed

1. Lack of Urgency

The words “Complainant and Respondent” are used, when the words “Survivor and Assailant/Abuser” erases the validity. Responding to an allegation as opposed to holding themselves accountable, and you’re still given the space to respond. That is assuming that it may not be true. When reporting an act of sexual violence, there is no urgency.

2. Intersectionality

Sexual violence is not apolitical – Indigenous population of women experience this form of violence at double the rate. Trans women of colour experience intense amounts of sexual violence, that should be explicitly shown they will be supported. Someone disclosed a story of a friend at the University of Toronto who was asked to go to 3 different offices to file three (3) separate reports for cases of sexism, racism and homophobia, which is horrible. “The Centre” should be able to intake survivors from an intersectional lens. Also, abusers should not be able to use “The Centre” as a resource, because that can be retraumatizing.

3. Culture & Policy

The importance of regular revisions need to occur, recognizing that culture and climate of the campus is continuously changing. In conversations regarding the policy creation, students mentioned the importance of creating a standing committee that would be responsible for making amendments to the Sexual Violence Policy as necessary. Further, when speaking about necessary amendments to the policy as listed below, it was consistently mentioned that these concerns are mental health issues as well.

The Issues

The following issues are a series of complaints, recommendations, and comments voiced by students who participated in SCSU's consultation. Specific issues raised have been categorized by the area of the Policy they pertain to, while generalized comments have been listed below.

- *All employees of the Centre are encouraged to be culturally sensitive without othering those who are marginalized.*
 - o *Nothing is worse than being met with other forms of violence while disclosing – anti-black racism, Islamophobia, etc. Which speaks to the importance of ensuring that all people who are hired to work in the Centre receiving anti-oppression training and working within an anti-oppressive framework.*
- *LANGUAGE – the use of the words “Complainant and Respondent” is a complete disservice to the survivor-centred approach the University commit to making. The language used throughout the policy should be “Survivor and Abuser/Assailant”.*
- *The survivor should know what is happening at every stage of the process of the report.*
- *The policy should work for us; it should be proactive rather than reactive.*
- *It seems like it's purposely vague so there is nothing to hold the University accountable. Dealing with [sexual assault] is more than just a PR stunt, it's important.*
- *Survivors have been interviewed anywhere between 2 to 10 times for one report using U of Ts current reporting system – with this new process, the amount of time the report will take needs to be outlined.*
- *No commitment through mention of budgeting – we need to be ensured that there will be substantive and dedicated funding for the Centres and accessible resources*
- *Alternative methods and spaces of support should be compiled and made accessibly available to students in the Centres and online.*
- *The University shouldn't expect to create one size fits all solutions for creating the Centres across all three campuses – even across colleges in St. George, the climate is different.*

I. Statement of Commitment

- o *The first statement of commitment should be something along the lines of commitment to the student who experienced assault, like "we believe you" OR you will be believed, treated with respect, dignity, understanding.*
- o *“I read through the statement of intent and was hopeful, but when reading through the policy I realized that their support for survivors who exist in the margins are not adequately supported.”*

- 6. Add international students, who disproportionately experience assault

II. Application & Scope

- 10. This type of language is NOT okay. A person who commits rape is not a respondent. This type of language downplays the severity of the situation. It could potentially read, "student who was assaulted, or experienced assault and the assailant"?

III. Education, Support & Resources

- 12. The university has to ensure that this FULLY DECENTRALIZED Centre will be located on every campus, and that the resources allocated to the Centre be equal, rather than a majority of the resources being sent to a St. George Location. Survivors are already in an exhausted situation, and to have to travel lengths for reporting spaces is a mental health issue. Also, the demographics are completely different and that should be taken into account when setting up resources particular to Centre across all three campuses. Again, it was provincially mandated that this be a 24/7 Service, so that should be kept in mind as well.
 - How do you determine who will be trained? It should be mandatory for everyone to be trained in Sexual Violence education, including TAs, Faculty, Health and Wellness Centre, Campus Police, University administration, staff, and students. At this point it just seems like they are making the circle of ability to report to, smaller rather than more accessible.
- 15. Means of support should be outlined... How do we know they will not be offered protection? All concerning because resources for survivors are often either limited or non-existent.

IV. Principles Respecting Process

- 21. Survivors should have unlimited sessions either through the Centre or Health & Wellness. It should also be outlined that international students who are survivors fully supported.

V. Disclosure

- 35. What does this mean for survivors who were assaulted before entering University, but whose assailant is currently a student at the university of Toronto? “Regardless of when the incident happened” should be added to the policy.
- 37. VERY UNSAFE. It is extremely dangerous and triggering to offer support in the same space as the one they provide for survivors. The support for counselling and services should be referred to something outside the University community! It will have dire repercussions for every survivor and make the centre incredibly unsafe.
- 38. It mentions that you don't have to tell the Police, but the policy does not explain the other spaces made available where the victim or survivor may be comfortable being heard. What are these “supports and services”?
- 39. Bill 132 mandated that 24/7 support be provided by institutions. 24/7 support is not and cannot be the campus police. Many communities don't feel safe with police or reporting to police. Especially when we know they consistently perpetuate rape myths, are racist and anti-black. The university must make a commitment to not have the police be the 24/7 support!

VI. Reporting Process

A. Reporting Process

43. How long is information being kept? Besides the information they need to send to the ministry, who else has access to it? Where is it kept? This is very vague.

B. Reporting Process – University Response

- 53.c.i - Emergency bursaries is amazing. Maybe include tuition refund or something in the event the student has to drop out for a semester or leave.
 - If bursaries only for survivors and not the abuser as well, which it should be, that should be made explicit.
- 53.c.ii – It is almost always the survivor that has to be moved. The abuser/assailant should be the one moving etc. If this policy is to be survivor-centric, they need to ensure that the needs of the survivor to have a regular schedule and routine as much as possible is maintained. Survivors should be prioritized

C. Assessment and Appointment of an Investigator

- 59. Can the student appeal this decision? This seems like language to protect the University, rather than the survivor. That if they find no need to investigate, they can also keep it quiet.
- 60. Policy is unclear about it who appoints the investigator, who decides what qualifications this individual has, if they are an administrator or third-party, and if they will work within an anti-oppression framework.
 - There is a diffusion of responsibility in terms of who investigates. someone who is not the University should be selecting who is a part of the investigative process.
 - Students who were consulted made a collective recommendation to appoint investigators from spaces like Toronto Rape Crisis Centre, who is accountable to the survivor first and foremost, rather than the University.
 - There was also a recommendation to consult with a multitude of external organizations.

D. Investigation

- 64. How will participating in this process affect any legal action the survivor may be taking at the time or will take? Can the written responses be subpoenaed?
- 69. The piece about balance of probabilities is also a good thing. They have a lower standard of proof. Ideally this should mean that the likelihood of abusers/assailants getting away with assault is lower since it's no longer based on proving that the assault happened beyond a reasonable doubt, which we know is why most rapists get away with it.

E. Decision-Making and Appeal Process

- 71.
 - Student codes of conduct and the hearings associated with them are for schools to try things like plagiarism, or vandalism etc. They are not equipped to try sexual assault cases.
 - The criminal system fails survivors, why are they trying to recreate that within the university?
 - What training will the people who are at the hearing?
 - Who makes up this body?
 - This downplays the severity of the issue if the hearing process is the same one used for things like plagiarism.
- 74. If this is survivor-centric, then the survivor should decide what process works best for them. – Between Workplace Health & Safety and the University's process

IX. Review

- 84. The university should have a permanent standing committee that meets regularly to oversee the policy. As issues arise or if the policy isn't working, why wait 3 years to fix it? They need to be proactive and meeting regularly is a step forward.

Appendix A: Definitions

- There are nowhere near enough definitions included. Appendix A needs to include definitions for the following terms: rape culture, victim-blaming, slut-shaming, intersectionality, racism, anti-black racism, Islamophobia, transphobia, cis-sexism, sexism and heteronormativity.

Finally, we asked the participants what they wished the University knew about the importance of taking up the issues they raised. Here are few of many direct quotes:

- *They need to take care of their students*
- *This University would be nothing without thriving students. Thriving students means having students who are well supported.*
- *A survivor cannot be treated the same as the abuser, and the policy makes it seem as though this is the case.*
- *Administration should consider the cultures we were raised in, not everyone deals with sexual violence in the same way.*
- *The creation of the policy and the series of consultations are more than just business as usual, we're talking about people's lives, here.*
 - *experiencing sexual assault is like living a waking murder. That's why there is so much urgency.*

Conclusion

The organizers were delighted to have organized such a meaningful consultation with such brilliant students. Their perspectives, contributions and insight are a credit to the University of Toronto. It should be noted that all of the following complaints, recommendations, and comments are rooted in the urgency for students to create a safer campus and meet the needs of survivors. I look forward to seeing the ways in which the following ideas are integrated into the next draft of the University of Toronto's Sexual Violence Policy.