

York University

Sexual Assault Awareness, Prevention, and Response Policy Working Group

Meeting Notes

Date: Friday, May 8, 2015

Time: 2:00 p.m. – 3:30 p.m.

Location: 956 Kaneff Tower

Attendance: Polly MacFarlane, Elana Shugar, Rob Castle, Catherine Salole, Jessica Thyriar, Deb Hansen, Grace Permaul, Siraz Chatha, Daulton Scott, Joanna Rainbow, Margaret Macharia

Regrets: Aldo Altomare, Liisa Stephenson, Prakash Amarasooriya, CWTP Representative, Gire Jonathan, Lee Iskander, Tania Das Gupta

Items for Further Review/Discussion

- Issues around confidentiality / privacy issues
- The need to discuss with TPS how sexual assaults are handled externally and the role York could play in shaping the interaction on internal matters
 - Detective Reyaz is open to joining the discussion and has been great for consultations.
- Survivor support resources (for both students and staff) on campus.
- Protocol for Security to respond to sexual assault
 - There is no Standard Operating Procedures specific to sexual assault but there is a procedure that is followed.
- Training initiatives on campus – inventory to review gaps in training.
 - Training update: YODA had a sexual assault training component in their Orient The Leader August training.

Mapping Process

- The mapping process (flow charts) reflects the conversations we had in the fall.
- The purpose of developing these flowcharts is to:

- Encourage positive and respectful critical review of the processes outlined in the flowcharts.
- To suggest revisions of the existing processes.
- To make current processes as seamless as possible for survivors.
- To highlight strengths, challenges, and gaps in the processes.
- To develop recurring themes and best practices.
- To encourage collaboration between different offices so as to reduce the need for survivors to disclose multiple times.

Review of the OSCR process

- The OSCR process is survivor-centric but is also designed to protect the community.
- Once a survivor contacts OSCR, Security has to be notified then Security informs TPS.
 - The survivor does not have to speak to Security/ TPS.
 - Regardless of when or where an incident has taken place Security/ TPS will be informed
- If the survivor is a staff member/faculty, they will be referred to Employee Relations/Faculty Relations who will in turn connect with the Office of the General Counsel.
- If the survivor requires medical attention, they will be referred to EMS/ Hospital.
 - For liability reasons, OSCR cannot drive the survivor to the hospital. The student can provide consent to allow the university to follow up with the hospital for future additional support.
- OSCR informs VPS (Vice Provost Students) so as to discuss if Section 15 (emergency measures) will be invoked.
 - Section 15 is a set of emergency measures that are put in place
 - Section 15 applies to students only. It is a measure under the Code of Student Rights and Responsibilities.
 - It is a non-punitive suspension of the respondent while information can collaboratively be compiled.
 - The student's department will be contacted to let them know that the student will not be attending classes.
 - It is a 10 business day suspension but timelines may be flexible if VPS deems it necessary.

- If the survivor does not or cannot disclose the identity of perpetrator, OSCR only provides support.
- Determination of Ongoing Risk
 - Security will be informed of incident in order to assist in establishing if there is an ongoing risk to the community.
 - To determine if the community is at risk, OSCR participates in a collaborative process in conjunction with various key representatives which includes Security, VPFA, VPS, Students of Concern Committee, and applies VTRA principles.
 - The security bulletin protocol may also be initiated
- If the survivor wants to file a police report, Security will be informed who will in turn refer to TPS.
- The survivor is referred to either a *Critical Incident Coordinator* or *Case Advisor*
 - The *Critical Incident Coordinator* responds to crisis and provides additional support – not specific to sexual assault.
 - The Critical Incident Coordinator may also go to hospital with the survivor if the survivor requires medical attention.
 - The *Case Advisor* puts together information for a tribunal process and provides support to the survivor.
 - A separate *Case Advisor* would be assigned to the respondent.
 - The respondent has access to the same care and support from OSCR.
- Survivor could also be contacted by OSCR
 - If survivor is a student and reports to Security, OSCR may be informed and reach out to the student.
 - **Q:** Is the student informed that they will be contacted by OSCR?
 - **Q:** Is the information in OSCR's intake process sufficient for a Security report?
 - There may be the potential to reduce the amount of times a survivor needs to disclose.
- Accommodations / Resources
 - If the survivor needs access to safe housing, safe house procedures are activated.
 - CWTP, Security, and OSCR make recommendations on accessing safe house.
 - If the safe house is needed but it is in use, the office / organization will be informed that it is currently occupied.

- An alternative option is made available through housing.
 - SASSL does not formally have access to the safe house but can make recommendations.
- If the survivor requires academic accommodations, the Associate Dean of their faculty will be conducted.
 - OSCR will not disclose any details about the survivor, just that they need accommodation.
- If the survivor requires additional services, they will be referred to both on campus and external services.
- If the survivor requires additional funding, OSCR can provide funding through crisis grants.
- Strength of OSCR is its care and support for students.
- If the survivor wishes to file a complaint, OSCR has both female and male case advisors who will be assigned. This will be followed by a University adjudication process and a Tribunal process:
 - The Tribunal Panel includes 1 staff member, 1 faculty member and 1 student.
 - The panel is selected through an interview process by current tribunal members. Tribunal members sign a confidentiality agreement and undergo training.
 - The panel is also responsible for deciding on emergency response measures.
 - Hearing usually takes place within 30 days.
 - Sometimes respondent requests a postponement pending criminal investigation.
 - Internal adjudication enables the University to address the immediate needs of community members.
 - Also, if there is a criminal proceeding initiated, it is often a very long process.
- If the respondent is a faculty member/staff, they will be referred to FR/HR who in turn connects with the Office of General Counsel.
 - The Office of the General Counsel will assign an investigator.
- If the respondent is a student and employee (e.g. TA), both the code and HR/FR are considered. HR/FR will deal with the employment aspect while section 15 will deal with the student aspect.

- OSCR will initiate a tribunal process
- Office of the General Counsel will initiate an interim process. Faculty management standards are fairly standard and the interim measures are in place to manage the situation.
 - The interim measures could include employment suspension (not punitive)
- Survivor would have to disclose again to participate in both processes.
 - **ACTION:** Discuss options for streamlining process / use of common intake forms.
- Affiliations
 - Continued discussion is required around how survivors with multiple affiliations are processed.
 - This is a significant case management issue
 - Staff / Faculty process needs to be further discussed.
 - Staff / Faculty support needs to be explored.
 - Suggestion to focus on student side first.

Meeting Schedule

- Next meeting is scheduled for the afternoon of Thursday 21st.