

York University

Sexual Assault Awareness, Prevention, and Response Policy Working Group

Meeting Notes

Date: Monday, February 10, 2014

Time: 10:00 a.m. – 12:00 p.m.

Location: 921 Kaneff Tower

Attendance: Catherine Salole, Aldo Altomare, Polly MacFarlane, Christine Silversides, Melissa Belisle, Maxine Bower, Noel Badiou, Elana Shugar, Elize Ceschia, Rob Castle, Prakash Amarasooriya, Donya Ziaee, Deb Hansen

Regrets: Liisa Stephenson, Jessica Thyriar

Meeting Notes Review

- Meeting Notes approved

Continue Mapping Internal Landscape: Response

- Mapping process continued with Office of Student Conflict Resolution (OSCR), Student Community and Leadership Development (SCLD) – Residence Life, Personal Counselling Services (PCS) and the Centre for Human Rights
 - See Appendix A
- Action Items and points for further discussion are being compiled throughout the process.
 - See Appendix B
- **ACTION:** C. Silversides will expand on the information regarding the Internal Investigation process and the roll of the General Council at the next meeting.

Next Meeting

- Will be scheduled after doodle poll is completed.
- We will continue mapping out the landscape for responding to sexual assault on campus at the next meeting.

Appendix A

The notes from the mapping process are intended to give a basic outline of what the landscape consists of in regards to responding to sexual assault on campus. The outlined processes will be verified with the corresponding office, department, and/or service as the process continues. The mapping process is not intended to be taken to be an expansive outline of procedures and there may be initial inaccuracies which will be corrected in the verification process.

1. Office for Student Conflict Resolution (OSCR)

- Additional information about the Tribunal process was outlined
- Tribunal Process
 - Different rooms for respondent and complainant and their witnesses
 - Character witnesses are allowed
 - Tribunal is a space to hear evidence
 - Both parties are in the room for witnesses
 - Anyone can be a witness
 - A potential letter from a Dean could be taken as evidence
 - Everyone is notified of the process and each part receives copies of all submitted information
 - OSCR supports the complainant and the respondent during the process
 - The Tribunal will take place within 10 days for emergency measures
 - Up to 40 days
 - 10 days to provide complaint
- Complaint goes directly to Tribunal for Sexual Assault
- Council provides training to tribunal
- Additional training and different process
 - Process outlined for survivor
 - The process in regards to Sexual Assault is not specifically outlined in the Code.
- Tribunal
 - Disciplinary measures include:
 - Fines
 - Education sanctions
 - Can recommend counselling

- Suspension
- Expulsion
- Removal from Residence

2. ResLife - Student Community and Leadership Development (SCLD)

- ResLife connects with OSCR
 - Peer review board would not be involved
- Residences are people's homes therefore it creates a different circumstance
 - Coming forward, survivors are approaching people they know and trust
 - Next steps are critical to create a supportive environment
- Dons are often first point of contact
 - They are trained in how to respond to a disclosure of sexual assault
- Reports get escalated to YSS
 - This is in part due to the circumstances surrounding the sexual assaults that occurred in Vanier Residence in 2007.
 - YSS needs to assess if it is a community safety issue
 - This can be a challenge if the survivor does not want to make a formal report because trust can be broken with survivors when YSS needs to be notified
 - Prior to the summer Security would speak to the survivor and do an investigation
 - Now Security contacts TPS
 - Survivors are informed that TPS will be contacted
 - Raises issues of trust
- “report up not out”
- Don → RLC → Senior Manager / Director On Call, SCLD → YSS → TPS → OSCR → VPS
- If respondent lives in residence:
 - Could be relocated on campus or off
 - The survivor could also be relocated
 - Survivor is asked if they want to relocate
 - Emergency suites are available
- Case by case basis
 - Relocate
 - Sometime same residence, different floors

- No contact agreement
- Reviewed with VPS
- Some disclosures are directly following an incident, while others can be months later
 - Either way – SOP in play
 - (*)¹ Even if incident is not related to campus (occurred off campus or prior to coming to York) SOP is in play
- Do we notify parents?
 - Only if under 18 years old
 - Unless serious medical condition
 - Decision by Senior Manager
- People are entitled to privacy at the age of 16
 - **ACTION:** Need to review exemptions under privacy act
 - Re: health and safety
 - Freedom of Information Act
 - (*) When do we call parents generally?
- RLCs are a resource about residents
 - They really know the students
- RLCs refer residents to Counselling and other services
- Consideration as to what is best for both parties
 - How to re-integrate into community?
 - OCSR and Osgood Mediation used as resources
- Dons need support
- (*) Is first responder training consistent across the board?
 - (*) Current training Review
 - METRAC recommendation related to Tribunal and University training
- Community impact
 - (*) Supports?
- After an incident occurs in residence
 - RLC always reaches out for support
 - Sometime when an incident has occurred it can be evident
 - Police arrive – media etc.
 - Residence sometime have house meetings for support

- Sometimes a letter or email will go out so we can share what we can.
- RLCs trained as first responders
 - RLC does not interview survivor, only offer support.

Personal Counselling Services (PCS)

- Distinctions between crisis vs intake procedures related to previous incident
 - If immediate:
 - RLC walks survivor over
 - Daryl from SCLD may call
- Response depends on if the individual is presenting to be in crisis
- Emergency intake / crisis intervention
 - What are survivor's wants / needs?
 - Emotional / psychological support
 - Determine physical safety – Is there safety at risk?
- PCS is not necessarily first responder
 - Usually student has already interacted with someone else
 - RLC / Faculty / Staff / Friend
 - Medical attention usually already addressed
- Connects survivors with agencies in community:
 - OSCR
 - YSS
 - SASSL
 - CWTP
- Follow-up
 - Ongoing counselling
 - Triage to allow immediate assistance
 - Consults
 - Often with initial contact
 - As early as next day
- If not crisis
 - Assign Case Manager
 - Arrange Intake appointment

- If not time sensitive, no triage
- Generally 1 week to a month or longer
- Will also inform them of community services
- How to determine crisis:
 - Urgency
 - Time sensitive
 - Severity
 - Emotional state
 - Self-identification
- Counsellors are generalists
 - Counsellors do not have specialized training around issues of sexual assault
 - Trauma counselling
 - May have expertise in sexual assault
 - Only take on if they are comfortable with the issue
 - All trained counsellors trained by PD events
- 2-3 Counsellors always on call
 - Can see survivor within 20 minutes
- Likely to refer a respondent out
- Services are confidential - No reporting up
 - Exceptions:
 - Self-harm
 - Clear risk to others (911)
 - Child at risk (CAS)
 - Perpetrator is a registered health professional.
 - If reported it's a faculty or staff:
 - If survivor does not want to report
 - We have a limited ability
 - Would have to determine if there is danger to others (i.e. – suspect had assaulted others → could be the tipping point: would encourage reporting).

3. Centre for Human Rights (CHR)

- Impartial and confidential

- If survivor attends, speaks to advisor:
 - Confidential
 - Inform of services
 - SASSL, CDS, YSS, TPS, etc.
 - External services
 - Advise them it's their decision
 - But advise them there may be community safety concerns or concerns about their own safety
 - Advise no reprisal
 - Determine if there are harassment issues for investigation
- Do not have automatic reporting to YSS or TPS
 - Finds most survivors have already connected to OSCR or YSS
- More students than faculty or staff connecting with office
 - Perhaps only 5 in the last few years
- Maintain a common list of external resources
 - OSCR has 3 page list
 - Ref with Mental Health
- There are a lot of connections and communication between different offices to make sure the survivor gets support.
- Process should allow for reporting of the what / when / where not the who
 - We can then get essential information.
 - **ACTION:** Review Clery Act “Informal”
- (*) Depending on who they go to, the landscape can be very different
 - CDS / CHR – no reporting
- (*) What about staff...
 - EAP
 - Review with HR/FR

4. What is in place for Staff in regards to response / support?

- Physiological Clinic does not do crisis intervention
- (*) EAP – not sure if they do crisis response
- **ACTION:** Connect with HR Employee Well-being and Faculty Relations

5. If suspect is a faculty or staff member and survivor is a student:

- CHR
 - Would reach out to FR/HR with permission
- OSCR
 - Would go directly to VPS and reach out to HR / FR
 - (*) OSCR would not be able to support survivor through the process
- If suspect – staff / faculty – would have to go to HR / FR who would appoint an investigator
 - Would continue to support
 - Internal investigation

6. General Counsel

- Internal Investigations Process
 - Impartial investigator assigned
 - All trained as investigators
 - Student advised of process to determine if they want to proceed
 - (*) Are students aware of this process prior to an incident?
- In class – student can be moved to another section
- Collective agreements set out similar procedures
- (*) New training will include sensitivities around sexual harassment and sexual assault
 - Open to input on the training
- Investigators
 - Senior Administrators – appointed by VP or Dean as investigators
- Investigations / tribunal members / counsellors – all can review themselves from particular cases
- **ACTION:** C. Silversides will expand on the information regarding the Internal Investigation process and the roll of the General Council at the next meeting.

¹ (*) denotes an item that requires further consideration and discussion

Appendix B: Action Items and Considerations

Meeting 2

- Small group discussions took place during the Working Group meeting. Please refer to Appendix A from the January 17, 2014 Meeting Notes for the group discussions.

Meeting 3

- YSS is not trained to deal with Sexual Assault investigations
 - Is there a disconnect between expectations and ability of YSS to act?
 - Need to review civil and criminal implications
- Is there a duty to report to TPS?
- How to determine if an investigation is needed?
 - YSS is responsible for determining if the suspect is involved in other incidents
- R. Castle will send the working group the Bulletin Protocol
- What is the institutional requirement to report to TPS?
- What is the legal requirement to report to TPS?
- Should there be special training for adjudication of Sexual Assault cases (tribunal members)?
- What is the status of OSCR staff re: Sexual Assault investigations and peace officer requirements?
- Does ResLife, OSCR, or Security provide accompaniments for survivors when accessing external resources?
- Concerns were raised around the consistency of the process when TPS are involved.
 - R. Castle will connect with TPS and arrange for them to attend a working group meeting.

Meeting 4

- Even if incident is not related to campus (occurred off campus or prior to coming to York) SOP is in play.
- People are entitled to privacy at the age of 16. Need to review exemptions under privacy act
 - When do we call parents generally?
- Is first responder training consistent across the board?
 - Current training Review
- What supports are available for the community impact following an incident?

- Informal reporting process would allow for essential information to be compiled and support to be provided to survivors without encountering potential concerns surrounding formal reporting.
 - Process should allow for reporting of the what / when / where – not the who
 - Get essential information.
 - Review Clery Act “Informal”
- Depending on who they go to, the landscape can be very different
 - i.e. CDS / CHR – no reporting
- What is in place for Staff in regards to response / support?
 - Review EAP – Crisis Response?
 - Connect with HR/FR
- If suspect is a faculty or staff member and survivor is a student, OSCR would not be able to support survivor through the process.
- Are students aware of the Internal Investigations Process prior to an incident?
- New training for Internal Investigations will include sensitivities around sexual harassment and sexual assault.
 - Open to input on the training
- C. Silversides will expand on the information regarding the Internal Investigation process and the roll of the General Council at the next meeting.