

York University

Sexual Assault Awareness, Prevention, and Response Policy Working Group

Meeting Notes

Date: Wednesday, July 9, 2014

Time: 3:00p.m. – 5:00 p.m.

Location: 956 Kaneff Tower

Attendance: Melissa Belisle, Grace Permaul, Elana Shugar, Rob Castle, Catherine Salole, Aldo Altomare, Rees Nam, karen krauter, Alyssa Teekah, Jessica Thyriar, Polly MacFarlane, Christine Silversides, Deb Hansen, Nusrat Sharmin Huq

Regrets: Elize Ceschia, Liisa Stephenson, Prakash Amarasooriya

Welcome New Members

- Grace Permaul, Centre for Human Rights
- Nusrat Sharmin Huq, Graduate Students' Association.
- Rees Nam, karen krauter, and Alyssa Teekah (two of which were guests) also attended the working group meeting from the Centre for Women and Trans People.

Overview of Process

- Discussion in preparation for Toronto Police Services (TPS)
 - R. Castle noted that the intent was for TPS to attend the working group meeting as discussed previously. Upon further reflection R. Castle and E. Shugar felt that considering some community members concern around law enforcement, the working group meeting would provide a good opportunity to have a discussion around concerns or considerations around how police respond to sexual assault. The working group meeting could provide a space for discussions in preparation for TPS attendance.
 - R. Castle noted that these intentions were not made as clear as they could have been and it was clarified through email prior to the working group meeting.
 - Resources

- A Guide for Sexual Assault Survivors, Toronto Police Services was circulated in the meeting.
- TPS responding to incidents on campus
 - There may be flexibility in the way in which TPS responds to incidents on campus.
 - The opportunity to have a discussion with them around ways of interacting with community members and responding to incidents could be beneficial.
 - Meeting with TPS provides us with an opportunity for potential influence
 - Concern expressed over lack of consistency in practices
 - If a survivor does not wish to talk to Police, Police sometimes still contact them.
 - At Community Safety Council (CSC) meeting TPS suggested that they were open for dialogue.
- University officials' obligation to report
 - Generally, if a sexual assault is reported to an official at York University they are obligated to report to TPS. Depending on context, University officials are required to inform York Security Services which in turn informs TPS of incident.
 - York University needs to manage potential ongoing risk to community.
 - Survivor is not required to talk to TPS. However, there is recognition of the power dynamics at play when a person of perceived authority contacts a survivor. A survivor may not feel comfortable refusing to talk to the Police. They may not be aware of their right to do so.
- (*) If a survivor does not wish to talk to York Security Services TPS, what do these agencies need to report? What information would they have collected?
 - Basic information would be recorded.
- Protocol for York during Orientation
 - Protocol during orientation has changed within the last year
 - There used to be more of a focus on student leaders playing a significant role in response. There was concern over the expectations and pressure being placed on student leaders that may not have received adequate training.

- Changes have been made to streamline the process in order to limit the amount of times a survivor may need to disclose and to reduce student leaders' role in facilitating the process.
- Sexual Harassment used to be reported to Presidents of College Councils and OChairs for adjudication.
 - Protocol was revised to be consistent with the Universities process.
- Protocol for responding to sexual violence during orientation is in the process of being revised again for this year's orientation.
- OSCR / VPS is available to provide support during orientation and throughout the year
 - The role they play is significant
 - The support required is defined by the survivor and may be ongoing
- The working group process is not just about the policy but the follow-up (procedures) is very important.
 - Training around the policy and procedures will be essential
- Initial response by TPS is a brief intake
 - Security does not want to do more extensive intakes because they have not received the extensive training that TPS has undergone.
 - Security also wants to avoid the potential to jeopardize the case by conducting another investigation.
- Local division versus Sex Crimes Unit
 - Sexual Assault incidents are reported to local police division first
 - Specially trained investigators are used for cases of sexual assault
 - Sex Crimes Unit investigates sexual assaults where the perpetrator is unknown to the survivor.
 - Local Division investigates cases where the perpetrator is known to the survivor.
 - Distinction of 'known' refers to known identity, it is not necessarily a distinction of higher risk but rather a different form of investigation is needed when the suspect has not been identified.
 - Repeat offenses can be investigated and tracked
 - Police have access to information through the ViCLAS database
- (*) What is the difference between the training of Sex Crimes Unit versus local divisions?

- All police have training around sexual assault
 - Provincially accredited
 - Training by college
 - Lack of consistency could speak to different training?
- Suggestion to meet with TPS and then follow-up after further working group discussion
- (*) How do we interact with TPS?
- (*) What is TPS internal protocol?
- Police on Campus
 - Due to concerns around police and the incident in the student centre there is additional conversations around police on campus
 - There are officers that are assigned to the area
 - There is an opportunity to influence those interactions
 - Having a dialogue with police may help break down barriers
 - We have been given the impression that local police are expressing a willingness to listen
 - There needs to be consideration to the role of police on campus given the development of lands surrounding campus and the completion of the subway
- Survivors reporting to TPS
 - Even though there are expressed concerns over the role of police, some survivors do wish to report to police and it is important that we are better informed as to what that process consists of and try to ensure that the process is as seamless as possible.
 - Concerns raised around police on campus in general
 - Reaffirmed that there is an understanding that some survivors do wish to report and it is important to have the opportunity to create dialogue with TPS. Recognizing that sexual assault is a criminal offence.
- (*) Is there a mechanism for reporting if the police do not follow their process? What recourse does a survivor have if they feel the process has not been abided by?
- (*) What was the process of selecting people to have this dialogue with police around responding to incidents of sexual assault on campus?

- The people selected are working group members. Working group members were selected based on their direct involvement with the response process to sexual assault on campus.
 - There have been other opportunities to participate in a dialogue with TPS around the issue of safety, such as Community Safety Forums and student group events.
 - Consultations with community members around concerns with TPS related to reporting sexual assault is important to the process.
- What is the process for investigating reports of sexual assault by staff against students?
 - A: Internal Investigations process outlined in Meeting #5 - Thursday, March 13, 2014
 - Concerns were expressed over imbalance of power.
 - Even if criminal matter does not move forward, internal investigation may continue
 - There is a different burden of proof for Internal Investigations than criminal proceedings
 - Concern around repeat offenses
 - Senior administration, Dean, or Faculty Relations may make determination
 - If there is a conflict of interest that would be taken into consideration and determination may be moved up in the department.
 - (*) When an incident occurs, who needs to be notified of the incident? How much information are they given?
- If someone reports a sexual assault would it be on their file?
 - No, it would not appear on the students file. If OSCR is arranging accommodations for a survivor, the professor is just informed that the student requires accommodations but not informed of the context to why they require them.
- Working Group representation
 - Concern raised that the working group does have representation from particular marginalized groups.
 - VPFA has met with YFS's Community Service Groups to discuss process and discuss opportunity for further consultation
 - Discussions took place at the formation of working group that there would be consultations with various community members and groups throughout

process. The process thus far has consisted of mapping response processes of direct services which did not require direct involvement from community service groups.

- J. Thyriar (YFS) expressed concern over not being in a position to speak to the lived experience of various identities reflected in YFS's Community Service Groups.
 - Discussion around engaging in a more formal consultative process with Community Service Groups.
 - **ACTION:** E. Shugar and R. Castle will engage with Community Service Groups around the process.
- Process for Engaging with TPS
 - Engaging with TPS will serve the purpose of gaining general information around their process and understanding their particular protocol related to York University.
 - It would be beneficial if we could inform the process in general but more specifically influence and guide their process in responding to incidents on campus.
 - We would like to clarify what the options are in dealing with TPS
 - Opportunity to engage, reflect, and re-engage
- Questions and considerations regarding TPS have been compiled in Appendix B.

Next Meeting

- Consultations with Community Service Groups

Appendix A: 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.

Meeting 5

- Planning for training of investigators to include more training around Sexual Harassment / Sexual Assault.
 - General Council is open to suggests on what to incorporate.
- If the complainant is a student they may not be as familiar with the process and not have the same support navigating through it as a unionized employee.
- Procedures for Sexual Harassment Complaints are not posted
 - If looking, modelled after Appendix Q in YUFA Agreement
- Although the individual may seek advice the determination on sexual harassment complaints are made by one person.

Meeting 6

- SASSL does not have direct contacts at offices, services, and departments on campus.

- SASSL will ask the Collective if we can share last year's stats.
- Self-Care
 - SASSL does not really have a support system external to SASSL
- SASSL does not have an established relationship with CDS for support?
- Concerns around expectations of the University of the Organization versus the capacity and ability to deliver.
 - What support is the University offering SASSL?
- SASSL had increasing demand for crisis grants
 - Community needs are beyond the scope of the organizations available funding.
- SASSL's budget is very constraining
 - Budget follow-up discussion required
- According to CWTP Women's College Hospital provides free taxi pick up
 - Confirm service.
- Maxine is going to check on the value of the grants and what CWTP's operating budget / levy
- Worth exploring central training then each group could enhance with supplementary training as needed.
 - General option vs. Enhanced / Specialized option
- There is at times a disconnect between YFS clubs.
- Sexual Assault Awareness / Training
 - Sexual Assault Folders were created without corresponding training.

Meeting 7

- University officials' obligation to report
 - If a sexual assault is reported to an official at York University they are obligated to report to TPS. Depending on context, University officials are required to inform York Security which in turn informs TPS of incident.
 - Survivor is not required to talk to TPS. However, there is recognition of the power dynamics at play when a person of perceived authority contacts a survivor. A survivor may not feel comfortable refusing to talk to the Police. They may not be aware of their right to do so.

- If a survivor does not wish to talk to York Security Services or TPS, what do these agencies need to report? What information would they have collected?
- Protocol for responding to sexual violence during orientation is in the process of being revised for this year's orientation.
- What is the difference between the training of Sex Crimes Unit versus general divisions?
- How do we interact with TPS?
- What is their internal protocol?
- Survivors reporting to TPS
 - Even though there are expressed concerns over the role of police, some survivors do wish to report to police and it is important that we are better informed as to what that process consists of and try to ensure that the process is as seamless as possible.
- Is there a mechanism for reporting if the police do not follow their process? What recourse does a survivor have if they feel the process has not been abided by?
- When an incident occurs, who needs to be notified of the incident? How much information are they given?
- If you report a sexual assault would it be on your file?
 - No, it would not appear on the students file. If OSCR is arranging accommodations for a survivor, the professor is just informed that the student requires accommodations but not informed of the context to why they require them.
 - This may be something helpful to clarify in a FAQ section regarding the Sexual Assault Prevention, Awareness, and Response Policy
- E. Shugar and R. Castle will engage with Community Service Groups around the process.

Appendix B: Questions and Considerations

Toronto Police Services (TPS)

- Survivors reporting to TPS
 - It is important that we are better informed as to what that process consists of for survivors that wish to report to police and try to ensure that the process is as seamless as possible.
 - What is TPS's internal protocol for responding to sexual assault?
 - Is there a mechanism for reporting if the police do not follow their process? What recourse does a survivor have if they feel the process has not been abided by?
- Survivors that do not wish to report to TPS
 - Survivors are not required to talk to TPS. However, there is recognition of the power dynamics at play when a person of perceived authority contacts a survivor. A survivor may not feel comfortable refusing to talk to the Police. They may not be aware of their right to do so.
 - When a survivor has expressed that they do not wish to file a report with TPS what is the response from TPS?
 - What does the interaction with TPS consist of?
 - If a survivor does not wish to talk to York Security Services TPS, what do these agencies need to report? What information would they have collected?
- Training
 - What is the difference between the training of Sex Crimes Unit versus general divisions?
- Interaction between York University and TPS
 - In what ways does York University interact with TPS around the issue of sexual assault?
 - What does that interaction consist of?
 - Who are the points of contact?
 - Are there relationships and connections that could benefit from enhancement?
 - Concerns have been expressed over a lack of consistency in response.