REVIEW OF THE SEXUAL ASSAULT AND SEXUAL VIOLENCE POLICY (SASVP) AT GEORGE BROWN COLLEGE

DRAFT CONSULTATION REPORT

GEORGE BROWN COLLEGE

Anti-Racism, Equity & Human Rights Services

MARCH 2023

CONTENTS

1. INTRODUCTION

The Office of Anti-Racism, Equity, and Human Rights Services (OARERHS) at George Brown College (GBC) conducted a review of the Sexual Assault and Sexual Violence Policy starting in the fall of 2022 (Policy Review).

This report summarizes the process undertaken for the Policy Review and the feedback OAREHRS heard from the community during that process. One main purpose of this report is to ensure transparency and accountability to the GBC community. This report also outlines the changes made to the Policy and explains the rationale for those changes.

The OARERHS would like to thank everyone who came forward and participated in the Policy Review consultation. This Policy has been improved thanks to your input.

2. POLICY REVIEW STRATEGY AND PROCESS

BACKGROUND

In the fall of 2022, the OAREHRS conducted a periodic review of GBC's [Sexual Assault & Sexual Violence Policy](#) (or "Policy").

a. Environmental Scan

To support the Policy review, an environmental scan was conducted of sexual violence policies from Ontario-based post-secondary institutions. The environmental scan identified best practices among sexual violence policies, including regarding prevention, intake, investigation, adjudication, and sanctions/outcomes. The environmental scan also explored procedural fairness components. These aspects of other policies were reviewed with the aim of ensuring that the GBC's policies were aligned with procedural fairness, best practices, and GBC's goals, such as supporting trauma informed and harm reduction approaches, equity, diversity, and inclusion.

The environmental scan highlighted where GBC's current SASVP lacked clarity or required revisions to meet best practices and prepare for evolutions in sexual violence discourse.

b. Working Group

A Working Group to direct the consultation process was convened in October 2022. The Working Group included:

- AVP OAREHRS
- Senior Manager Human Rights and Equity (OAREHRS)
- Senior Manager, Anti-Racism Integration (OAREHRS)
- Senior Manager, Equity Complaints and Investigations (OAREHRS)
- Sexual and Gender based Violence Response Advisor
- AVP Student Success
- GBC General Legal Counsel
- Senior Manager Labour Relations
- Executive Director, HR Cons.& Emp. Exp.
- Director, Students Engagement & Career Success
- External Consultant from Ethical Associates

The Working Group provided valuable strategic guidance on the Policy Review process, the stakeholder consultation process and questions for stakeholders, and key issues within the Policy.

c. Consultation Process and Strategy

The Policy Review consultation process involved extensive outreach efforts to build awareness of and interest in the Policy Review process, and to ensure that the revised Policy reflected and promoted the safety needs and well-being of the GBC community. The community consultation began on November 7, 2022, and concluded on December 8, 2022.

Information about the community consultation was disseminated to the college community through various communication channels, which are listed below. The OAREHRS also asked stakeholders to reshare this information with their networks.

The consultation process generally included:

- An online survey from November 7 to November 30, 2022.
- Focus groups with various George Brown College community stakeholders between November 28 and December 8, 2022.
- One-on-one consultation meetings with selected individuals like representatives of bargaining unit agents, management personnel or head of departments, and representatives from various groups (i.e., Indigenous Education Services, Black Student Success Network, etc.)
- One-on-one consultation meetings were conducted when requested by a stakeholder.

For employees, the consultation process also included:

- Communications sent to senior leadership to be cascaded to their respective teams.
- Communications through the GBCommunity website, GBCommunity weekly newsletter and e-digest.
- Communication and continuous promotion using OAREHRS and other George Brown College Instagram social media channels.
- Direct communication to stakeholder groups such as the Black Student Success Network, Indigenous Education Services, unions, Senior Human Resources Consultants, Office of Student Conduct Advisors, Student Services, etc.
- Reviewer attendance at a department team meeting to talk about the policy review, raise awareness, and encourage participation in the community consultation process.

For students, the consultation process also included:

- Communications in the weekly Student Communications newsletter.
- Communication and continuous promotion using OAREHRS and other George Brown Instagram social media channels.
- Emails to multiple student groups such as international students, Indigenous students, Black students, the George Brown College Student Association, Work Integrated Learning, the Athletics Association, etc.
- Emails to community members who, in the past year and a half, had engaged with the SASVP Complaint Resolution Process, where their process had concluded.

Focus Groups were held on the dates reflected in the below chart, with the below-listed stakeholders. On a few occasions, registered participants did not attend. In those cases, the OAREHRS contacted the participants to re-schedule. The senior managers (OAREHRS) facilitated these discussions.

Date	Activity type
November 28	General Student Focus Group 1
November 24	Consultation with IES management
November 28	Black Student Success Network Focus Group
November 29	Consultation with OPSEU VP
November 29	Consultation with Abisola Asha, Black Student Success Network
December 1	General Student Focus Group 2
December 2	Indigenous Education Services Student Focus Group
December 6	General employee focus group-Employees
December 8	Three separate focus groups with employees, administrative staff, and faculty

Recognizing that asking questions about sexual violence can trigger harm for people, the survey, interviews, and focus groups provided participants with contact information for internal GBC support services, as well as information about external support services.

d. Participants and Community Stakeholders

Survey

The survey asked participants to provide their views on a number of issues relating to the Policy and its processes. A total of 121 individuals responded to the survey. The majority of people we heard from were staff, as seen below:

Participants	Responses
Students	52
Support Staff	18
Faculty	15
Administration	37
Other	1

Focus Groups

41 individuals attended focus groups to discuss the Policy and its processes. Two of the focus groups participants indicated that they had been Complainants in an SASVP process.

Participants	Responses
Students	16
Committee Members	10
Support Staff	3
Faculty	5
Administration	7

Interviews

We held 3 one-on-one interviews with participants to discuss their perspectives on the Policy and its processes.

Working Group

Members of the Working Group provided input on the consultation process and also facilitated the consultations held for campus community members.

3. CONSULTATION FEEDBACK ON THE SASVP

a. General Feedback

The overwhelming majority of participants applauded GBC's commitment to addressing incidents of sexual violence and its diligence in responding to allegations of sexual violence. However, it was noted that it is the implementation of the Policy that matters, and not simply the words on the Policy's pages.

Many participants indicated that the Policy was "too academic". They said that the Policy needs to be accessible and that it should provide transparency around processes. Suggestions included using accessible, inclusive language and providing examples within the Policy. In addition, it was suggested that the Policy should be contextualized by naming that sexual violence is often gendered and normalized within society, and that women who are also Indigenous, racialized, queer, trans or who live with disabilities are often at higher risk of sexual violence.

Participants also noted that the Policy must reflect the diversity of identities at GBC, including Indigenous, Black, racialized, 2SLGBTQIA+ community members, and people of differing abilities. Participants reflected on GBC's diverse student population, many of whom are international students. They spoke of the need for a policy and processes that make all students and staff feel safe, supported, and included.

Participants also noted that the Policy had to be contextualized as part of GBC's commitment to equity and inclusion as reflected in other relevant policies.

Many participants said that the Policy lacked transparency in several ways, and made the following suggestions:

- The Policy should have a clear complaint process so that parties are aware of the various steps in the process.
- The Policy should be clear about the right to confidentiality and the limits to confidentiality.
- The Policy should explain how GBC will incorporate trauma-informed practices into its processes.

b. Goals of the Policy

Overwhelmingly, participants indicated that the Policy should focus on prevention and education, support services for Survivors of sexual violence, addressing complaints of sexual violence, and support services for Respondents in a complaint of sexual violence.

Finally, participants stressed the need for a complaint resolution process that was timely, transparent and appropriate with clear outcomes for those that violated the Policy.

c. Definitions

Participants suggested that they wanted the definitions contained in the Policy to be less academic and more easily understandable. It was also noted that the definition of sexual violence should be more expansive and should encompass online environments, social media, texting, sexual exploitation, voyeurism, human trafficking, and rape culture.

d. Education and Awareness

Participants agreed that education is crucial to preventing sexual violence. They shared ideas about topics around sexual violence education and how that education should be conducted at GBC. Participants called for the development of a culture of consent on campus, which would make it a safe place to disclose or initiate a complaint of sexual violence.

Participants also suggested that the Policy could be a tool for educating the GBC community on the definitions and manifestations of sexual violence and consent.

i. Familiarity with the Policy

Participants in the consultation process were asked about their familiarity with the Policy and whether they had read it. Of concern, responses from the survey and focus groups disclosed that many participants from the GBC community who participated in the consultations had not read the Policy.
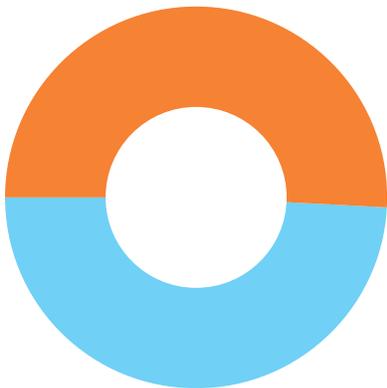
Response	Responders	Percentage
🟠 Have not read the Policy	61	50.8%
🔵 Have read the Policy	59	49.2%

ii. Topics for Education

Participants in the consultation process considered what types of issues should be developed for further training and awareness-raising on the Policy. Participants suggested the following topics for education at GBC:

- Awareness of sexual violence: What types of behaviours are considered as sexual violence, sexual harassment, and gender-based violence?
- What is consent? Creating a culture of consent.
- Understanding of how trauma impacts survivors and development of trauma-informed processes.
- Bystander training.
- How to access supports and make a complaint under the Policy.
- Available support services.
- What to expect if you make a complaint under the Policy.
- Information for Complainants and Respondents.
- Specialized training for decision-makers.

Response	Responses
⬛ How to prevent sexual violence	75
⬛ What behaviours are defined as sexual assault or sexual violence	102
⬛ Information on how to access support services for individuals who have experienced sexual violence	101
⬛ Providing information on how to file a Complaint of sexual assault/sexual violence	92
⬛ Information on what to expext who filing a Complaint of sexual assault/sexual violence	78
⬛ Other	15

iii. Suggestions on How to Raise Awareness

Participants said that education and training in sexual violence, consent, and the Policy should be mandatory, visible, continuous, and culturally appropriate.

Several participants pointed to GBC's recent anti-racism e-module as being productive and impactful. They felt something similar could be created for all new staff and students on issues of sexual violence. It was suggested that issues of sexual violence and consent could be folded into orientation training in order to raise awareness of the Policy. However, participants also stressed that a one-time training would not be enough.

Participants brought a wealth of ideas on methods to educate the GBC community on sexual violence and consent, including:

- Ongoing proactive marketing campaigns
- Social media
- Posters
- Articles in GBC publications
- Flyers
- Infographics
- Workshops
- Peer-to-peer training
- Interactive videos
- Engaging staff in training, in particular residence staff
- Elective course on sexual violence
- Faculty including contact information for sexual violence support services in their syllabi or on Blackboard so that students can readily know how to make a disclosure and seek support under this Policy
- Public reporting on sexual violence complaints and outcomes

In the words of a few participants, they suggested:

in-your-face messages about consent and NAME IT

More visual awareness around campus. I don't recall seeing any posters or flyers promoting awareness of the Policy and the embedded definition of consent, not in the same way I see other GBC initiatives promoted on campus. This may not have been much of an issue during the pandemic when almost all college activities were done off campus. Now that we're ramping back up again, it's the perfect time to launch a highly visible campaign across campuses and through college-wide communications.

e. Barriers to Accessing Support, Making a Report, and Filing a Complaint

Most participants stated that there were barriers to seeking support when impacted by sexual violence, as well as barriers to making a report of sexual violence and initiating a complaint. Many participants did not know the difference between these three options and were unaware that GBC provided support services to any person impacted by sexual violence, even when the sexual violence did not occur at GBC or where the person did not initiate a complaint.

As seen in the below chart, 33 individuals were unaware that the College offered supports to people who have been affected by sexual violence:
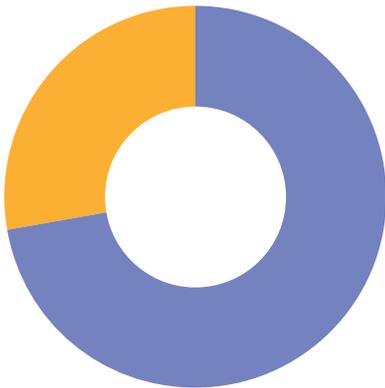
Response	Responders
🟣 Yes	86
🟠 No	33

The below chart depicts individuals who felt there were barriers to accessing sexual violence support services at GBC.
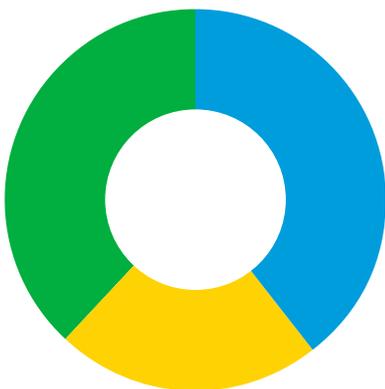
Response	Responders
🔵 Yes	47
🟡 No	27
🟢 Unsure	45

Individuals reflected on what they felt were the barriers to seeking support.
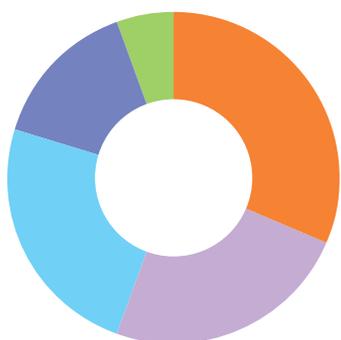
Response	Responders
🟠 Lack of awareness of how to seek support	74
🟣 Stigma	56
🔵 Fear of not being believed	57
🔵 Lack of support services/resources	34
🟢 Other	13

Participants identified the same barriers in relation to seeking support when impacted by sexual violence, making a report of sexual violence, and filing a complaint of sexual violence.

The barriers identified by participants included:

- Stigma.
- Shame, self-blame, and trauma.
- Lack of awareness that what they experienced was sexual violence.
- Fear of not being believed or of being re-victimized and needing to repeat their story.
- Fear of retaliation (i.e., fear for their own physical safety, fear of failing a course, fear of losing employment, fear of losing workplace placements, fear of losing future work opportunities).
- Lack of transparency in the Policy regarding what happens after making a complaint.
- Lack of support services and resources.
- Fear of triggering an investigation.
- Fear of involving authorities and the ability to remain in Canada to study.
- Reluctance to participate in a lengthy investigation.
- Language barriers.

Most participants were unaware of the Policy and processes, and the resources available to parties. A chorus of participants said that the OAREHRS's contact information needed to be easily accessible within the Policy, on campus, and on the Learning Management System (i.e., Blackboard) to allow people to know where to go if they wished to seek support, make a disclosure, or file a complaint.

Participants often raised that GBC students are diverse and that many of them are international students. They expressed that being an international student intensified the barriers that existed for all students and staff. As one international student noted:

I think George Brown should take into account the fact that the majority of students are immigrants who have no resources or support in this country, and it is very intimidating and foreign for them to deal with …

f. Trauma-Informed Practices

Participants stressed the need for trauma-informed practices throughout disclosures of sexual violence and in the complaint resolution process. This included:

- Listening without judgment.
- Transparency within the process.
- Alternative dispute resolution only with the consent of the Complainant.
- Regular, ongoing communication with the parties throughout the complaint resolution process.
- Timely investigations.

- No hearing following an investigation.
- Keeping the parties separate, unless with the express consent of the Complainant.

g. Supports

Participants suggested that all parties should have trauma-informed and culturally appropriate support throughout disclosures, the complaint resolution process, and after a process is completed. Some participants noted that the definition of a "support person" should be expanded to include Elders and other faith and cultural supports. Counselling, therapy, community support groups, peer support groups, and a circle of care were also raised as viable support systems.

Some participants felt that Complainants had greater access to supports relative to Respondents and that students had greater access to supports relative to faculty.

h. Complaint Resolution Process

Participants provided feedback on the various steps in a complaint resolution process. Some of the proposed process improvements include:

i. Intake

Participants stated that they wanted the intake process to be decolonized, trauma-informed, and user-friendly. They suggested that there be multiple ways to initiate a complaint, such as through a form, meeting with someone in person, or meeting with someone over the phone.

One participant noted that the Policy was unclear that a support person could attend with a Survivor during sexual violence disclosures or when a Survivor initiates a complaint.

It was also suggested that the College needed better internal communications so that a Survivor need not explain their situation more than once.

ii. Alternative Resolution (AR)

Participants were divided on whether alternative resolution (AR) processes were appropriate in complaints of sexual violence. Many participants felt that a person who caused harm should be sanctioned and removed from campus if there was a risk of further harm to the George Brown community.

All participants agreed that AR processes should only be considered with the express consent of the Complainant and after consideration of the severity of the incident.

As seen below, participants expressed interest in a variety of forms as seen below:
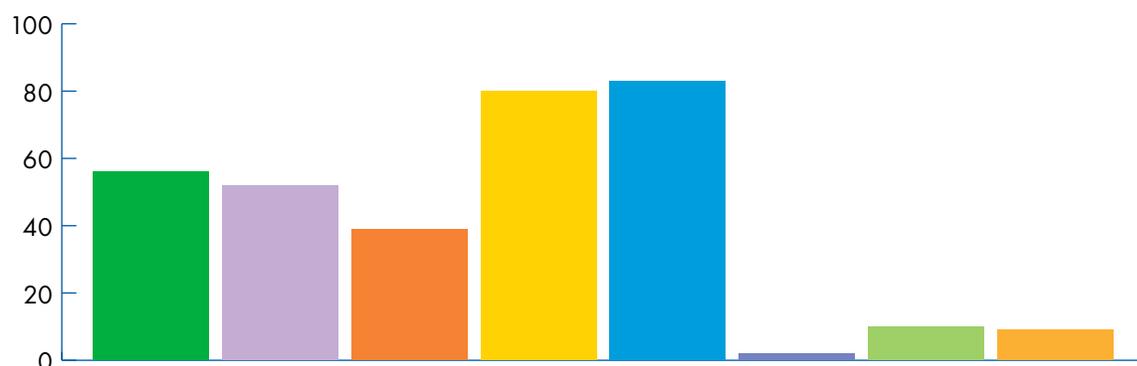
Response	Responses
🟩 Mediation: An agreement between the Survivor and the person who caused them harm	56
🟪 Impact Statement/Letter: A statement by the Survivor of sexual violence to the person who caused them harm	52
🟧 Facilitation: A discussion between the Survivor and the person who caused them harm	39
🟨 Education: The person who caused harm may agree to participate in education and training related to sexual violence and consent	80
🟦 Restorative Justive: Processes such as accountability circles or community conferencing; those who have done harm and various stakeholders are actively engaged in understanding what happened, the impact of a harmful situation, and hold those who have done harm accountable and responsible	83
🟦 None	2
🟩 Not sure	10
🟧 Other	9

iii. Accommodations and Interim Measures

Participants said that Survivors and Complainants should be made to feel safe. They said that George Brown should improve internal communications around accommodations and interim measures so that Complainants need not repeat their needs.

iv. Scope of the Policy

Several participants highlighted the concern that GBC could lose jurisdiction to proceed with a complaint if the Respondent is no longer a GBC community member. This was identified by several participants as a limitation in the Policy. One participant queried, "what if they returned to school?" and another said, "it undermines the whole policy".

v. Transparency

Participants repeatedly asked for more transparency in the Policy regarding the steps in a complaint resolution process and clear timelines. One participant also asked what the process would be if a student had a complaint arising from a work placement. Participants suggested that these types of issues should be considered in order to ensure increased understanding and greater transparency around the Policy's processes.

vi. Vexatious Complaints

Several participants noted that although vexatious complaints are prohibited, the Policy does not include any consequence for a vexatious complaint.

This continues to be an area of discussion since the environment scan identified that the sexual violence community spoke about the vulnerability that Survivors may experience and the fear that their concerns may be viewed as vexatious.

vii. Adjudication of Complaints

Participants questioned why the current Policy had different processes for staff and students.

Moreover, participants felt that a hearing following an investigation was not trauma informed.

viii. Decision-Makers

Participants noted that as the current Policy allows for a Respondent's direct manager to determine whether there has been a breach of the policy, there is a potential for bias or the apprehension of bias. Participants said that in the employment context, decision-makers should be further removed from the Respondent than the Respondent's direct manager.

ix. Sanctions

One participant said that decision-makers should consider the outcome the Complainant is seeking when deciding on sanctions. Others notes that sanctions should reflect a desire to uphold community safety in addition to seeking appropriate redress for the Complainant.

From a review of policies of other colleges and universities, there does not appear to be a schedule of sanctions for sexual violence issues. This is usually left to the discretion of the decision-maker. Accordingly, as noted by some participants, greater awareness on the purpose and impact of sanctions should be a focus on training for decision-makers.

x. Appeals

One participant felt that Complainants ought to have the same rights of appeal provided to the Respondent.

This is an area worth further discussion, especially when considering the purpose and impact of sanctions on the campus community.

xi. Post-Complaint Resolution Processes

Several participants spoke of the need for restorative practices within a residence or workplace following the resolution of a complaint.

This could be considered as part of a more holistic approach to addressing sexual violence issues on campus.

4. SASV CHANGES AND RATIONALE

The Policy has undergone significant revisions to meet best practices and to reflect the feedback from the George Brown community. Participants provided extensive feedback on areas of the Policy that required further consideration. Key changes include:

a. Introduction

A new introduction section outlines the context in which the Policy applies, both in society generally and at GBC. This section recognizes that sexual violence is more often committed against women, and particularly against women who have intersecting equity-deserving identities, including Indigenous, Black, racialized and queer women, as well as women with disabilities. The introduction section puts equity at the forefront of the Policy.

b. Commitments

The Policy now includes an expanded set of commitments, including a commitment to be proactive in addressing sexual violence by creating a culture of consent through education and accountability.

c. Purpose

A new Purpose section provides clarity on what the Policy is intended to address.

d. Application & Scope

Changes to the Policy have clarified and expanded the Application & Scope section. This was done to provide greater accountability and to enhance GBC's ability to address incidents of sexual violence both on and off campus.

e. Definitions and Key Concepts

The Definitions section has been updated and expanded, the Policy now also includes a new Key Concept and Principles section. This was done to provide greater transparency and accountability.

The umbrella term "sexual violence" has been updated to include sexual assault, sexual harassment, sexual abuse, sexual misconduct, stalking, indecent exposure, voyeurism, sexual exploitation, drug-facilitated sexual assault, sexual coercion, cyber sexual harassment, technology-facilitated sexual abuse, recording and distribution of a sexually explicit photograph, stealthing, sexual solicitation, sexual innuendos, stalking, and intimate partner violence, among other terms.

Considerations around trauma, procedural fairness, harm reduction and equity have also been included in the Key Concepts and Principles section.

f. Disclosure, Reports, Complaints, and the Complaint Resolution Process

To provide greater transparency and accessibility, the Policy outlines how to make a disclosure, report, or complaint and lists the steps of a complaint resolution process.

The Policy has also increased the length of time for completing an investigation to 90 days, which is in greater alignment with general practices around investigating. This change will also serve to set parties' expectations more accurately.

g. Protections from Reprisal

To address one of the barriers to initiating a complaint, the Policy provides for greater protection from reprisal. It now states more clearly that a finding of reprisal constitutes a breach of the Policy.

h. Disclosure of Past Sexual Misconduct

To protect the GBC community and others, the Policy prohibits parties from agreeing to shield disclosure of a determination that an employee has committed sexual abuse.

It further requires GBC to contact prior employers when considering hiring a new faculty or staff member to determine whether that potential hire has been found to have engaged in sexual violence while at their previous employer(s).

i. Investigations, Decision-Making, and Appeals

The Policy now provides for greater clarity and transparency on the role and/or scope of the OAREHRS, investigators, decision-makers, and appeals. The Policy also now provides for one complaint resolution process for all complaints, as there was no principled reason to have different processes for students and employees.

j. Roles and Responsibilities

The Roles and Responsibilities section has been updated to provide clarity, transparency and accountability. For example, the role and responsibility of senior leadership to maintain and communicate an ongoing commitment to foster and promote a culture of consent and an environment free of sexual violence, harassment and sexual misconduct has been included, as is the role and responsibility of all George Brown community members to read the policy, attend educational program and foster and promote a culture of consent.

CONCLUSION

The revised SASVP reflects best practices and the feedback of the George Brown community. It aims to address and dismantle the barriers to people most impacted by sexual violence, it is trauma-informed, and provides greater transparency of timelines and processes.

The OARERHS would like to thank everyone who came forward and participated in the Policy Review consultation. This Policy has been improved thanks to your input.