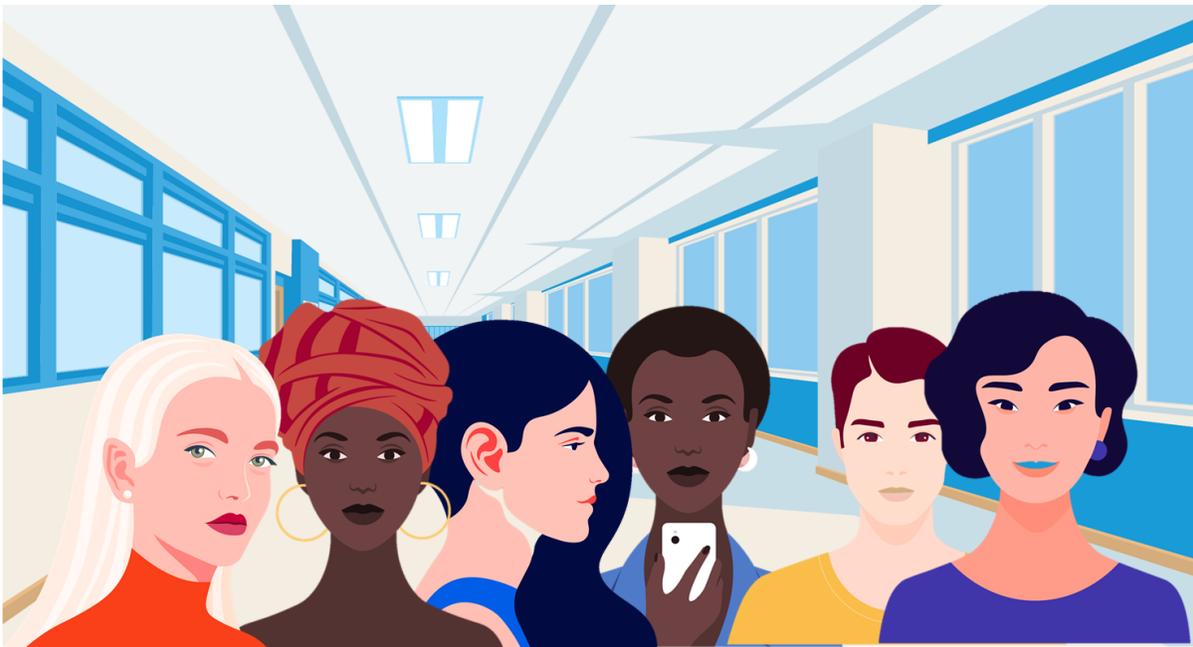


spe café

Sexual Harassment:
How can Academia do
Better?



SCIENCE & POLICY EXCHANGE
DIALOGUE SCIENCES & POLITIQUES



REPORT

EXECUTIVE SUMMARY

This report summarizes key policy recommendations aimed at improving higher education institutional sexual violence policies in Quebec following roundtable discussions at Science & Policy Exchange's event "SPECafé, Sexual Harassment: How can Academia do Better?". These recommendations include:

- 1) Improving sexual violence awareness training
- 2) Providing protection for individuals reporting in the presence of power dynamics
- 3) Clearly outlining the reporting process
- 4) Describing the investigation procedure with transparency
- 5) Ensuring the independence of the investigative body
- 6) Developing a clear sanctions policy
- 7) Communicating assigned sanctions with transparency
- 8) Committing to monitoring the state of sexual violence on campuses
- 9) Developing a clear policy re-evaluation process

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INTRODUCTION

In 2016, a study led by Bergeron et al. [1] provided statistical evidence of sexual violence and harassment on campuses across universities in the province of Quebec. This prompted the National Assembly of Quebec to pass Bill 151 [2] in late 2017, which compelled higher education institutions to outline their own policies to address sexual violence and harassment. Building upon the report of the National Academies of Sciences, Engineering, and Medicine [3], as research trainees and members of Science & Policy Exchange (SPE), we aimed to determine whether current institutional policies across the province appropriately addressed the specific concerns of the postgraduate student and research communities.

We note that there lacks an overarching provincial definition of sexual harassment and violence for higher education institutions. Therefore, we will refer to the World Health Organization's definition of sexual violence [4] where sexual harassment is viewed as a form of sexual violence. We further acknowledge the connotations associated with the words "victim", "survivor" and variations thereof. We will henceforth use "victim" due to the potential legal implications of our discussions as recommended by the Rape, Abuse & Incest National Network.

On February 26, 2020, the "SPECafé, Sexual Harassment: How can Academia do Better?" invited the academic and research community to engage in a roundtable discussion to assess the landscape of policies regarding sexual violence at higher educational institutions. Moderated by SPE members, the event gathered approximately 25 participants primarily representing current Master's and PhD trainees and graduates from Concordia University, McGill University, l'Université de Montréal and l'Université de Sherbrooke, with backgrounds in health sciences, natural sciences, social sciences and engineering. It also attracted attention from the community, including an academic institution administrator and a local lawyer specializing in psychological harassment. Supplemented by a short introduction by an advocate from Juripop Mélanie Lemay, the objective of the event was three-fold: 1) learn of and compare sexual violence policies and resources across universities in Quebec 2) identify gaps in policy 3) brainstorm solutions.

Attendees were provided with a policy brief (see appendix) before engaging in the following three major topics of discussion: protection, accountability and transparency. Below are the major recommendations that followed from those discussions and compiled by SPE members.

RECOMMENDATION 1: Improve sexual violence awareness training

Bill 151 compels institutions to produce a mandatory sexual violence awareness training for both students and staff. Since most will only learn of their institution's sexual violence policies from these training videos, we contend that they deserve further scrutiny in order to ensure that they are effective in mitigating sexual violence on campuses. We recommend the following:

- Clearly outline consequences for failing to complete sexual violence training.
- Training must be renewed yearly.

- Training must outline the consequences for perpetrators.
- Training must encourage empowerment to victims, educate on how to report incidents anonymously, and outline resources for victims.
- Homogenize training across institutions in the province.
- Implement discussion-based training for both students and staff collectively.
- Improve equity, diversity, and inclusion initiatives to promote a safe workplace for all.

RECOMMENDATION 2: Provide protection for individuals reporting in the presence of power dynamics

In an university setting, the hierarchical structure can disincentivize students from reporting incidents of sexual violence for fear of jeopardizing their future career, funding or relationship with their supervisor. When institutional power dynamics are not openly addressed in policy surrounding sexual violence, students will not report incidents for fear of the possible repercussions on their future. We recommend the following:

- Policies should recognize the fluidity of institutional power dynamics. These considerations should include research assistants, lab technicians and post-doctoral fellows.
- Financial support should be guaranteed to individuals reporting.
- International students, whose visas are dependent on a healthy relationship with their supervisor, should be protected from threats of losing their studying privileges.

RECOMMENDATION 3: Clearly outline the reporting process

Students may know to approach the office for sexual violence response and support in their respective universities to report an incident. However, a lack of knowledge of the reporting process that will ensue can deter victims from pursuing the incident further. We recommend the following in order to increase transparency and public knowledge of the reporting process:

- Describe the reporting process, including who to contact and key milestones throughout the process.
- Include a clause guaranteeing individuals the possibility to file a report at the provincial and federal level.

RECOMMENDATION 4: Describing the investigation procedure with transparency

Investigation procedures following sexual violence reports or complaints in most institutions are vague, unlike those associated with academic integrity, for example. Moreover, information regarding the investigative body is, at times, not fully disclosed. The aforementioned might cause victims to question the effectiveness of the process and hesitate to report or file complaints. We recommend the following:

- Delineate temporal estimations of different phases of the investigative process.
- Disclose and communicate information about the investigative body, i.e., its affiliation with the institution, its funding source, etc.

- Provide tangible examples and specific measures that ensure the academic progress of potential victims would not be negatively impacted by the investigative procedure.

RECOMMENDATION 5: Ensure the independence of the investigative body

Across many institutions, the investigative body is funded by the institution itself. Although the investigative body in such institutions might be advertised and portrayed as an independent one, in many cases, the latter remains the institution's client and, technically, might not be fully independent. The aforementioned might lead to biased decisions by the investigative body and/or distrust of the investigative process by victims. We recommend the following:

- Develop an independent third-party oversight body that is funded by an independent source of revenue (e.g., the dedication of a percentage of student's tuition fees to fund the oversight body).

RECOMMENDATION 6: Develop a clear sanctions policy

In many academic institutions, the consequences of not adhering to sexual violence policies are not defined. The lack of clear implications of non-compliance might disincentivize victims and/or bystanders from reporting and make potential perpetrators more inclined to defy the policy. We recommend the following:

- Standardize disciplinary actions by associating a definite set of sanctions to corresponding actions of misconduct.
- Delineate disciplinary actions corresponding to misconduct by staff and/or students.
- Develop sanctions that affect performance reviews and tenureship, and carry a financial penalty.

RECOMMENDATION 7: Communicate assigned sanctions with transparency

Victims are more likely to report if they believe that their actions can prevent the perpetrator from repeating their offenses. It is therefore imperative that victims and the academic community at large be informed of the allegations and sanctions of the perpetrator, especially if they are to be re-instituted at a new educational or academic establishment. We recommend the following:

- Disciplinary sanctions should be communicated to plaintiffs by challenging the applicability of the Act respecting access to documents held by public bodies and the protection of personal information [5].
- Allegations and sanctions must be communicated to the larger academic and education community (at least provincially) to avoid repeated offences at other institutions.

RECOMMENDATION 8: Commit to monitoring the state of sexual violence on campuses

Institutions should continue to monitor the state of sexual violence on campuses by supporting independent studies by academic researchers, and by providing the necessary resources for internal institutional assessment. Moreover, this data should be shared among higher

educational provincial institutions in order to identify policy gaps. Information regarding resource allocation and data analysis should be included in the yearly reports.

RECOMMENDATION 9: Develop a clear policy re-evaluation process

The current policies are vague in their reviewing process, especially in contrast to academic integrity policies, for example. Institutions should provide clear metrics to evaluate the effectiveness of its actions to mitigate sexual violence. We recommend the following:

- Collect feedback from the sexual violence awareness training.
- Outline clear and detailed monitoring protocols and metrics.
 - Consult with social scientists and student groups to develop these protocols and metrics.
 - These metrics should not solely rely on the number of reported incidents, rather they should be sensitive to barriers impeding victims from reporting.
 - Effectively communicate these metrics to students and staff

CONCLUSION

As academic institutions increasingly embrace equity, diversity and inclusion initiatives across the country, addressing sexual violence within our institutions should be prioritized to foster a sustainable academic environment that would attract top-tier talent and produce cutting edge research. We hope that these recommendations will pave the way for future iterations of sexual violence policies across higher education institutions in the province. We further hope that this report serves as a basis for institutions outside the province to develop their own sexual violence policies.

REFERENCES

- [1] Bergeron, Manon, et al. "Violences sexuelles en milieu universitaire au Québec: Rapport de recherche de l'enquête ESSIMU." 2016.
- [2] Bill 151, *An Act to prevent and fight sexual violence in higher education institutions*, 1st Session, 41st Legislature, 2017.
- [3] National Academies of Sciences, Engineering, and Medicine. *Sexual harassment of women: climate, culture, and consequences in academic sciences, engineering, and medicine*. National Academies Press, 2018.
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- [5] Act respecting Access to documents held by public bodies and the Protection of personal information, CQLR c A-2.1, 2020.

APPENDIX

Sexual Harassment: How can Academia do Better

The objective of this SPE Café is to assess the landscape of policies surrounding sexual harassment at McGill University, Concordia University, l'Université de Montréal and l'Université du Québec à Montréal.

The Problem

- **37%** reported a sexual harassment incident with someone else *affiliated* with the *university*.
- **30%** of incidents were perpetrated by someone senior in the academic hierarchy.

Reporting

- Only **64%** of incidents are reported. Among the reported cases:
- **89%** reported to their social circles.
- **34%** reported to their institution.
- **5%** reported to an outside resource.

Student-Staff Relationships

At McGill, UdM, and UQAM relationships between students and staff are forbidden in the existence of power dynamics (e.g. supervisory relationship, funding dependency, etc.). Disciplinary consequences such as unpaid suspension and different administrative measures apply to defiant staff members.

At Concordia, such relationships are not forbidden, but rather recommended against. Nevertheless, the policy outlines disciplinary consequences for staff upon having a relationship under the aforementioned circumstances.

Maintaining Anonymity

McGill and UdM offer the option of reporting anonymously.

It is not possible to file anonymous complaints at any of the four academic institutions.

Mandatory Sexual Violence Awareness Training

In accordance with Act 22.1 from the Quebec government, all universities must provide mandatory training on sexual violence for students and staff. Students who do not complete training cannot register for courses. Consequences for staff members are not clearly defined

Disciplinary Action

Most universities apply sanctions ranging from reprimand to dismissal for both students and staff.

UQAM and UdM may apply additional restorative justice measures.

Monitoring Procedures

Every university records instances of sexual misconduct and publishes an annual public report. They all further pledge to review their policies every three years (at most). Clear and detailed reviewing protocols and metrics are not always outlined.

Investigative Oversight Body

At McGill, all reports are conducted by an external independent Special Investigator. UQAM appoints external investigators from the Bureau d'intervention et de prévention en matière de harcèlement (BIPH).

Other universities investigate complaints internally or externally depending on the case. The independence of the oversight body is not always clearly stated.

Knowledge of Disciplinary Action

Current provincial legislations (Quebec Charter of Human Rights and Freedom) state that disciplinary or administrative measures imposed on a respondent may not be disclosed to a survivor without the respondent's express permission, except in the case of information relevant to the survivor's safety.

Resources

McGill	Concordia	UdeM	UQAM	External
PGSS Anti-Violence Coordinator, Office for Sexual Violence, Response, SACOMSS Union for Gender Empowerment (UGE), SSMU Services	SARC, Students Union Advocacy Centre, Centre for Gender Advocacy	Bureau d'intervention en matière de harcèlement, Centre de santé et de consultation psychologique, Programme d'aide aux employés et à la famille	BIPH, Service à la vie étudiante Soutien Psychologique	Juripop, Montreal Sexual Assault Center / Centre pour les victims d'agression sexuelle de Montréal, Commission de droits de la personne et des droits de la jeunesse, Educaloi, Institute national de santé publique. The regroupement québécois des centres d'aide et de lutte. Centre d'aide aux victimes d'actes criminels.

Phone Numbers:

Information and referral helpline for sexual assault victims, 7/24

Anywhere in Québec: 1-888-933-900 Montréal area: 514-933-9007

Suicide prevention centre: Anywhere in Québec: 1-866-277-3553