

REVIEW OF THE UNIVERSITY OF ALBERTA'S RESPONSE TO SEXUAL ASSAULT

January 2016

NOTE: This record contains advice, proposals, recommendations, analyses or policy options developed by the Sexual Misconduct Review group at the request of Dr. Robin Everall, Interim Vice Provost and Dean of Students in relation to the University of Alberta's response to sexual assault.

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Executive Summary

The University of Alberta recognizes its obligation to provide a safe and secure working and learning environment, acknowledging the inherent dignity of each member of the community. The criminal charge of sexual assault is the responsibility of police and the courts; however, it is the University's responsibility to enforce its own policies and to take all reasonable steps to support and assist those who have disclosed a sexual assault.

The unfortunate reality is that many sexual assaults go unreported to police and, of those that are reported, most are not successfully prosecuted in the courts. Similarly, there are barriers to making a complaint of sexual assault in post-secondary institutions that lead to charges under the Code of Student Behaviour (*Code*) and other disciplinary processes. In order to respond appropriately, we must recognize the unique and complex nature of sexual assault disclosures and measure the success of our response based on the needs of the person who has disclosed and the protection of the community as a whole.

There exist robust protections for any student accused of sexual assault under the Code of Student Behaviour. The processes have been tested in court and are based on the principles of natural justice and procedural fairness. While the robust protections for accused students are crucial and will be maintained, they must be balanced with support for the survivors.

It is counterproductive to measure our success by the number of charges laid and sanctions meted out. Our response to a disclosure of sexual assault must also be rooted in support for the person who has made the disclosure, and should include a range of options, including counselling, medical attention, academic or residential accommodation and/or assisting them to make a report to University of Alberta Protective Services for a response under University policy, or to local law enforcement agencies for a criminal complaint. When a member of the University Community discloses sexual violence and receives appropriate support and resources, that should be considered a success as opposed to a finding under a disciplinary or criminal process.

This review examined six areas: Education/Prevention, Support, Formal Complaints, Policy, Communications, and Tracking and Statistical Reporting. In each area, we identified strengths, areas for improvement, and the current capacity to make improvements to process. Wherever gaps were apparent, we attempted to make recommendations to address them.

The University of Alberta has robust supports, dedicated and competent staff, and a wide diversity of units already addressing the issue of sexual assault on which to build. It is notable that the University enjoys an extraordinarily cooperative and respectful relationship between all of the diverse units that deal with the issue of sexual violence. This brings a common purpose and strength of convictions to this report and to the University of Alberta's response to sexual assault disclosures.

Some areas for improvement include increased coordination of these efforts; communication to the whole University community on where to find reliable information on sexual assault, how to respond to disclosures and what happens when one discloses sexual assault at the University of Alberta; and a comprehensive policy to tie all of the elements of prevention and response together.

The University is committed to fostering an environment in which our members feel safe and supported. Ultimately, this means working to identify and reduce barriers to disclosing sexual assault. To that end, the Sexual Misconduct Review group made the following recommendations:

Recommendations of the Sexual Misconduct Review Group

GENERAL

1. That those units responding to both formal reports and informal disclosures receive appropriate resources, including not only the ability to respond to increasing demand but also the need for adequate staffing and professional development.
2. That a Sexual Assault Prevention and Response Coordinator be appointed and situated in a high profile area that makes intuitive sense for University community members to contact in cases of sexual assault disclosures. This position should be responsible for:
 - Coordinating the units who respond to sexual assault and the Sexual Misconduct and Assault Response Team (SMART)
 - Education and prevention programs
 - Maintaining the central website on sexual assault
 - Communications to the University community
 - Conducting periodic climate surveys
 - Collating data from the individual units and report to the community
 - Coordinating necessary professional development for investigators and decision makers
 - Liaising with internal groups, such as the Inter-fraternity Council, Pan Hellenic Council, University Athletic Board, Faculty and Staff Relations, staff associations and Occupational Health and Effectiveness, to name a few.
 - Liaising with community agencies and supports.
3. That a group led by the Office of General Counsel, including UAPS, Risk Management, Faculty and Staff Relations and other interested parties, convene to address the issue of legal costs and examine options for mitigating risk while managing costs.

EDUCATION AND PREVENTION

4. That early efforts be put into educating the University population on consent, incapacitation, coercion and force as they relate to sexual assault.
5. That any discussions, programming, activities or support the University undertakes be entirely inclusive, acknowledging that anyone can perpetrate or be subjected to sexual assault, including women, men and sexual and gender minorities.
6. That online education and awareness raising modules about sexual assault be made available to the entire campus community and be promoted widely.
7. That the advice from the UAPS website "Sexual Assault" page be prominently featured and widely disseminated, including applying appropriate search terms so that it is easily accessible through a web-based search engine.
8. That Residence Services pursue additional opportunities/partnerships to educate residents on issues around sexual assault and healthy relationships.
9. That the University pursue a "champion" model, like the Community Helpers program, which educates students and staff about the issues of healthy relationships, sexual assault, consent, prevention, intervention, and post-care. These champions could then act as the central resource for their unit or community. They should be clearly identified so that survivors know that they have been trained and other members of the community know they can consult with them as needed.

10. That new staff receive information on the response to sexual assault through their orientation activities.

BYSTANDER INTERVENTION

11. That representatives from the Office of Safe Disclosure and Human Rights (OSDHR), Residence Services, the Sexual Assault Centre (SAC), the Community Social Work Team and The Landing, as well as other interested parties, meet regularly to coordinate their efforts around bystander intervention and ensure that the message from each of them is consistent and that they are reaching the broadest possible audience. Ideally, this would be coordinated by the previously-recommended Sexual Assault Prevent and Response Coordinator.

SUPPORT

12. That the University emphasize support for survivors in relation to disclosures of sexual assault.
13. That information about how to support a person who has experienced sexual assault be widely disseminated across all U of A campuses, using various communication channels, such as social media, a centralized website, and an online e-class for those looking for information.
14. That specific support for those accused of sexual assault be provided as well as to those who have experienced sexual assault.
15. That Sexual Misconduct and Assault Response Team (SMART) be enshrined in policy and have a clear mandate, terms of reference, and presence at the University of Alberta.
16. That the Community Helpers program lead (or stand as a model for) a network of champions who can act as local sources of information and support in relation to sexual assault disclosures.
17. That support units fully understand the options available to survivors and are able to provide information on internal processes.

FORMAL COMPLAINTS – GENERAL

18. That any University official should consult with the appropriate unit (Faculty and Staff Relations, UAPS, the SAC) for information and support after having received a disclosure of sexual assault.
19. That the UAPS investigators and the two Discipline Officers take the online courses in the effects of trauma and trauma-informed interviewing techniques, available for free from the Online Training Institute at <http://www.evawintl.org/onlinetraining.aspx>
20. That a group be convened to develop a clear protocol about how and when the University must act on an allegation even if the survivor does not wish them to do so, in an effort to balance the safety of the University Community with support for the autonomy of the survivor.

FORMAL COMPLAINTS – UAPS

21. That UAPS maintain the current investigator model, and ensure that there is an alternate investigator for times when someone of another gender is preferred, the primary investigator is away, or the caseload increases beyond one person's capacity.
22. That the University explore further potential for alternative reporting methods, including expanding on third-person anonymous reporting and setting up an online reporting system. A working group, including UAPS, the Office of Safe Disclosure and Human Rights, the Sexual Assault Centre, and

others, potentially including community partners like the Sexual Assault Centre of Edmonton and the Edmonton Police Service, should be struck to examine options. This group should also consider the need to balance survivor autonomy with campus safety, and discuss the limitations of such alternative reporting methods.

FORMAL COMPLAINTS – UAB

23. That the UAPS respondent to an appeal receive significant additional training in procedural fairness, natural justice, the effects of trauma and trauma-informed interviewing, in order to be able to present cases of sexual assault effectively.
24. That University experts on the effects of trauma and sexual assault be available to act as expert witnesses at the hearings.

FORMAL COMPLAINTS – TIMELINESS

25. That a working group involving University Governance, the Office of General Counsel, Student Conduct and Accountability, and UAPS, be convened to discuss ways to improve the timeliness of University disciplinary processes.

FORMAL COMPLAINTS – INFORMAL RESOLUTION

26. That it be widely communicated to the University of Alberta community, and particularly to those that might be receiving complaints of sexual assault, that mediation is not an option for informal resolution in cases of sexual assault. Mediation is a conflict resolution mechanism. Sexual assault is an unsolicited harm to an individual, not a conflict. Conflict resolution processes that begin with the assumption that parties bear equal responsibility are not appropriate.
27. That a group consisting of Student Conduct and Accountability, Office of General Counsel, Sexual Assault Centre, UAPS, Residence Services, Faculty and Staff Relations, and other interested parties set parameters for the use of Restorative Justice in addressing sexual violence, and identify any necessary policy changes and training to be implemented.

FORMAL COMPLAINTS – INTERACTION WITH CRIMINAL CHARGES

28. That Student Conduct and Accountability work with the Office of General Counsel to clarify the confidentiality of the Code of Student Behaviour (*Code*) process regarding students' ability to respond to *Code* charges even when facing concurrent criminal charges.
29. That in cases where a stay or extension of *Code* processes has been granted, appropriate interim measures be considered, including the possibility of voluntary leave from an academic program without penalty.

FORMAL COMPLAINTS – ROLE OF SURVIVOR IN PROCESS

30. That a group, including University of Alberta Protective Services (UAPS), the Appeals Coordinator, the Office of General Counsel, Office of the Student Ombuds, Sexual Assault Centre (SAC), Faculty and Staff Relations, and other interested parties convene to discuss options for the treatment of survivors in a University process. They should examine everything from the way evidence is collected and statements are recorded in the initial investigation through to the room configuration and other options for hearings.
31. That University of Alberta Protective Services examine the possibility of adopting a survivor-driven investigation model, such as the “You Have Options” program. A working group including UAPS, Student Conduct and Accountability, and other interested parties should be struck to review options and choose or design a model to be adopted. This group must also consider the limitations of such a model and ensure that they are understood.

FORMAL COMPLAINTS – STAFF AND FACULTY

32. That all formal complaints (that is, reports under a University policy, as opposed to disclosures where the survivor does not want an investigation) of sexual assault be assigned to an investigator who is specially trained in investigating incidents of sexual assault.
33. That Faculty and Staff Relations, in conjunction with the Office of General Counsel, provide information and resources to University officials on the legal and contractual requirements associated with the investigation of sexual assault complaints made against University faculty and staff.

POLICY

34. That the University create a stand-alone sexual assault policy with clear and concise statements of expected behaviors, practices and standards that reflect the goals and values of the University and any related legislative requirements. The policy should be written in plain language with clear definitions, include common principles and approach to dealing with sexual assault, and expectations for members of the University community should be laid out. This policy must apply to the entire University Community. Like the *Discrimination, Harassment and Duty to Accommodate Policy*, it should refer back to existing procedures (*Code*, collective agreements) for enforcement and respect legislative requirements.
35. That changes be made to the *Code* “Unfounded Allegations” section to mirror the language in the *Discrimination, Harassment and Duty to Accommodate* policy.
36. That the *Discrimination, Harassment and Duty to Accommodate Policy* be amended to note that its scope does not include sexual assault.

COMMUNICATIONS

37. That senior administration issue a statement affirming the importance of addressing sexual assault at the University of Alberta, as well as the continuing commitment of the University to create a workplace free of harassment and discrimination for all students, staff, and faculty.
38. That a central website on sexual assault be created and maintained. This website should have information about consent, options for disclosing, and procedural FAQs for those trying to decide

whether to make a formal complaint. It should also list University and community resources, link to the sexual assault policy and provide information on SMART. Ideally, this website would be maintained by the above-recommended Sexual Assault Prevention and Response Coordinator.

39. That search terms be added to existing websites (UAPS, Sexual Assault Centre, Student Conduct and Accountability) so that they are accessible and easy to find.
40. That a one-page information document on what to do when you have received a disclosure of sexual assault be developed and widely distributed. It should be based on the advice provided by the SAC on the UAPS website: Listen, Believe, Provide Options.
41. That existing communications networks be used to provide customized messages for their communities on consent, what to do when someone has disclosed sexual assault, bystander intervention training and other topics related to sexual assault.
42. That all communications are sensitive to the diversity of gender identities and use fully inclusive language.
43. That those units dealing with communities who may need to hear the message in specific ways engage the conversation and provide information through their own networks.
44. That information about the University's processes and resources be provided to community agencies as well as within the University of Alberta, including the Sexual Assault Centre of Edmonton, Alberta Health Services Crisis Support Centre, and the Support Network, so that if a member of the University seeks support from the community, they will also have access to information about available support within the University.

TRACKING AND STATISTICAL REPORTING

45. That a person or a unit not involved in individual case work be identified to collect, coordinate, analyze and disseminate data on sexual assault. Ideally this would be the Sexual Assault Prevention and Response Coordinator recommended earlier, but, if that position is not created, some other office with the ability to track students, staff, and faculty should be responsible.
46. That more focussed data be gathered in terms of specific populations and/or locations and be used for targeted interventions, prevention and communications.

INTRODUCTION

Dr. Robin Overall, Interim Vice-Provost and Dean of Students convened the Sexual Violence Review group in November 2014. Shortly thereafter, media attention to the issue increased, especially in relation to the Jian Ghomeshi case at the CBC, numerous accusations of sexual assault against Bill Cosby, increased complexities around Title IX legislation in the United States, and overall media attention to sexual assaults on post-secondary campuses.

On the surface, sexual assault is simple. The term refers to any sexual contact that takes place with another person without their consent, including forced or unwanted kissing, fondling, vaginal or anal penetration, or oral sexual contact. Myths and misconceptions about sexual violence add ambiguity and uncertainty to our understanding of both what it is and how to explain, prevent, address, and respond to it.

Unfortunately, the issue has not been well understood by the media, the general public, or post-secondary communities. Their focus tends to fall squarely on the enforcement of rules (investigation, findings and punishment), which forms only a small part of the picture. In particular, the debate over whether Universities should even have jurisdiction over a criminal offence, has been vocal but ill-informed. It is important to be clear on the fact that the act of sexual assault is listed as a crime under Canada's Criminal Code. Allegations under the Criminal Code are investigated by law enforcement officials, prosecuted by the Crown, and decided upon by the courts, with possible punishment including incarceration. The University neither has nor desires the authority to address sexual assault as a crime. However, the University has an obligation to maintain a safe learning and working environment for its staff, students and other members of the University community. As such, when incidents of sexual assault occur and fall within our authority, the University must take steps through its policies and procedures to ensure that a safe and supportive environment is maintained.

However, the University's role in maintaining a safe learning and working environment goes well beyond pursuing conduct violations under University policies. To that end, the University must focus on prevention of sexual assault, education about how to respond to disclosures, and providing the necessary supports to survivors of sexual assault. Indeed, that is where our primary responsibility resides.

This review was convened to examine the University's prevention, education and response to sexual assault. The review group conducted an environmental scan of the current policies and practices at the University of Alberta. As part of the review, interviews were carried out across campus on existing resources, and areas of strength, weakness and capacity for improvement in our response to sexual violence (a list of the interviewees is included under Appendix 4).

There is a great deal more work that needs to be done in order to get the full picture of sexual assault on this campus, including engaging the entire community in the discussion. We see this report as a necessary first step and many of our recommendations are about broadening and extending the engagement of the community in the discussion of sexual assault.

Sexual Misconduct Review Group Members

The Sexual Misconduct Review group was made up of the following individuals:

Chris Hackett, Student Conduct Officer (Chair)
Deborah Eerkes, Director, Student Conduct and Accountability
Brock Richardson, Acting Assistant Dean of Students - Residence Life
Leanne Wruck, Team Leader, Sexual Assault Centre
Grace Berry, Acting Director, University of Alberta Protective Services
Samantha Pearson, Education Program Coordinator, Sexual Assault Centre

In addition, the group consulted with the following individuals on specific topics:

Dr. Robin Overall, Interim Vice-Provost and Dean of Students
Kiann McNeill, Director, Marketing and Communications
Gwen Bauer, Risk Management Services
Office of General Counsel

Why do we need to address sexual assault?

Over the last several years, sexual assault has been singled out by governments, lawmakers, the media, and post-secondary administrators alike as one of the most pressing issues facing university and college campuses throughout North America. In order to understand why this is the case, it is crucial to discern how sexual assault differs from other kinds of misconduct, like vandalism or plagiarism. In contrast to other forms of misconduct the University addresses, sexual assault often represents a fundamental violation of an individual's most personal physical and emotional boundaries. It is also a gender-based violation (no matter who the perpetrator and victims might be).

We have no clear statistical picture of the current rates of sexual assault among students on our campus. Like other jurisdictions, we have to assume that formal reports represent a small minority of actual incidents and many likely do not even seek support from the SAC or other on campus supports. (See Appendix 2 for the most current available statistics).

The SAC surveyed University of Alberta students on sexual assault in 2000, repeating an earlier survey completed in 1991.¹ Now 15 years old, the data provided a comprehensive review of both the University's climate and actual experiences with sexual assault at that time. By using it as a snapshot and approaching the results cautiously given the passage of time, we can gain some insights that may apply currently at the University. Key findings of the 2000 study include:

- 21% of women and 5% of men reported experiencing at least one unwanted sexual contact after age 14.
- 37% of the reported experiences took place after they became students at the University of Alberta, with 54% of those occurring in the first year of University
- Over half of the reported assaults involved drugs or alcohol

¹ LoVerso, 2001.

- Perpetrators in the overall group were likely to be male (90.9%) and either non-romantic acquaintances (41.8%) or romantic acquaintances (27.9%)
- Both the 1991 and 2000 surveys found that most of the sexual assaults that occurred while the student was enrolled at the University of Alberta (80% in 1991; 92.1% in 2001) took place off campus, with the majority of those happening in someone's home.
- Most survivors said that the assault had negatively affected their mental health, relationships and/or academic performance.

Other studies from across North America have found similar numbers: 1 in 5 women and 1 in 20 men will have experienced sexual assault by the time they graduate University.² Many of the overall results were also similar to findings about sexual assault in Canada in general.³ Although many of those assaults will fall outside of the University's authority to act, prevention, education and support are key to student success.

A key difference between sexual assault and other forms of misconduct is that sexual assault cannot be treated solely as a disciplinary issue in which we must ensure due process to the accused. Recently, there is also significant attention to campus sexual assault as a human rights issue for the survivor or potential survivors. A student recently filed a Human Rights complaint against York University challenging the way they handled her complaint of an assault on their campus.⁴ Hers may be the first of many such complaints in Canadian jurisdictions. It is important to acknowledge that our actions, processes, and decisions may be subject to both complaints to the Alberta Human Rights Commission by a survivor as well as judicial review by a perpetrator. Ultimately, we will have to demonstrate how we have been fair to both.

Finally, it is important to acknowledge that sexual assault takes place within a specific societal context and there are a variety of ways in which it affects staff and students on our campus. In addition to this work specific to sexual assault, we need to identify and examine that context in order to fully comprehend the scope of the issue of sexual assault and why it is important to address it.

Prevalence of Myths and Misconceptions

Many of the myths and misconceptions about sexual assault stem from a fundamental lack of knowledge about the realities of sexual violence. Our society clings to the stereotypical image of what sexual assault is and who experiences it. For example, we assume that survivors are women and perpetrators are men; we think of perpetrators as creepy strangers rather than friends, colleagues and acquaintances; and we tend to attribute the cause of the sexual assault to the survivor, presuming that they were assaulted because they were drinking, walking home alone at night, or wearing revealing clothing. Although contemporary society has made significant gains in overcoming these stereotypes, they still persist in insidious ways.

At an institutional level, some of the most prevalent misconceptions about sexual assault have to do with false reporting (that is, that people often report being sexually assaulted when they weren't). In actuality,

² Krebs, Lindquist, et al. 2007 and DiJulio, Norton, et al, 2015.

³ Brennan and Taylor-Butts, 2008.

⁴ Mathieu and Poisson, June 30, 2015 and Hoffman, June 30, 2015.

sexual assault is vastly *underreported* as a crime, with only 10% of sexual assaults⁵ ever being reported to police. It is reasonable to assume a similarly low number, if not lower, of such reports are made to University officials. While research is thin in the area of false reports, there are indications that a heterosexual male is far more likely to experience sexual assault than to be falsely accused of it.⁶ There is no evidence to support the fear of rampant false reporting. To address that fear, the solution is not to limit survivors' access to support, but to ensure that investigations are thorough and that adjudication processes are based on the principles of procedural fairness and natural justice. It is also important to understand that a finding of insufficient evidence in a report of sexual assault is not the same as finding that someone has filed a false report. Many sexual assaults occur between only two people, behind closed doors, so direct evidence may be difficult to gather.

Ultimately, there are few other offences viewed with the same level of skepticism as sexual assault; the stereotypes and misconceptions listed above are not only untrue in most assaults, they actually help to perpetuate a culture of sexual violence. These misconceptions contribute to an environment in which perpetrators are not held accountable for their actions and survivors' motives and integrity are open to question. In such an environment, survivors are less likely to disclose and seek support out of fear of not being believed or being blamed for something someone else chose to do to them. To disclose something so intimate and not to be believed or, worse, to be blamed, is a devastating possibility for a survivor.

Impact of Trauma

The reality of sexual assault is that it is a violation of deeply personal boundaries and, for some, it is an experience that the survivor will struggle with for many years. At its core, sexual assault is an act that dehumanises and takes control away from the survivor. The obvious consequence is that sexual assault is a traumatic experience, the impact of which can be felt throughout a survivor's life, including their experience at a post-secondary institution.⁷

The trauma caused by sexual assault affects the neurobiological functions in the brain and results in actions or behaviours that may seem counterintuitive, but some of which are entirely involuntary (for example the flight, fight, or freeze response). Some common examples of these confusing behaviours include: contacting the perpetrator after the fact; appearing to be in good spirits immediately following the assault, and/or being unable to provide consistently detailed, linear or logical accounts of what happened.⁸ These effects, while explicable through the lens of trauma, can be incomprehensible to the casual observer, and can be misinterpreted as an indication of the survivor's complicity in the act, and their disclosure subsequently construed as regret. This can be contrasted with the perpetrator, who is not experiencing the effects of trauma, being able to provide a perfectly rational and linear account of an incident, resulting in the possibly faulty conclusion that the survivor is lying. It is important for anyone working in the area of sexual assault to understand the effects of trauma in order to be able to properly assess the information provided, especially if the issue of credibility is raised.

⁵ Brennan and Taylor-Butts, 2008.

⁶ Kingkade, 2014.

⁷ Lisack, 2002, Yuan, Koss, and Stone, 2006 Ullman, Filipas, et al, 2007, Cambell, Dworkin, and Cabral, 2009, and Hopper and Lisack, 2014.

⁸ Strand, n.d. and Battered Women's Justice Project. 2013.

Finally, it is important to remember that the impact of trauma does not necessarily depend on an individual's specific experience. For example, research has shown that the impact is no different whether it is the stereotypical stranger attack or, as is more likely on a University campus, non-stranger sexual assault.⁹ Whatever form the sexual assault took, research shows that the neurobiological effects of experiencing a sexual assault is consistent with the trauma symptoms found in soldiers in combat or people who have witnessed a murder¹⁰.

Long-Term Physical and Emotional Effects

Sexual assault can have a deep and abiding impact on the person who experienced it, and can include deteriorating mental and physical health, academic or job performance, changes in personality and social interactions, and inability to move past the violence, concentrate on everyday tasks, or trust people.¹¹ All of these problems interfere with a person's ability to work, learn, and study in a safe and inclusive environment. The University, given its obligation to provide that environment, must necessarily be concerned with preventing sexual assault whenever possible, and responding to it appropriately when it does occur.

Language and Terminology

Sexual Assault

"Sexual Assault" is an offence under the Criminal Code of Canada (Section 271), a federal law that is investigated and enforced by law enforcement officials. However, it is also used by society as a generic term to describe non-consensual sexual contact. The generic term "sexual assault" is the most familiar to the University of Alberta community and likely has the most impact.

In order to avoid any confusion with the criminal process, the Code of Student Behaviour includes the following offence under Section 30.3.4(6) - Violations of Safety and Dignity: "*No Student shall have sexual or physical contact with another person without that person's consent.*" Using the term "violation of safety or dignity" in this report does not have the same impact as the term "sexual assault," although it is descriptive and inclusive of a range of acts. We have examined using the term "sexual misconduct" but again have found that it does not resonate with our community members, and many simply do not know what it means. Some other institutions are using the term "sexual violence" and include other gender-based violence like stalking, domestic or intimate partner abuse and sexual harassment. While this may be the most descriptive and encompassing term to use, and while we agree that all types of gender-based violence must be addressed, we urge caution in being so inclusive as to dilute the issue. We must be sure to distinguish sexual assault from, for example, homophobic language, bullying and sexual harassment, all of which are covered in the University's *UAPPOL Harassment, Discrimination, and Duty to Accommodate Policy*.

⁹ Sampson, 2003.

¹⁰ Lisack, 2002, Yuan, Koss, and Stone, 2006 Ullman, Filipas, et al, 2007, Cambell, Dworkin, and Cabral, 2009, and Hopper and Lisack, 2014.

¹¹ Sampson, 2003.

For the purposes of this report, we will be using the generic term “sexual assault” to refer to non-consensual sexual contact. When referring to the criminal offense of sexual assault, we will explicitly say so.

Gender Inclusivity

While women are statistically more likely to experience sexual assault, men and sexual and gender minorities are also vulnerable, and are much less likely to report an incident of sexual assault.¹² For this reason, gender pronouns must be attended to in any discussion of sexual assault, because they tend to reinforce stereotypes. Recognizing that anyone can be either a victim or a perpetrator of sexual assault, and that not all individuals are comfortable with the binary gender division and pronouns, is key to reducing barriers to the non-heteronormative victim to disclosing sexual assault, as well as to keeping an open mind about who can experience or perpetrate sexual violence. Every effort is made in this report and in surrounding discussions to ensure that language is gender-neutral and inclusive, including using the word “they” as a singular third person pronoun, in place of “he” or “she.”

Survivor/Victim/Complainant

There is ongoing debate about the terminology used for the person who has experienced sexual assault. Many have embraced the term “survivor,” while some believe that term is not inclusive of everyone’s experience. “Victim” has fallen into disuse in the context of sexual violence, although there are those who still identify as such. In disciplinary processes, the terms can change again to “reporter,” “complainant” or “accuser.” In the rare cases of misapprehension or false accusations, neither “survivor” nor “victim” describes the person accurately.

We recognize the complexity of the issue and the diversity of views and experiences. For the purposes of this report, we will be using the term “survivor” to signify the person who has experienced sexual assault, and “complainant” to signify those survivors who have made a report under a University policy.

Similarly, those accused of sexual assault can be variously referred to as “perpetrator,” “accused” or, in the case of a formal disciplinary process, “respondent.”

Disclosure/Complaint

For the purposes of this report, we will use the term “disclosure” to refer to the act of telling someone that one has experienced sexual assault, the term “complaint” to refer to the act of disclosing to University authorities with the aim of invoking an investigation under University policy.

¹² Rothman, Deinera, and Baughman, 2011.

Background Information on Campus Sexual Assault

Universities in North America are responsible for ensuring a fair and safe workplace for their students and employees and have typically addressed issues like sexual assault through their normal non-academic conduct processes. The dispensation of those cases, however, has varied widely, depending on the robustness of the institution's investigative and adjudicative policies and the knowledge, training, and skills of the individuals in key positions in the institution.

In the past, there were few resources or templates that offered post-secondary institutions a consistent model on how to respond to complaints of sexual assault. The focus of the adjudication of complaints was on the respondent and the institution's responsibility to meet the standards of due process and natural justice. Support for the survivor was a completely separate process which may or may not have existed at the institution.

Scholars and activists continue to publish critiques of university responses as a failure to balance the interests of the survivor, the community, and the respondent. Many have also criticized the failure of post-secondary institutions to explore the link between sexual harassment, the culture of the community, and power dynamics, particularly as they relate to gender, and sexual assault.

In 2007 the National Institute of Justice, the research arm of the United States Department of Justice, released the Campus Sexual Assault Study which looked at two US campuses and confirmed earlier studies that sexual assault on American post-secondary campuses was widespread (19% of women who completed the survey indicated that someone had sexually assaulted or attempted to sexually assault them since beginning their studies), that the vast majority of cases involved non-stranger sexual assault, and that alcohol played a significant role in a high number of cases.¹³ They also noted that sexual assault had devastating consequences for survivors, and that very few instances resulted in universities and colleges addressing the behavior of the perpetrator. The authors argued that university and college communities needed to do a better job of educating their students on sexual assault and in creating a safer environment for their students.

The US Government responded to that survey and complaints from activists and survivors by reframing sexual assault as a form of gender discrimination, setting expectations about how institutions would address complaints, provide resources, and educate its community, and creating a process by which people could file complaints against those institutions not living up to their responsibilities.¹⁴ The resulting suite of laws changed the landscape in a very short time to shift toward balancing the rights of the accused and the complainant, thereby significantly reducing the burden on those who experienced sexual assault. There has also been a corresponding demand to document incidents and to provide transparency to the community about what had happened and how it was resolved.

The decisions of the United States government and the corresponding debate it triggered in the media about the increasing survivor focus of sexual assault processes has raised the profile of campus sexual assault in that country, particularly in the media. That attention has led to raising the profile of sexual assault on Canadian campuses as well.

¹³ Krebs, Lindquist, et al, 2007.

¹⁴ For an overview of recent US responses to campus sexual assault see Chronicle of Higher Education, Fall, 2014.

In October 2014 METRAC: Action on Violence, a group focussed on addressing violence towards women and children in Ontario, published a report entitled *Sexual Assault Policies on Campus: A Discussion Paper*.¹⁵ This report argued that despite efforts to address sexual assault on Canadian campuses, women were still at significant risk. They challenged Canadian universities and colleges to adopt sexual assault policies and survivor focussed practices that would increase reporting and allow greater participation in institutional processes by survivors.

In the time since the METRAC report we have seen a great deal of attention paid to campus sexual assault in Canada. Several Canadian universities have produced reports and/or policies since. Provincial governments, particularly the Government of Ontario, have made addressing campus sexual assault a priority.¹⁶ Similarly we have seen interest in the Canadian press. The Toronto Star and the CBC have both published or broadcast a series of articles have also raised the profile of the issue.¹⁷ See Appendix 3 for a more comprehensive list of reports and articles.

The energy around addressing campus sexual assault in Canada has been a catalyst for individual post-secondary institutions to address this important topic locally. However, it is a complex and thorny issue, fraught with misinformation, misconceptions and assumptions. In addition, much of the discussion does not acknowledge the difference in legal frameworks between Canada and the US. It is important to evaluate any advice on best practices in light of those differences before adopting them.

Importance of systemic response

One of the issues that has become abundantly clear through the various studies and reports is that post-secondary institutions require a systemic response to sexual assault. It is important to acknowledge that the culture of a university campus can affect decisions of members of that community as to how they will conduct themselves; therefore education and prevention activities are essential. Opportunities to disclose and supports should be available where people need them, not where they are most efficient or expedient. The various offices responsible for addressing sexual assault should coordinate to ensure that there are no gaps in our system. Finally, we have to recognise that no member of our community is disposable; supports and resources must be provided for all. Our disciplinary processes must be fair to all involved, with robust protections for persons who are accused as well as protections for survivors from irrelevant questioning or unnecessary challenges that re-victimize them rather than bringing to light what happened.

¹⁵ METRAC. October 30, 2014.

¹⁶ Government of Ontario. March 2015.

¹⁷ Mathieu and Poisson, Nov. 20, 2014 and Sawa and Ward, 9 Feb. 2015.

Barriers to disclosing

Sexual assault is one of very few violations which, when reported, are sometimes viewed with skepticism. It is difficult to think of another type of offence that provokes an initial presumption that the complaint is false. It is in this context that survivors of sexual assault must decide who to tell about their experience. Consequently, the first disclosure is crucial - how the person reacts when told of the assault, whether they question the veracity of the disclosure, what they do with the information, what kinds of support and resources are offered (or not), all play an essential role not only in what that specific survivor does next, but also in perceptions of the University of Alberta as a safe place (or not) to disclose sexual assault. No matter who receives the first disclosure of sexual assault, their reaction is key to ensuring that resources and support are provided to the survivor, as well as to having formal complaints made to University authorities or the police.

Before we can make our campus a safe place to disclose sexual assault, it is important to understand why people choose not to disclose. Only when we have identified those barriers to coming forward can we begin to dismantle them. Our interviewees identified a wide range of factors that might prevent a student or staff member from disclosing sexual assault or making a complaint under University policies:

- Fear of not being believed
 - Fear of being blamed
 - Guilt, shame, embarrassment and/or self-blame
 - Failure to identify incident as an assault
 - Accused is from same social circle
 - Are or have been in an intimate partner relationship with accused
 - Accused is in a position of power or authority
 - Fear of reprisal from accused
 - Risk of disrupting a close-knit community
 - Do not believe they will be supported
 - Different cultural understandings, taboos and assumptions
 - Lack of knowledge about programs, resources and options
 - Lack of information or clarity about, or trust in University processes or officials
 - University official insisting that all disclosures must be considered formal complaints to be investigated
 - University official taking action against an accused person without the permission or knowledge of the person that disclosed
 - Little understanding by University staff about how to effectively respond to a disclosure and what services and support are available
 - Heteronormative language and assumptions
 - Body image barriers (sees self as overweight/underweight/ugly) and wants to avoid any discussion of body-related issues
 - Political considerations and power relations, especially on the staff side
 - Silence and perceived lack of support by senior University officials
 - Lack of confidentiality/anonymity
-

In addition, our interviewees identified a number of student populations who may be at greater risk for sexual assault:

- LGTBQ and sexual minorities
- Fraternity and sorority members
- Residents
- First Nations, Metis, or Inuit (FNMI) students or staff
- International students, visiting students, refugees or immigrants
- Students coming from rural areas
- Students with disabilities
- Graduate students
- Minors
- Post-doctoral Fellows and medical residents

The interviewees further discussed areas of the University which may be underserved in terms of education, process, and supports necessary to handle disclosures of sexual assault, including:

- Laboratories
- Field schools
- Off-campus placements
- Practicums

On a related note, they identified activities that may increase the risk of sexual violence, including:

- Unmoderated alcohol events
- On-campus house parties
- Initiation events (e.g. sports rookie camps, changeover events in student government and student groups, fraternities)
- Off-campus events student (e.g. ski trips, intercollegiate sports)
- Off-campus academic events (e.g. conferences, retreats, international exchanges)
- Recruiting events that involve alcohol

What We Don't Know

We are aware that sexual assault is seriously under-reported. We believe it is sometimes disclosed to someone, although we have no way to track where our students and staff are disclosing their experiences of sexual assault, and what kind of support or advice they are receiving. For those who are receiving those disclosures, it is not clear where they are getting the information to respond to that disclosure, nor can we assess the quality of the information they are acting on. Given what we know about the importance of that first contact, this is an area of great concern.

Related Areas of Concern

There is broad recognition that sexual assault is closely related to high-risk alcohol use. Alcohol is widely recognized as the most common “date rape drug” used to either to lower a person’s inhibitions or to incapacitate them in order to perpetrate sexual assault on that person. Importantly, it is also used to lower the inhibitions of the person committing the sexual assault, allowing them to do something they would not normally do.

Additionally, hazing often includes high risk alcohol use and elements of sexual violence. Any programming aimed at these two areas (e.g. through the Coalition for Action on High Risk Drinking (CAHRD) or the Hazed and Confused anti-hazing program, must also link back to the issue of sexual assault, and vice-versa.

Finally, other forms of gender-based violence cannot be lost. While our focus in this report is sexual violence alone, stalking, intimate partner violence, bullying and sexual harassment exist on the same continuum of gender-based violence. Underlying systemic cultural assumptions and beliefs provide the foundation for entire range of gender-based violence and need to be addressed in this and other processes.

AREAS EXAMINED



In an effort to complete as comprehensive a review as possible, the team considered six distinct areas related to sexual assault. These categories are in no particular order and cannot be considered in isolation from each other. A comprehensive approach to sexual assault must consider all of these facets together in order to be effective.

Some of these categories involve multiple issues. For example, the Education/Prevention response of the University encompasses education of the entire campus community as to what sexual assault is and what constitutes consent; education on how to react for those most likely to receive disclosures of sexual violence; training of a segment of the University population in Bystander Intervention; and coordination of a wide variety of preventative efforts, initiatives and programs.

For each of these areas, we have identified what is currently happening, any gaps, perceived current capacity for improvement or growth, and recommendations. This information was gathered in large part from the interviews we conducted throughout the month of March 2015 (see Appendix 4 for a list of interviewees).

EDUCATION AND PREVENTION

Current

Aside from the SAC activities, discussions designed to prevent sexual assault can be enhanced at the University of Alberta. The Students' Union launched a poster campaign on consent in the 2014/15 academic year, which was highly visible and well-received.

Residence Life offers two sessions: a presentation very similar to last year's "J-Spot" with the same presenter coming in and doing a presentation called "Sexy Feast" which is all about sexual health; and a session that the RAs run with their floors about "Healthy Relationships" which addresses consent, harassment, and how to identify an unhealthy relationship.

The **SAC's** Education Program has three primary goals: To reduce the stigma and shame associated with sexual assault and thus increase help seeking behaviours; to build capacity within our campus population to effectively respond to disclosures of sexual assault; and to work toward the prevention of sexual assault within our community.

Educational programming currently provides workshops to approximately 7,000 individuals (students, staff, faculty and other community members) a year. A wide range of workshops are currently offered including:

- Dynamic and interactive peer-based education and prevention workshops on sexual assault presented to a wide range of classes and student groups. These workshops increase participants understanding of sexual assault, sexual harassment, consent, and coercion, work to reduce victim blaming attitudes and support offender accountability, increase participants capacity to support a survivor, and explore prevention strategies including an introduction to the bystander intervention approach.
- Professional disclosure/response training sessions for U of A personnel including: Residence Services staff, Protective Services officers, Student Advisors, faculty members, medical students, and/or other professional or paraprofessional groups. These training sessions increase participants understanding of the effects of trauma on individuals, teach how to effectively respond to disclosures of sexual assault, and provide information on campus resources and support services.
- Resident Assistant Online Training: The SAC has developed an E-class (i.e. an online, modular learning tool) with Residence Services that is currently used to train their Resident Assistants on receiving disclosures from residents who have experienced sexual assault. The E-class covers definitions of sexual assault and consent, myths about sexual assault, sexual assault prevention, RA responsibility in receiving disclosures, and resources on our campus community. After reading each module, participants are required to answer a series of questions; in order to proceed to the next section, participants must provide correct answers to the majority of the questions.
- Bystander Intervention Workshops: Based on the premise that all have a role to play in preventing sexual assault, the goal of these highly interactive workshops is to create a community of responsive bystanders who will challenge environments that allow sexual assault to happen by assessing, identifying and intervening in situations before or during instances of sexualized violence.

- Workshops for Supporters: Research demonstrates that many people turn to informal support from friends or family members far more often than formalized counselling services. In response, “Workshop for Supporters” focuses on capacity building in supporters to bridge these informal and formal support systems.
- Sex and Survivorship: Reclaiming Sexuality in a Rape-Prone Culture. This interactive workshop examines strategies for navigating sexuality in healthy and positive ways in a society where sexual violence is normalized, and unhealthy ideas about sex are culturally upheld. It also explores how survivors of sexual assault can work to reclaim positive practices for sexual healing.

The SAC received a \$30,000 grant from the Government of Alberta - Human Services that was used to develop a modular, multi-media, education presentation to supplement their current peer-facilitated education presentation ("Working for Change"). This modular education presentation was designed to be used as a stand-alone tool that could be made available to the University of Alberta campus community, as well as other educational institutions that were not able to host our standard workshop. The five modules cover rape-culture; definitions of sexual assault and consent; prevalent myths about sexual assault; alcohol and sexual assault; how to support survivors; and sexual assault prevention. The modules will be launched at the U of A in Fall 2015.

The SAC also provides a Volunteer Program, which draws on the support of student volunteers to provide effective and timely crisis support and intake, as well as awareness and educational programming that engage fellow students in anti-sexual violence discourse. Through ongoing training and mentorship students become anti-sexual violence advocates both during their time on campus and throughout their lives. By fostering a sense of social responsibility and engaged citizenship, this program develops future leaders committed to shifting the cultural climate around sexual assault. Each year, 25 – 35 volunteers complete 60 hours of trauma informed crisis intervention training, donate 3-4 hours per week providing one-on-one intake support to SAC clients and/or serving on one of the SAC’s four committees:

- The Awareness Committee delivers anti-sexual assault awareness and prevention messaging on campus throughout the year including weekly poster campaigns, community response/prevention campaigns, large wall displays on various topics, and interactive booths. They also coordinate two campus Sexual Assault Awareness Weeks each year. Initiatives during awareness week include: various anti-sexual assault poster campaigns, lawn sign messaging, information at unstaffed booths/displays, in-class announcements, awareness week banners, and other artistic installations on campus.
- The Education Committee presents peer-based sexual assault awareness and prevention workshops to classes and student groups on campus. Using peer educators that are relatable and knowledgeable enables participants to listen, learn and “relearn” about sexual assault.
- The Engagement Committee promotes volunteer engagement and retention by planning and implementing internal programming and social events.
- The Administrative Support Committee aids SAC staff in administrative tasks and projects integral to the overall functioning of the Centre (i.e. compiling statistics, data base entry, research projects, etc.).

The **Protective Services** website offers the following advice from the SAC on their Sexual Assault page:

What To Do If Someone Tells You That They Have Been Sexually Assaulted

Listening to a disclosure of sexual assault can feel overwhelming, but there are three very basic and important steps when supporting a survivor of sexual assault. These steps may seem too simple, but they are very effective:

Listen - Letting the survivor get their story out, and listening attentively can be very validating and helpful to them. You can show you are listening by making eye contact, maintaining open body posture, and limiting your questions. Often, you may have questions pop into your head while they are speaking. Instead of asking the question immediately, consider if the question is important or if you are asking it simply out of curiosity. If the question may help the survivor then it is appropriate to ask. It can be difficult for survivors to share their story, therefore allowing silence and giving the survivor the time to tell the story in his/her own way is helpful.

Believe - This is another basic, but very important step. All too often survivors are questioned as to if they are telling the truth about their sexual assault. This disbelief by others may cause serious setbacks in the survivor's recovery. She/he may not disclose to anyone else again after being disbelieved, and the survivor may blame her/himself even more for the sexual assault. Believing the survivor's story shows the survivor that she/he is not to blame for the assault, and it makes it easier for her/him to tell others.

Provide Options - During a sexual assault, all control has been taken away from the survivor. As a supporter you can help them regain a sense of control by letting the survivor make her/his own decisions with regard to their recovery. Once the survivor has finished disclosing her/his story, this may be an appropriate time to offer options to them. Some of these options include going to the hospital, reporting to the Police or UAPS, seeing a counselor, joining a support group, or doing nothing. (See above under What To Do If You Have Been Sexually Assaulted.)

<http://www.protectiveservices.ualberta.ca/Information/Safety/SexualAssault.aspx>

Areas for Improvement

- Presentations by the SAC are only provided when the SAC is invited to speak, meaning that a limited number of the population ever receives any information that could work to prevent sexual violence.
- Other than the workshops offered by the SAC and the staff training provided in Residence Services, there is currently little to no information available to the general University Community about what to do in the case that someone discloses a sexual assault. Coaches, student services personnel, resident advisors, professors, academic advisors, department or faculty administrative staff, student leaders in residence, fraternities, sororities, athletics teams and student groups, and Chaplains all face the potential for receiving disclosures and many of our interviewees speculated that few of them would know how to proceed if they did. A person who needed quick information via, for example, an online search of University resources would not find much of use.
- While the UAPS page provides excellent and crucial advice for those receiving a disclosure, it is very difficult to find.

- Research shows that students, while they believe that consent is important, do not have a good understanding of what it means. In particular, there is very little understanding about the difference between ‘drunk sex’ and sexual assault.¹⁸ Our interviewees believed this to be a major concern as well. This information is addressed in the presentations provided by the SAC, but needs to be much more widely disseminated.
- Discussions around sexual assault tend to adhere to heteronormative dynamics, presuming that the perpetrators of sexual assault are male and the victims female. While we recognise the prevalence of incidents involving female survivors and male perpetrators among reported cases, this presumption can be a barrier to understanding sexual assault in general. It can also be a barrier to those disclosing an assault that does not reflect the “norm” for fear of not being believed.

Capacity

There is considerable capacity to integrate preventative discussions and workshops into existing programs, including BaseCamp, UofA+, and various other orientations, as well as the Community Helpers, the Healthy Campus Strategy, HR education initiatives and other year-round programs. There is further capacity for on-line engagement, such as a course through E-class in conjunction with or addition to T2U for students coming in to the University. Looking to the Community Helpers program as a model or to lead the initiative, we have the capacity to develop a program of ‘champions’ or leaders in the area of sexual violence, who receive specialized training and could then become the resource person for their particular areas or group.

The fraternities and sororities’ existing structure provides a natural avenue to educating their members: the Inter-fraternity Council and the Pan-Hellenic Council oversee the chapters (men and women, respectively), create promotional materials, and provide resources and educational sessions to the Greek community.

The University Athletic Board dates back to the early years of the University (1911). It is a representative group of student leaders, athletes, the Department of Athletics and the Faculty of Physical Education and Recreation. They meet once a week and provide an excellent avenue for disseminating information to student athletes.

There is considerable capacity within the Residence system: Residence Services employs professional on-call staff who are available 24 hours a day, 7 days a week and are trained to respond to any sexual assault reported to Residence Services. Approximately 5,000 students live in Residence at the University of Alberta, which represents a captive audience for initiatives by other units intended to reduce sexual violence (Orientation Week programming, Bystander Intervention Training, etc.). Student Staff can also be required to do additional programming to educate residents on issues related to sexual violence as needed. Finally, the existing E-class modules designed for RA training could very easily be adapted to a wider audience.

¹⁸ Canadian Press, May 5, 2015 and DiJuio, Norton et al, June 12, 2015.

Recommendations

- That early efforts be put into educating the entire University population on consent, incapacitation, coercion and force as they relate to sexual assault.
- That any discussions, programming, activities or support the University undertakes be entirely inclusive, acknowledging that anyone can perpetrate or be subjected to sexual assault, including women, men and sexual and gender minorities.
- That online education and awareness raising modules about sexual assault be made available to the entire campus community and be promoted widely.
- That the advice from the UAPS website Sexual Assault page be prominently featured and widely disseminated, including applying appropriate search terms so that it is easily accessible through a web-based search engine.
- That Residence Services pursue additional opportunities/partnerships to educate residents on issues around sexual assault and healthy relationships.
- That the University pursue a “champion” model, like the Community Helpers program, which educates students and staff about the issues of healthy relationships, sexual assault, consent, prevention, intervention, and post-care. These champions could then act as the central resource for their unit or community. They should be clearly identified so that survivors know that they have been trained and other members of the community know they can consult with them as needed.
- That new staff receive information on the response to sexual assault through their orientation activities.

BYSTANDER INTERVENTION

Current

We heard from Residence Services, the SAC, the Community Social Work Team, Office of Safe Disclosure and Human Rights that each of them were providing some bystander intervention training or information in conjunction with their regular programming, and that many of them have spoken to each other. While a number of units are touching on the issue, it is so far relatively uncoordinated. The most comprehensive bystander intervention program will be introduced by The Landing this summer. It is largely based on the MVP Bystander Intervention program created by Jackson Katz, but with adaptations to make it a better fit at the University of Alberta. Information on this program is included in Appendix 5.

Areas for Improvement

Most students and staff do not currently have access to bystander intervention training at the University of Alberta. While it is not necessary to educate every single student and staff member on bystander intervention, there should be enough opportunities for student leaders in all areas of the University to attend a workshop or learn the concepts.

Capacity

Because a comprehensive program is being organized on campus, and so many other units are attempting to introduce the topic and already in contact with each other, there is considerable capacity for coordination and growth in this area.

In addition, there is the possibility to offer incentives to students for undertaking bystander intervention training through the co-curricular record, or even offering a credit course through Community Service Learning. Similar programs are offered at University of Windsor in their *Bringing in the Bystander*TM program

(http://www1.uwindsor.ca/womensstudies/system/files/Bystander_Initiative_Course_Descriptions.pdf)

and Mount Royal University *Stepping Up* program

http://www.mtroyal.ca/AboutMountRoyal/MediaRoom/Newsroom/FTDATA_dating_1251511.htm

Recommendations

- That representatives from the Office of Safe Disclosure and Human Rights (OSDHR), Residence Services, the SAC, the Community Social Work Team and The Landing, as well as other interested parties, meet regularly to coordinate their efforts around bystander intervention and ensure that the message from each of them is consistent and that they are reaching the broadest possible audience. Ideally, this would be coordinated by the recommended Sexual Assault Prevention and Response Coordinator.

Figure 1. Recommended levels of awareness for the University community
 While it is important for anyone in the University community to be able to access information related to the topics below, this table refers to recommended minimum targeted education for each constituency.

POPULATION	NECESSARY EDUCATION				
	Consent Education	Bystander intervention	Appropriate referrals when receiving a disclosure	Policy awareness	Train the trainer (champion model)
General student population	x				
Student leaders	x	x	x	x	
Front line administrative staff	x		x		
Instructional staff	x		x		
Student services staff	x	x	x	x	
Department administrators	x		x	x	
Faculty administrators	x		x	x	
Senior administration	x		x	x	
Champions (of any position)	x	x	x	x	x

SUPPORT

Current

SAC

This is by far the University of Alberta's greatest strength in the area of support for survivors of sexual assault. Established in 1993, the University of Alberta SAC (SAC) provides crisis support, comprehensive psychological services, accompaniment, and advocacy to individuals of all genders who have been affected by sexual violence. While it is located in the portfolio of the Dean of Students, the SAC is also available to support University staff and faculty who are survivors of sexual assault. With the belief that it takes a campus community to end sexual violence, the SAC draws on U of A student volunteers to engage the campus in awareness initiatives and education/prevention workshops for classes and student groups. Additionally the SAC provides sexual assault disclosure/response workshops to University of Alberta personnel to ensure they are able to identify and effectively respond to disclosures of sexual assault based on their respective roles, then connect individuals with the SAC for ongoing supports and services.

Specifically, the Crisis Intervention and Support Program offers:

- Free, anonymous support services for individuals of all genders, sexualities and backgrounds affected by sexual assault/abuse, sexual harassment, intimate partner violence or stalking whether on campus or off, recent or in the past. The anonymity and multi-modal entry points available through this program (drop-in, telephone, and email) are intended to reduce the common barriers to seeking services after sexual assault. By utilizing a client-centered and trauma informed approach, SAC staff and volunteers offer compassionate and non-judgmental support, information, and options that help to reduce distress levels and restore a sense of safety and control in the lives of those affected.
- Advocacy to support student academic success and ensure students are and feel safe within their environment. This includes requesting accommodations for exam/assignment deferrals, extensions, leave from a program, change in class, or relocation to a different residence (for those who live on campus).
- Accompaniment services to support those who choose to seek medical attention, report to University of Alberta Protective Services or police, or are involved in the criminal justice system or university complaint process. Providing individuals with emotional support before and during medical or reporting processes reduces feelings of uncertainty, frustration, and re-victimization that can result from navigating systems that are not always sensitive to the emotional needs of survivors.

In addition, the Psychological Services Program at the SAC offers comprehensive counselling and treatment for survivors of sexual assault or adult survivors of childhood sexual abuse. Providing client-centered, specialized sexual assault and abuse counselling services reduces associated mental and physical health related consequences; decreases shame, secrecy, and social isolation that results from interpersonal trauma; increases self-efficacy; and assists in the development of healthy relationships.

Counselling and Clinical Services (CCS)

Registered psychologists, psychiatrists and student interns provide a wide array of individual and group counselling services for students. In addition to support for survivors, CCS can also provide mental health support for students who have been accused of sexual violence or who, upon learning about sexual assault, think they may have perpetrated sexual violence on someone. There is good evidence that early intervention and support to perpetrators of sexual and other violence has a high positive outcome (See the work of Dr. Alan Jenkins, New South Wales, for an example).¹⁹ Recent research has also challenged the assumption that all perpetrators are serial offenders and argued that we must be able to respond appropriately to each one individually.²⁰

Sexual Misconduct and Assault Response Team (SMART)

SMART is an ad hoc team made up of the Office of the Dean of Students, UAPS, the SAC, General Counsel and Residence Services, and is called together when one of its members receives information about a sexual assault that requires coordination of services. For example, if a student disclosed to a Resident Assistant (RA), that RA would report to Residence Services who would reach out to the survivor to determine what kind of support is needed. The person may request to move to a new unit, and Residence Services could simply do that. However, if the survivor also needs help getting an extension on academic work, accessing counselling or medical attention, or is not sure whether to make a complaint to UAPS, SMART would coordinate a response so that the student could access all necessary supports without having to approach each service separately. Any member of SMART can call a meeting by contacting the Office of the Dean of Students. In cases where an employee is involved either as survivor or accused, the team would be expanded to include Faculty and Staff Relations. While this type of coordinated response is an effective way to approach support and is considered a best practice nationally and internationally, it has not been enshrined in policy or procedure, and currently depends on the individuals involved to make appropriate use of it.

Peer to Peer Support

The Students' Union *Peer Support Centre* offers walk-in or phone-in support and referrals to U of A students. Support is provided by volunteers trained in supportive listening who work with students to help them solve academic and non-academic problems. Students who seek support about a sexual assault experience are referred to the SAC and other University or community services.

Fraternities and Sororities have been identified as a potential site of elevated risk for sexual assault; conversely, they also hold great potential as a support network for survivors.

Students are very likely to turn to their *friends and/or family* for support after having experienced sexual assault. This can lead to mixed results; if their friends are well-versed in issues of sexual assault and have heard of the SAC, we have seen excellent support from them. Others, however, may not understand

¹⁹ Jenkins, 1990.

²⁰ Swartout, Koss, et al. 2015.

consent or sexual assault, the role of alcohol or other factors and may, in fact, provide bad advice about keeping it quiet or blaming oneself.

Ualberta Confession Facebook page

Students often seek out anonymous places to talk about their lives and experiences. On occasion, a student will anonymously post disclosures of sexual assault. While the responses can sometimes be ill-informed (such as advising the person not to report or seek help), the page is monitored by the administrators of the page, who work with the Peer Support Centre to ensure students in need are referred to appropriate resources. Because the posts are authorized by the administrators, referrals are timely and often given before the post even gets approved.

UAPS

While UAPS' main role is to receive formal complaints of sexual assault, conduct investigations and recommend charges under the *Code*, students or staff can also benefit from UAPS support in the form of assistance making a safety plan. This might include planning routes through campus, accessing SafeWalk, assistance with or information about peace bonds and protection orders, and having a contact person in case of emergencies.

Residence Services

While not experts, Residence staff who live in the community are often a first point of contact for survivors or friends of survivors. Through their role in supporting students, Residence staff are provided with training to receive disclosures, offer initial support and assist survivors to connect with expert services and official procedural bodies.

Office of the Student Ombuds

The Office of the Student Ombuds provides advice and guidance to students navigating University processes. An Ombudsperson can fulfill the role of Advisor under the *Code*, attending meetings and hearings with students accused under the *Code*, helping them formulate responses and assisting with appeals. Advocating for fairness throughout the process is a crucial role and provides a key element of natural justice. While students are not required to bring an Advisor, and they are not restricted in whom they can choose to bring (Ombuds, parent, lawyer), it is the experience of the two Discipline Officers that students are often better prepared and equipped to go through the discipline process when they have been working with an Ombudsperson.

Chaplains' Association

The Chaplains Association is an important source of support for those most comfortable disclosing to a spiritual or religious advisor. Chaplains can receive disclosures and provide supports in various ways, including providing information about services and resources in the University and the community.

The Landing

The Landing offers support for gender and sexual diversity, and “advocates for the safety and acceptance of all genders and sexualities in campus life.” <https://www.su.ualberta.ca/services/thelanding/>

It is a place that offers support on multiple issues, including gender-based violence. It is anticipated that this service will be well-used and an excellent source of support for those who are not comfortable disclosing sexual assault in other venues.

Areas for Improvement

- While the SAC has been a tremendous support and advocate for survivors, and educator for the University Community, it is not reasonable to expect that one small unit to be solely responsible for the University’s entire response to sexual assault. They are experiencing increased need for both support of survivors and education, and are not equipped to also carry out the needed level of communications, prevention, and all other components of the University’s response. Response to formal complaints, tracking and statistical reporting, as well as prevention and support must come from various areas of the University, but must also be coordinated for a seamless response and transparency of process.
- We were told that most staff and students would not be sure of what to do if a disclosure were to be made to them. At best they would simply listen and refer the person to the SAC but, at worst, they may give faulty advice, question the motives of the person disclosing or even try to investigate the allegations. The potential damage to the survivor could be significant.
- If there were trained persons capable of receiving disclosures sensitively and who can refer survivors appropriately scattered throughout the institution, they could be easily identified by survivors or others who are seeking assistance to help a survivor.
- Part of providing support when receiving a disclosure should be explaining options to the survivor. Many of our interviewees noted that most people either do not know what the options are, or do not know what happens when a survivor pursues one of those options.
- Students and staff accused of sexual assault can also require significant support, both in the form of mental health care and potential academic or other accommodation. While the Office of the Student Ombuds provides procedural support to students, and Clinical and Counselling Services offers mental health support to students, these services are underutilized by accused students. On the staff side, there are some resources available through the Organizational Health and Effectiveness (OHE) unit of Human Resource Services, and the Employee Family Assistance Program (EFAP) is available to support for staff who are accused.
- The Sexual Misconduct and Assault Response Team (SMART) is an effective way to approach support and this kind of coordinated response is considered a best practice nationally and internationally. However, it remains an ad hoc group at the University of Alberta and has not been enshrined in policy or procedure. Effective operation currently depends on the individuals involved to make appropriate use of it.

Capacity

- In light of recent media coverage of sexual assault, and especially in post-secondary institutions, the SAC has experienced a significant increase in the staff and students accessing support services and educational programming. With three full time staff and one part-time psychologist and high demand, there is little current capacity for growth.
- Presuming sufficient and stable funding for the SAC, Counselling and Clinical Services and other support units, this will continue to be an area of excellence. See Appendix 6 for a description of how these units respond when a student makes a disclosure.
- The SAC and the Community Social Work Team teams have developed training and models for placing trained supporters throughout the university, although there is not currently a systematic plan as to where they would be located.
- The Helping Individuals At Risk (HIAR) program may be in the best position to connect those accused of sexual assault with appropriate supports, including through Counselling and Clinical Services and the Office of the Dean of Students.
- The Peer Support Centre has the capacity to provide general crisis support and referrals to the SAC and CCS. Volunteers should receive specific training on responding to disclosures of sexual assault. Capacity within this unit is limited only by the number of student volunteers, although space for in-person appointments may become an issue.
- The fraternities and sororities' existing structure provides a natural avenue to educating their members on how to support a survivor of sexual assault: the Inter-fraternity Council and the Pan-Hellenic Council oversee the chapters (men and women, respectively), create promotional materials, and provide resources and educational sessions to the Greek community on how to support their members who have experienced sexual assault.
- The Department of Athletics has the capacity to provide information and resources to coaches on how to support a student athlete who has disclosed sexual assault.

Recommendations

- That the University emphasize support for survivors in relation to disclosures of sexual assault.
- That information about how to support a person who has experienced sexual assault be widely disseminated across all U of A campuses, using various communication channels, such as social media, a centralized website, and an online e-class for those looking for information.
- That specific support for those accused of sexual assault be provided as well as to those who have experienced sexual assault.
- That the Sexual Misconduct and Assault Response Team (SMART) be enshrined in policy and have a clear mandate, terms of reference, and presence at the University of Alberta.

- That the Community Helpers program lead (or stand as a model for) a network of champions who can act as local sources of information and support in relation to sexual assault disclosures.
- That support units fully understand the options available to survivors and are able to provide information on internal processes.

FORMAL COMPLAINTS

The University of Alberta has robust policies and procedures to address student misconduct, which have been tested in court and are some of the best in the country. Most of the information in this section refers to processes in which a student has been accused of sexual assault.

University of Alberta Protective Services (UAPS) - Investigation

Current

UAPS has adopted a model in which an investigator is assigned to any case which may end in Code charges. That investigator is assigned to the case from beginning to end and provides a detailed investigation report to Student Conduct and Accountability. This model has proved to be exceptional in the quality of the investigations. In addition, all UAPS officers are provided with some training by the SAC in terms of working with survivors of sexual violence. That same model is used when the complaint is related to sexual violence perpetrated by a staff member.

Areas for Improvement

- The UAPS investigations use the same techniques in sexual assault as they use in any other form of misconduct. However, research into the effects of trauma and recent articulations of best practice have noted that a trauma-informed interviewing technique (for example, Forensic Emotional Trauma Interviewing, or FETI) can be more effective in eliciting the needed information than the traditional interviewing techniques, asking the traditional linear who, what where, when, why and how questions. It is also crucial to understand the effects of trauma when interpreting the behaviour of, of the information provided by a person who has been subjected to sexual assault.
- While the investigator model is an excellent use of resources, having only one investigator for these very demanding investigations means that they can take many months. It is in the University's interest to resolve complaints under the Code as expediently as possible.
- There may be times when a person who has disclosed sexual violence is uncomfortable divulging intimate details to a particular investigator. An alternate could alleviate this concern.
- There was concern that a survivor who disclosed and then went on to make a complaint to UAPS essentially lost control once the investigatory process started and was not kept apprised of the progress of the case until a decision was made. This could add to their feelings of powerlessness and cause additional trauma if they feel pressured to participate in interviews and hearings against their will.
- A significant number of our interviewees identified the need for some mechanism which would allow either anonymous or third party reporting. This could serve a number of purposes: information gathering by the University, the ability for the survivor to document the incident immediately without having to decide whether or not to make a complaint, the ability for others to report on behalf of a survivor, and the ability to track potential serial offenders. It would be important to ensure that the limitations of such a system were well documented. An anonymous report could not trigger a formal investigation, but it would leave some control in the hands of the survivor.

- A related issue to both the anonymous reporting and a survivor-centred investigation would be the question as to when the University had a duty to follow up on a disclosure even when the survivor did not wish to proceed with a complaint. If systems that identified a perpetrator were in place, and if one name appeared in several complaints, it might be incumbent on the University to prioritize community safety ahead of the wishes of the survivor(s). This limitation would have to be made clear from the outset so that a survivor was not taken by surprise in the case that the University proceeded with an investigation.

Capacity

- End Violence Against Women International (EVAWI) provides online courses for no cost on both the effects of trauma and trauma-informed interviewing (Forensic Emotional Trauma Interviewing, or FETI). Other more in-depth training is also available through that organization at no cost to the individuals or the University.
- The Edmonton Police Service provides training to its officers on investigating sexual assault. There may be opportunity to partner with them for additional training.
- The University already has experts in the area of trauma, who may be able to assist in training.
- There are existing models for alternate forms of reporting that provide the complainant with significantly more control over the investigative process. For an example, see <http://www.reportingoptions.org/>. Using this or similar ideas, the University could provide a range of reporting options, from anonymous reporting that is not investigated, to third-party reports, to providing the opportunity for the survivor to pause an investigation without jeopardizing the case.
- One of the greatest barriers to making a complaint is the notion that a victim will not be believed. It is a very easy adjustment to make it clear to survivors that every complaint is presumed to have been made in good faith. If evidence to support the complaint is not available, charges will not be laid.
- In addition to making a complaint to UAPS under University policy and/or making a complaint to Edmonton Police Services (EPS), individuals are currently able to file an Anonymous Third Party Report to EPS through the U of A SAC. Although this option is external to the UAPS investigative process and the University more generally, individuals on campus are able to provide information about their assault to aid in the identification of serial offenders. Upon completion, the complaint is provided to Edmonton Police Service but the individual who filed the complaint is not identified and no investigative action is taken; instead information is read by an EPS Detective and kept on file in case a similar sexual assault is reported to them.
- The UAPS website makes it explicit that they presume complaints are made in good faith. Complainants who feel listened to and believed provide better and more honest communication and this tone may increase the effectiveness of investigations. Complaints made in bad faith will become apparent through the investigation. While there is a section on their website that advises those who receive disclosures to believe them, signs or posters in the UAPS office and other communications could create a safer environment for survivors to disclose.

Recommendations

- That UAPS maintain the current investigator model, and ensure that there is an alternate investigator for times when someone of another gender is preferred, the primary investigator is away, or the caseload increases beyond one person's capacity.
- That, in addition to their existing training, UAPS investigators take the online courses in the effects of trauma and trauma-informed interviewing techniques, available at: <http://www.evawintl.org/onlinetraining.aspx>.
- That the University explore further potential for alternative reporting methods, including expanding on third-person anonymous reporting and setting up an online reporting system. A working group, including UAPS, the Office of Safe Disclosure and Human Rights, the SAC, and others, potentially including community partners like the SAC of Edmonton and the Edmonton Police Service, should be struck to examine options. This group should also consider the need to balance survivor autonomy with campus safety, and discuss the limitations of such alternative reporting methods.
- That UAPS be appropriately resourced in order to ensure sufficient investigators and gender balance, as well as the necessary training and professional development.

Discipline Officer (Investigation and Decision)

Current

Student Conduct and Accountability deals with student misconduct. There are currently two staff members, the Director and the Student Conduct Officer, who both fulfill the role of Discipline Officer under the *Code*. The Discipline Officers share the caseload which includes only the most serious incidents of academic misconduct referred by the Faculties and all non-academic misconduct. Gender based violence makes up an increasing portion, although still a small number, of the caseload, and the numbers are expected to continue to rise.

The Discipline Officer is responsible for receiving recommendations for charges and sanctions from UAPS, meeting with the accused student to offer the opportunity to respond to the charges, investigating when the accused student disputes the facts of the case, meeting with the student who made the complaint, interviewing witnesses, collecting documentary and other available physical evidence, and finally writing a decision with finding and sanctions, with reasons for both. That decision is subject to appeal by both the student and UAPS.

The Discipline Officer considers sanctions up to and including expulsion from the institution. However, there is space for offenders to accept responsibility and change their behaviour through other types of sanctions with a more educational or restorative goal.

These cases require considerable time and training. In the 2014/15 academic year, gender-based violence cases took the Discipline Officers an average of 40 hours each to complete.

The *Code* stipulates that the entire process is governed by the rules of natural justice in the form of rights under the *Code*, including that all investigations and decisions are completed in a timely and unbiased

manner, and that they provide the accused student the opportunity to respond to the allegations and provide information.

The *Code* also stipulates that the victim of an offence under the *Code* has the right to know what sanctions were imposed in a decision of the Discipline Officer. The Discipline Officers contact the complainant early on in the process to provide procedural information and continue to maintain contact to ensure they are kept apprised of the progress of the investigation and decision, as well as information on the potential for appeals.

In addition to student discipline cases, Student Conduct and Accountability is responsible for prevention of and education about *Code* issues. Student Conduct and Accountability runs the University's Academic Integrity program, has designed a program to prevent and address hazing (Hazed and Confused) and does considerable work around educating the campus community on the *Code*. In addition, SCA was instrumental in designing the University Residence Restorative Justice (RJ) program and both Discipline Officers are members of the RJ training team.

Student Conduct and Accountability works to ensure that information about the discipline process is easily accessible and understandable, providing detailed information on their website (www.ualberta.ca/studentconduct) and in various presentations to the University community.

Areas for Improvement

- While the interviewees who had information about the discipline process were largely supportive and agreed that it is fair, they indicated that there is very little transparency and that many of them are unable to describe to students what will happen in the case of a Code of Student Behaviour charge. Many held the belief that the *Code* was the 'nuclear' option in that any charge under the *Code* would almost certainly result in suspension or expulsion from the institution.
- There was some feeling that the person who disclosed and then made a complaint of sexual violence essentially lost control once the process started and was not kept apprised of the progress of the case until a decision was made. This could add to their feelings of powerlessness.
- There is no support staff in SCA and an increasing caseload will quickly overwhelm the existing staff without any additional resources.
- Both Discipline Officers have experience and training in working with sexual misconduct but if one were to leave, considerable training would be required to bring a new Discipline Officer up to the level of expertise required. To ensure SCA stays current with best practices in North America, it is important that decision-makers faced with cases of sexual violence receive detailed, comprehensive and accurate training. (See the Whitepaper from NCHERM here: <https://www.ncherm.org/documents/2011NCHERMWHITEPAPERDELIBERATELYINDIFFERENTFINAL.pdf> and the information about EVAWI here: <http://www.evawintl.org/About.aspx>)

Capacity

- End Violence Against Women International (EVAWI) provides online courses for no cost on both the effects of trauma and trauma-informed interviewing techniques. Other more in-depth training is also available through that organization.
- Capacity is limited by the lack of staff in SCA, and there is currently very little room for adding new duties or programming.

University Appeal Board (Hearing and Decision)

Current

The University Appeal Board (UAB) hears appeals of the Discipline Officers' decisions under the Code of Student Behaviour. The individuals hearing a particular case are chosen from a panel of volunteers, with a panel made up of a professor acting as Chair, and two student members. The suggested procedures are outlined in the Code, and the Chair is empowered to make procedural decisions on requests from the parties to the appeal.

Areas for Improvement

- When an appeal of a finding of a non-academic offence under the *Code* is launched at the UAB, UAPS acts as respondent to that appeal, essentially requiring them to change roles from investigator to prosecutor. There is little or no special training or education for UAPS personnel to present sexual assault cases, and often they are faced with a student's criminal lawyer making procedural and other motions that they may not be equipped to respond to. Often a lawyer from outside counsel is brought in as advisor to UAPS in these cases.
- The panel of Chairs and volunteers receives significant training in procedural fairness and due process, but receives little information about the potential effects of trauma in cases involving violence. To ensure the UAB stays current with best practices in North America, it is important that decision-makers faced with cases of sexual assault receive detailed, comprehensive and accurate training. (See the Whitepaper from NCHERM here: <https://www.ncherm.org/documents/2011NCHERMWHITEPAPERDELIBERATELYINDIFFERENTFINAL.pdf> and the information about EVAWI here: <http://www.evawintl.org/About.aspx>)

Capacity

- End Violence Against Women International (EVAWI) provides online courses for no cost on the effects of trauma. Other more in-depth training is also available through that organization.
- There is capacity to rethink the process of the UAB hearing in ways that mitigate the trauma for a survivor of sexual assault without compromising fairness for the accused.

Recommendations

- That the UAPS respondent to an appeal receive significant additional training in presenting cases to the UAB, procedural fairness, natural justice, and the effects of trauma, in order to be able to present cases of sexual assault effectively.
- That University experts on the effects of trauma and sexual assault be available to act as expert witnesses at the hearings.

Residence Services (Community Standards and Rental Agreement Process)

Current

The University's ability to respond efficiently to a disclosure is most evident in the Residence system. In Residence, the University is in a landlord-tenant relationship with its students and due to the nature of the units, most are not governed by the Residential Tenancies Act. This allows Residence Services to act quickly and decisively to protect the student community.

Students sign a Residence Agreement, in essence a contract, which outlines situations in which the University can remove a resident, or move them to different communities or units as the situation demands. Because the Residence Agreement does not guarantee a specific space, a student can be moved to a new location within the Residence System while an investigation proceeds without having to make a finding. The Breach of Residence Agreement (BORA) process also provides a mechanism to evict a student and to withdraw visiting privileges after a student is found to be in violation, allowing them to restrict the student's access to parts or all of the Residence buildings.

The Community Standards policy lays out a Restorative Justice process that is not currently used to resolve cases of sexual assault. However, we have seen that a single incident of sexual assault can tear an entire community apart. Attention is typically given to the individuals involved in the violent incident, but not to the community as a whole. There may be room for the use of a restorative process to assist a residence community in healing and rebuilding after an incident of sexual assault.

Areas for Improvement

- Like the rest of campus, reporting can be an issue, and it is particularly concerning in Residence. Given that most sexual assaults are committed by an offender who is known to the survivor and is often part of the same living community, the lack of formal complaints can mean that a perpetrator is allowed to continue to live within the residence environment, and can pose an ongoing safety risk to others.
- As much as possible the front line personnel (Residence Coordinators - full time, live-in staff members) do their best to ensure the survivor is in control of the reporting process. However, they must balance that with the safety of the community. If it is determined that an offender poses a risk to the community, Residence Services may have to act even if it is against the survivor's wishes. This again removes the power and autonomy of the survivor, putting control into the hands of Residence Services to make a decision about the outcome. While sometimes necessary, it can be confusing and frustrating to the survivor.

Capacity

Residence Services employs professional On Call staff who are available 24 hours a day, 7 days a week and are trained to respond to any sexual assault reported to Residence Services.

Recommendation

- That clear information is provided to students about the various processes, their strengths and limitations. This should also include information about when Residence Services must act to remove a student despite a survivor's wish that they do not act on the disclosure.

Timeliness of student (*Code*) process

From the receipt of a complaint to UAPS through to the end of the student discipline process, one case can take a considerable amount of time. An initial delay between the incident and a survivor disclosing what happened or making a complaint to UAPS is not unusual. A complex investigation by UAPS can last for months. If that is followed by a recommendation for charges under the *Code*, the Discipline Officer may be required to do additional investigation and address procedural requests, including requests to delay the process by the accused student and/or that person's Advisor. The decision of the Discipline Officer is subject to appeal at the UAB, which can take a considerable amount of time to coordinate. It is possible for a charge to take over a year to resolve in the student discipline system. Delays can often result from the accused student requesting extra time, not responding in a timely manner, or making numerous procedural motions, but delays can also be the product of difficulty reaching witnesses (over the summer or after they graduate, for example), complexity of investigations, seeking expert advice, and other factors.

Timeliness is an issue for the accused as a matter of procedural fairness, but the University should not lose sight of the impact a long and drawn-out process can have on the survivor and potentially any witnesses as well, particularly because their testimony may be required at multiple levels. UAPS, the Discipline Officers and the UAB should be aware of the impact an investigation, discipline process and hearing can have on all of the students involved.

There are a number of factors that might make an appellant more likely to seek delays in the appeal process. One motivating factor might be that an appeal currently acts as an automatic stay of all sanctions, with the exception of the sanction of Exclusion. If a student launches an appeal, the sanctions are put into abeyance until the appeal is decided, providing ample opportunity for that student to then continue in classes and possibly graduate before an appeal is heard and decided.

Delays also often result from difficulty scheduling hearings. When an appeal is received, the Appeals Coordinator must appoint a Chair, who appoints the two student members from the panel of volunteers. It is difficult enough to schedule times for the three UAB members and the parties to the appeal, but in complex cases, there are also witnesses, advisors or lawyers and other scheduling difficulties.

As noted above, the panel of chairs is drawn from a pool of volunteers. Hearings are becoming more complex, taking up more time, and decisions with reasons are time-consuming to write. It may no longer

be sufficient to expect volunteer Chairs to bring the time and energy required to be properly trained, hear cases and write decisions without allotting them the time to do so.

Recommendation

- That a working group involving University Governance, the Office of General Counsel, Student Conduct and Accountability, and UAPS be convened and discuss ways to improve the timeliness of University processes.

Informal Resolution

Sexual violence is not a conflict; is it a physical and psychological harm caused to a person. Any attempt at resolving a sexual assault complaint informally through mediation or other conflict resolution techniques must be strongly discouraged.

If a person who discloses an incident of sexual assault does not want the University to proceed with 'formal' measures (e.g. investigation and enforcement under one of the policies or collective agreements), the University's first response should be to offer that person support. However, there may be a role for Restorative Justice, either within the formal mechanisms or in addition to them. Restorative Justice envisions misconduct as harm, and provides a framework for repairing harm and rebuilding trust. It has the potential to empower the survivor and provide the accused the opportunity to learn and make amends. In the rare cases in which both the harmed person (survivor) and responsible person request it, this can be a powerful tool for informal resolution of a complaint if used properly, with all appropriate safeguards and protections in place. Additionally, our current punitive system has no mechanism for reintegration into the University community, and a restorative process could help in that regard as well. The SAC have indicated that a number of survivors have requested access to a non-disciplinary resolution process. ISSMS also noted that some groups of students are using their own informal resolution processes.

It must be understood that any informal response carries with it a risk of causing more harm. Any integration of restorative justice must be carefully considered on a case by case basis, entirely voluntary for the parties involved, and carried out by highly trained and skilled facilitators.

Recommendations

- That it be widely communicated to the University of Alberta community, and particularly to those that might be receiving complaints or disclosures of sexual assault, that mediation is not an option for informal resolution in cases of sexual assault. Mediation is a conflict resolution mechanism. Sexual assault is an unsolicited harm to an individual, not a conflict. Conflict resolution processes that begin with the assumption that parties bear equal responsibility are not appropriate.
- That a group consisting of Student Conflict and Accountability, Office of General Counsel, SAC, UAPS, Residence Services, Faculty and Staff Relations and other interested parties set parameters for the use of Restorative Justice in addressing sexual assault, and identify any necessary policy changes and training to be implemented.

Interaction between Criminal Processes and Student Code Processes

Because sexual assault is a criminal act, there will be times when a person who has been accused of sexual violence through University policies will also be facing charges under the *Criminal Code*. In many cases, this has presented an obstacle to the accused responding to *Code* charges as it is typical for criminal lawyers to advise them not to speak for fear of interfering with their right to remain silent in the criminal courts. Alternately, lawyers can request a stay of University proceedings pending the outcome of a Criminal process. A number of considerations are involved here:

1. University of Alberta *Code* processes are confidential and any decision made under a University policy does not form part of the public record;
2. If a prosecutor did learn of the existence of a University process, a judicially ordered search warrant would have to be produced in order to gain access to a discipline file;
3. The offence of Violations of Safety and Dignity under the *Code* is not the same as the criminal offence of sexual assault;
4. Decisions made under University policy are made on a Balance of Probabilities and do not rise to the level of the criminal standard of proof; and
5. Any information contained in University decisions would likely be considered hearsay in a criminal court and would therefore likely be inadmissible.

In order for the University to satisfy its obligations to students and staff, University processes should happen concurrently with any criminal process, and the two should not influence each other in any way. The University and the Crown operate under different laws, rules and structures, have different standards of proof, rules of evidence and definitions of what constitutes a violation.

To date, there is no resolution to the question of whether the University is obliged to allow the Criminal proceedings to be exhausted before a *Code* process commences. There is no information available as to whether the University has ever been served with a warrant to gain access to a discipline file. There has not, however, been any such action in the past 10 years.

Interim Measures

In the case that the University does grant a delay of internal processes, interim measures should be seriously considered in order to ensure the safety of the community and the peace of mind for the complainant. Interim measures should be decided on a case-by-case basis, taking into account all of the relevant information, but could include things like agreements to stay away from all or parts of campus, voluntary withdrawal without academic penalty, non-contact orders, changing of residence rooms or classes, leave with pay for employees, or other measures as appropriate. These measures do not reflect a finding that the person has committed an offence, but the seriousness of the charges and the University's commitment to keeping the community safe until our processes can be fully engaged.

Formal mechanisms already at our disposal include: the *Protocol for Urgent Cases of Disruptive, Threatening or Violent Behaviour*, the *Alberta Trespass Act*, Residence Services' ability to relocate a person to an alternate unit without cause, as well as interventions through the Helping Individuals At Risk (HIAR) process, when appropriate. The discussion of interim measures above contemplate actions over and above these existing mechanisms.

Recommendations

- That Student Conduct and Accountability work with the Office of General Counsel to clarify the confidentiality of the Code of Student Behaviour (*Code*) process regarding students' ability to respond to *Code* charges even when facing concurrent criminal charges.
- That in cases where a stay or extension of the *Code* process has been granted, appropriate interim measures be considered, including the possibility of voluntary leave from an academic program without penalty.

Role of Survivor in University Processes

The focus of the Code of Student Behaviour is primarily on procedural fairness for the accused student. The survivor is treated as a witness and is not considered a party to the matter at hand – once a complaint is made, UAPS becomes the Complainant in the process. While this puts the onus on UAPS to ensure a case is pursued, it also has the effect of cutting the survivor out of the process and taking any control away from them. This is something the University should bear in mind when investigating and making decisions in cases of sexual assault.

In certain cases, accommodations for the survivor may be warranted in order to mitigate the negative impact of the investigation and hearings. Currently, a survivor is allowed to bring a support person with them to meetings with UAPS and the Discipline Officer, and, with permission of the Chair, to a UAB hearing as well. The way information is collected, interviews are conducted, and survivors have not been kept apprised of the process have all been subject to criticism at some point.

Likewise, when the accused is a University staff or faculty member, the needs of the survivor can be neglected in the course of ensuring the rights of the accused.

In the today's climate, it is crucial to balance the due process rights of the accused with the right of the survivor to have equal access to the educational arena or workplace. The risk of judicial review on the one hand and complaints to the Alberta Human Rights Commission on the other indicate that these sometimes competing rights must both be attended to.

Recommendations

- That a group, including UAPS, the Appeals Coordinator, the Office of General Counsel, Office of the Student Ombuds, SAC, Faculty and Staff Relations, and other interested parties convene to discuss options for the treatment of survivors in a University process. They should examine everything from the way evidence is collected and statements are recorded in the initial investigation through to the room configuration and other options for hearings.
- That UAPS examine the possibility of adopting a survivor-driven investigation model, such as the "You Have Options" program. A working group including UAPS, Student Conduct and Accountability, and other interested parties should be struck to review options and choose or design a model to be adopted. This group must also consider the limitations of such a model and ensure that they are understood.

Other conduct policies, procedures or practices

In addition to the traditional areas of enforcement, the University has an Athletes' Code of Conduct that provides an enforcement role to the Department of Athletics, an Augustana Athletes' Code of Conduct, Augustana Residence Community Standards, the Lutheran House (a co-ed residence for Lutheran students which has a mechanism for removing students), and likely other area-specific practices, policies and procedures. In addition, there may be situations in which the Practicum Intervention Policy is invoked in relation to sexual violence. While these policies may not mention sexual assault explicitly, the units using them may draw authority to act in situations of sexual violence from these policies and procedures.

Recommendation

- That any University official should consult with the appropriate unit (Faculty and Staff Relations, UAPS, the SAC) for information and support after having received a disclosure of sexual assault.

Staff and Faculty

Current

Faculty and Staff Relations, located within the Office of the Provost, is responsible for managing labour relations between the University of Alberta and unions/associations representing academic and non-academic staff. Their responsibilities include ensuring that the University follows a consistent approach to the investigation of allegations of misconduct made against University staff, including sexual assault. Faculty and Staff Relations is responsible for ensuring that such investigations comply with collective agreements with the Association of Academic Staff, University of Alberta (AASUA), the Non-Academic Staff Association (NASA), and the Graduate Students Association (GSA).

The Director of Faculty and Staff Relations reports jointly to the Provost and Vice-President (Academic) and the Vice-Provost and Associate Vice-President (Human Resources). The Director should be immediately notified of any allegations or complaints of sexual assault that are made against University employees.

Article 26, Part A of the Collective Agreement between the University and NASA describes the process to be followed in the application of discipline for non-academic staff. Article 26.02 (c) enables the University to relieve a staff member of duty with pay "during an investigation that may lead to discipline and the attendance of the employee at work would hinder the investigation". Faculty and Staff Relations works with Human Resource Services, NASA and other University units to determine whether the circumstances surrounding an allegation of misconduct by a non-academic staff member justify a relief of duty. This review includes other interim measures that may be needed to protect the interests of complainants, respondents and other affected parties.

Article 16 of the Faculty Agreement describes the process to be followed in investigating allegations of misconduct by Faculty members. Similar provisions exist under collective agreements governing other categories of academic staff. The University has the ability to relieve an academic staff member of duty

with pay pending further investigation, similar to the provisions that exist within the NASA agreement. Faculty and Staff Relations works with AASUA and other parties to ensure that the investigation of misconduct complaints are comprehensive, provide for procedural fairness and natural justice, and sensitive to the needs of the participants. Article 16 is a confidential process.

Guidance for investigating allegations of violence is not explicit under the various Collective Agreements, as it is not standard practice to include such provisions in collective agreements. However, ensuring that members of the University community have basic information on processes, including who to contact in the event of a disclosure of sexual assault, is a key element of transparency, and one that can be accomplished without compromising the confidentiality of individual complaints.

Areas for Improvement

- Processes for investigating allegations against faculty and staff are not well-understood within the University Community due to their complexity and the involvement of multiple parties. There should be better education and increased awareness about processes in place.
- Faculty and Staff Relations representatives would benefit from training on the effects of trauma to raise awareness of behaviours associated with sexual assault that may appear counterintuitive to investigators. Training resources on trauma-informed interviewing techniques is available from the Online Training Institute at <http://www.evawintl.org/onlinetraining.aspx>.
- Collective agreements between the University and its staff associations should include provisions within disciplinary processes that allow for restorative justice as an option for the resolution of sexual assault complaints, with all appropriate safeguards and protections in place. Any integration of restorative justice must be carefully considered on a case by case basis, entirely voluntary for the parties involved, and carried out by highly trained and skilled facilitators.

Capacity

- The Emergency Family Assistance Program (EFAP) is available to all staff, whether having survived sexual assault or having been accused.

Recommendations

- That all formal complaints (that is, reports under a University policy, as opposed to disclosures where the survivor does not want an investigation) of sexual assault be assigned to an investigator who is specially trained in investigating incidents of sexual assault.
- That Faculty and Staff Relations, in conjunction with the Office of General Counsel, provide information and resources to University officials on the legal and contractual requirements associated with the investigation of sexual assault complaints made against University faculty and staff.

POLICY

Current

The Code of Student Behaviour includes the following provisions:

30.3.4(6) *Violations of Safety or Dignity*

30.3.4(6)a - No Student shall have sexual or physical contact with another person without that person's consent.

30.3.4(5) *Unfounded Allegations*

No Student shall make any complaint against any other member of the University Community or cause any steps to be taken concerning any other member of the University Community unless the Student believes, on reasonable grounds, that the other member of the University Community has committed an offence under this Code or engaged in conduct warranting a complaint.

This Code applies to students only.

Our interviewees identified areas of the Code that could potentially be barriers to reporting, specifically the byzantine nature of the policy, the “secrecy” of the process, and the section on Unfounded Allegations, which could be interpreted to read that any unsubstantiated complaint of sexual violence (i.e. one without sufficient evidence to lay charges) could result in charges against the person making the complaint.

The U of A Policies and Procedures On-Line (UAPPOL), Discrimination, Harassment and Duty to Accommodate policy provides definitions as follows:

Harassment *Conduct or comment, either one-time or repeated that:*

- a) is demeaning, intimidating, threatening, or abusive; and*
- b) is not trivial or fleeting in nature; and*
- c) causes offence and should have reasonably been expected to offend; and*
- d) serves no legitimate purpose for the work, study or living environment, and*
- e) undermines authority or respect in the work, study or living environment, or impairs work or learning performance, or limits opportunities for advancement or the pursuit of education or research, or creates an intimidating, hostile or offensive work or learning environment.*

Harassment includes bullying, which is a form of aggression that may include physical, verbal, or emotional abuse. Bullying poisons the work, study or living environment of the person it targets. It can include persistent, offensive, abusive, intimidating or insulting behavior, abuse of power, and/or unfair sanctions which make the individual feel threatened, humiliated, and/or vulnerable.

Sexual Harassment may be broadly defined as unwelcome conduct or comment of a sexual nature which detrimentally affects the work, study or living environment or otherwise leads to adverse consequences for the target of the harassment. It may consist of unwanted sexual attention, sexually oriented remarks or behaviours, or the creation of a negative psychological and emotional environment based on gender, gender identity or sexual orientation. It may be an isolated act or repetitive conduct, but cannot be trifling. A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance may also constitute sexual harassment.

Relating to bad faith complaints:

The University also recognizes the serious nature of allegations of discrimination and harassment that are made in bad faith, and it may take disciplinary action should allegations of discrimination or harassment be shown to be malicious, frivolous, fraudulent, or vexatious. Submitting a complaint in good faith, even when the complaint cannot be proven, is not a violation of this policy.

The *Discrimination and Harassment, Allegations against Students and Allegations Against Staff Procedures* provide processes for informal and formal resolution of a complaint. This policy applies to the entire University Community.

Finally, a violence prevention and response working group has recently been struck to address the larger issue of violence on campus, workplace violence and sexual violence.

Areas for Improvement

- While the rules and procedures for students around sexual assault are posted and available to the University Community and the processes to handle complaints are robust, there is no similar document that provides information on definitions or procedures that apply to staff. Transparency about the process would likely help allay fears that complaints against staff are not handled in a robust way.
- It was strongly agreed by the vast majority of interviewees that the University of Alberta should have a stand-alone policy on sexual assault that applies equally to all members of the University Community. It should provide common definitions for sexual assault, consent, incapacitation, coercion and force which are clear and easily understood. It should also include common principles, information on what happens when a disclosure is made, and options for making a complaint and receiving support. Finally, it was also widely agreed that a sexual assault policy could legitimize and provide the necessary structure and terms of reference for the Sexual Misconduct and Assault Response Team (SMART) to operate.
- It is important not to allow overlap between any new policy and existing ones, such as the *Code of Student Behaviour*, the *Ethical Conduct and Safe Disclosure Policy*, and the *Discrimination, Harassment and Duty to Accommodate Policy*. Clear delineations must be made between sexual assault, bullying and sexual harassment.
- Any new policy should also stay away from creating a new disciplinary process. Rather, using the *Discrimination, Harassment and Duty to Accommodate* policy as a model, this sexual assault policy should refer back to existing procedures for violations.

Capacity

Given that a working group is actively looking at the issue of violence and a second one working specifically on sexual violence, there is significant capacity to work toward a policy under a broader framework of a safe and welcoming campus.

Recommendations

- That the University create a stand-alone sexual assault policy with clear and concise statements of expected behaviours, practices and standards that reflect the goals and values of the University and any related legislative requirements. The policy should be written in plain language with clear definitions, include common principles and approach to dealing with sexual assault, and expectations for members of the University community should be laid out. This policy must apply to the entire University Community. Like the *Discrimination, Harassment and Duty to Accommodate Policy*, it should refer back to existing procedures (*Code*, collective agreements) for enforcement and respect legislative requirements.
- That changes be made to the *Code* “Unfounded Allegations” section to mirror the language in the *Discrimination, Harassment and Duty to Accommodate* policy.
- That the UAPPOL *Discrimination, Harassment and Duty to Accommodate Policy* be amended to note that its scope does not include sexual assault.

COMMUNICATIONS

Current

In our interviews, we asked about the mechanisms currently in use to communicate with the University community. A broad and impressive network exists and can be harnessed for providing various levels of messaging to our students and staff. In addition, there are a large number of existing programs and initiatives which could be used to reach a significant part of the University population. A comprehensive list of both is included in Appendix 7.

A number of websites address the issue of sexual assault, including:

- Sexual Assault Centre <http://uofa.ualberta.ca/current-students/sexual-assault-centre>
- University of Alberta Protective Services
<http://www.protectiveservices.ualberta.ca/Information/Safety/SexualAssault.aspx>
- Student Conduct and Accountability <http://osja.ualberta.ca/en/Community/SexualMisconduct.aspx>

Only the Sexual Assault Centre website comes up on a search of the University's website using the term "sexual assault" - the most likely term a member of the University community might use when searching our sites. On the other hand, these websites, while not all easy to locate, are consistent in their messages about sexual assault.

Areas for Improvement

- It was widely agreed that the University of Alberta should have a single hub of information on sexual assault. A website that pulls together all of the disparate parts, links to all relevant policies, procedures, options, resources and supports is necessary in order to ensure that the right information is provided to the entire University community. This website should also include the following elements:
 - A clear statement of the University of Alberta's position on sexual assault
 - Definitions for sexual assault, consent, coercion and incapacitation
 - Clear information about options when disclosing to a University official
 - What accommodations are available for a person who has disclosed sexual assault
 - Clear information about disciplinary processes in the case of formal complaints
 - Information about SMART
 - Links to the Edmonton Police Service Sexual Assault page
<http://www.edmontonpolice.ca/CommunityPolicing/PersonalPropertyCrimes/SexualAssault.aspx>
 - Links to University and community resources and supports
- There is currently no unit that would naturally take on and maintain the above website. While the SAC has the most comprehensive website currently, they may not have the resources to move well beyond their mandate of supporting and advocating for survivors of sexual violence. An informational website must be seen as a neutral and reliable source of information. The SAC is able to provide that information, however, it may not be viewed by all as neutral, especially in the case of someone who

thinks they may have committed sexual assault who is seeking information and support. While this may be of concern, it is not insurmountable.

- There was concern about consistency of messaging in the resources that did exist, in particular around consent and alcohol, and the difference between sexual assault and drunk sex. There was also the need for a vehicle for debunking misconceptions and myths around sexual assault (for example, to make it known that it is more likely for a male to experience sexual violence than to be falsely accused of sexual assault).
- The feeling was that the message is still largely based on assumptions, stereotypes and myths, and was not inclusive of the wide variety of cultures, gender identities and communities represented at the University. This would present a significant barrier to disclosing for those survivors who do not fit into the stereotypical categories.
- There is a gap in accessibility of good information. A University of Alberta web search using the term “sexual assault” only brought up the SAC and not the other two websites that do provide information on the subject.
- There is very little information defining consent, and what exists is difficult to locate. Our interviewees emphasized that the University ‘cannot do enough’ to ensure the Community had opportunities to learn about consent.
- The interviewees encouraged endorsement from the President’s Office and the Office of the Provost to signal a lack of tolerance of sexual assault at the University of Alberta. They strongly believed that a statement from senior administration would set the tone for the University’s response. While there have been educational initiatives on the topic of sexual assault, the interviewees believed there was a need for a positive, inclusive, inviting and non-threatening campaign in order to draw people into the discussions rather than alienating them. Approaching the issue from a healthy communities/healthy relationships perspective may make the entire issue more accessible.
- Having identified a number of communities who may either be at greater risk of sexual assault or less likely to disclose it, messaging needs “to meet students where they are at.” The various service units that are in a position to talk directly with students about the issue need to find ways to approach the issue within the diverse communities of the University so that it is heard and understood. In particular, international students, graduate students, FNMI students and sexual minorities need to be approached with a message that they can relate to and engage in.

Capacity

We have many units and services within the University who engage with the identified populations. It would not be difficult for them to include communications about consent and prevention and education about sexual assault. Some effort would have to be made to consider how to deliver a consistent message across all of our communities in a way specific to each of them. The International Centre, Chaplains’ Association, Aboriginal Student Services, ISMSS, The Landing and Residence Services could all play a role in this.

Recommendations

- That senior administration issue a statement affirming the importance of addressing sexual assault at the University of Alberta as well as the continuing commitment of the University to create a workplace free of harassment and discrimination for all students, staff, and faculty.
- That a central website on sexual assault be created and maintained. This website should have information about consent, options for disclosing, and procedural FAQs for those trying to decide whether to make a formal complaint. It should also list University and community resources, link to the sexual assault policy and provide information on SMART. Ideally, this website would be maintained by the above-recommended Sexual Assault Prevention and Response Coordinator.
- That search terms be added to existing websites (UAPS, SAC, Student Conduct and Accountability) so that they are accessible and easy to find.
- That a one-page information document on what to do when you have received a disclosure of sexual assault be developed and widely distributed. It should be based on the advice provided on the UAPS website by the SAC: Listen, Believe, Provide Options.
- That existing communications networks be used to provide customized messages for their communities on consent, what to do when someone has disclosed sexual assault, bystander intervention training and other topics related to sexual assault.
- That all communications are sensitive to the diversity of gender identities and use fully inclusive language.
- That those units dealing with communities who may need to hear the message in specific ways engage the conversation and provide information through their own networks.
- That information about the University's processes and resources be provided to community agencies as well as within the University of Alberta, including the Sexual Assault Centre of Edmonton, Alberta Health Services Crisis Support Centre, and the Support Network, so that if a member of the University seeks support from the community, they will also have access to information about available support within the University.

TRACKING AND STATISTICAL REPORTING

Current

The Sexual Assault Centre tracks both usage and types of experiences reported by their clients, as does Clinical and Counselling Services. University of Alberta Protective Services, Student Conduct and Accountability and Residence Services track complaints of sexual violence. The Peer Support Centre also tracks usage and the Community Social Work Team track the number and types of programming provided related to sexual violence.

In addition there is a small amount of information on sexual activity without consent in the National College Health Association survey, which is conducted by University Wellness Services every second year. The most recent survey on sexual experiences without consent was conducted by the Sexual Assault Centre in 2000, but the Students' Union conducted a survey through the Gender Based Violence Prevention Project in 2013/14 which provides more recent data. (See Appendix 2 for detailed information.)

In addition, Risk Management Services reports on individual incidents to the Board Safety Health and Environment Committee (BSHEC) whether or not a formal complaint was made.

Areas for Improvement

- While each unit tracks its own activities, it is done in isolation from each other. There is no central repository where this information is reported together to give the bigger picture around sexual assault, or to tie it to national or international trends (e.g. by comparing results to the NCHA data).
- The emphasis on statistics that reflect mainly formal complaints, findings and sanctions leaves the vast majority of disclosures undocumented. We know that most survivors do not make a complaint, but some do tell someone and seek supports. That is important information for the University to have in terms of assessing effectiveness of our services and quality improvement.
- Ideally, we would be able to collect the following information:
 - What happened?
 - When and where?
 - Who did you tell?
 - What supports did you receive?
 - Has someone disclosed sexual assault to you?
 - What did you do?
 - Attitudes about sexual assault
 - Understanding of consent
- Climate surveys on attitude and consent may provide us with information about where our energy and resources are best allocated. Tracking disclosures, anonymously, could give us a better idea of how often sexual assaults happen to members of our community and where and when they occur as well as whether survivors are seeking support and where improvements can be made.
- The information should be collected and organized by a neutral unit, and used not only to provide information to the community in the form of a report (annual or periodical), but also to inform efforts in

marketing, communications, educational programming, etc. It should be used for quality improvement, dispelling myths and social norming and other informational campaigns.

- Not only should the information be tracked centrally, it needs to be transparent and open. Not to make the data public both enables the stigma of sexual assault and creates hurdles to disclosing and/or making a complaint.
- Many disclosures are made to friends, family, coaches, clergy, or other individuals who neither know how to advise or support the person, nor report to anyone that they received the disclosure. No data collection will ever likely present a completely accurate picture of experiences.

Capacity

Currently there is no individual or unit in a position to do comprehensive data collection and analysis which includes collecting data from existing units and conducting surveys.

Recommendations

- That a person or a unit not involved in individual case work be identified to collect, coordinate, analyze and disseminate data on sexual assault. Ideally this would be the Sexual Assault Prevention and Response Coordinator recommended earlier, but, if that position is not created, some other office with the ability to track students, staff, and faculty should be responsible.
- That more focussed data be gathered in terms of specific populations and/or locations and be used for targeted interventions, prevention and communications.

ADDITIONAL CHALLENGES

Increasing Complaints

Given the concentrated attention on the issue of sexual assault in the media, and especially sexual assault on university campuses, we must anticipate an increase in disclosures, and also an increase in members of the University Community wanting to make formal complaints and engaging our various discipline processes. When students and staff engage our processes and feel supported, they will tell their friends that it is safe to make a complaint and we should expect the increase in disclosures to be exponential.

The changing nature of the media coverage is also working to remove barriers to reporting. While high-profile accusations of sexual abuse and assault have traditionally been questioned in the media, recent coverage of Jian Ghomeshi, Bill Cosby and others has shifted the focus from defending the accused to believing the accusers. We should expect that that alone will encourage more victims of sexual violence to come forward.

While an increase in disclosures is a positive thing, it can stretch existing supports and personnel beyond their capacity in times of fiscal restraint. An appropriate response to sexual assault will require appropriate resources at all levels to ensure that the University is able to respond to the disclosures and/or complaints, particularly in the areas of support and enforcement. A number of key services in this area are already stretched beyond reasonable limits.

Recommendation

- That those units responding to both formal complaints and informal disclosures receive appropriate resources, including not only the ability to respond to increasing demand but also the need for adequate staffing and professional development.

Coordination of Prevention, Education and Response

The current model in which each unit attends to its own part of the response has shown gaps in the provision of service and support, as well as contributed to barriers to making complaints or, at the very least, has not sufficiently addressed the barriers to the extent that our community members feel safe enough to disclose sexual assault. A comprehensive response requires coordination of all of the moving parts, such that it is entirely clear who can answer questions, or maintain and coordinate the education and prevention programs, information and communications about sexual assault.

An impressive amount of collaboration and cooperation already occurs between the various units that deal with sexual assault. There is a remarkable sense that we all have a role in preventing and addressing sexual assault, and there are no signs of territoriality or friction between the units. That cooperation shows enormous capacity for even further engagement.

Given the breadth and depth of the issue of sexual assault, and the sheer number of University units addressing the issue in some way, there is a need for coordination beyond what is currently possible. It would be important that coordination of the prevention and response be entirely neutral; that is, not invested in the outcome of any disclosures. UAPS and Student Conduct and Accountability work through investigation of formal complaints, as does Faculty and Staff Relations, the Office of the Student Ombuds offers procedural support to any student accused of sexual assault and Clinical and Counselling Services potentially offers psychological support to both accused and survivors. All of these units deal with individual cases of sexual assault, and none of them can be entirely neutral in coordinating the University's response. They must be able to fulfill their roles without interference. The Community Social Work Team presents the opportunity for broad education and prevention work but, again, does not have the resources to coordinate the campus-wide approach.

To date, the University's focus has seemed to have been entirely on students and sexual assault. It is clear that any education, prevention, policy and response initiatives need to include University employees as well.

WESTSSAA

It should be noted that there is also considerable collaboration between post secondary institutions in Western Canada. Senior student affairs administrators from post-secondary institutions between Manitoba and B.C. have been collaboratively exploring ways to address sexual assault on campus for the last 6 months.

This group – the Western Senior Student Affairs Administrators (WESTSSAA) – comprises senior leaders at the Vice-Provost/Vice-President level from western Canadian universities. As agents of social change, members accept a shared responsibility to inform and educate campus communities about sexual assault, and to develop strategies for the response to and, ultimately, prevention of sexual assault on campus.

They have issued a joint statement, in which they make it clear that they believe collaboration between institutions to be far more productive than working in isolation. Specifically, WESTSSAA is investigating the creation of common approaches and shared resources for policy, protocols, procedures, information and education and reporting guidelines and procedures to address the following objectives:

- increasing the amount and quality of information and education to prevent sexual assaults;
- reducing trauma for people who have been hurt;
- improving responsiveness and quality of service for survivors; and
- strengthening the capacity and support for staff whose positions relate to the education, prevention or response to sexual assaults on each of their campuses.

Recommendations

- That a Sexual Violence Prevention and Response Coordinator be appointed and situated in a high profile area that makes intuitive sense for University community members to contact in cases of sexual assault disclosures. This position should be responsible for:
 - Coordinating the units who respond to sexual assault and the Sexual Misconduct and Assault Response Team (SMART)
 - Education and prevention programs
 - Maintaining the central website on sexual assault
 - Communications to the University community
 - Conducting periodic climate surveys
 - Collating data from the individual units and report to the community
 - Coordinating necessary professional development for investigators and decision makers
 - Liaising with internal groups, such as the Inter-fraternity Council, Pan Hellenic Council, University Athletic Board, Faculty and Staff Relations, staff associations and Occupational Health and Effectiveness, to name a few.
 - Liaising with community agencies and supports

Rising Legal Costs

As the University sees increasing complaints of serious cases of sexual assault, many involving concurrent criminal charges, it will also increasingly see students bringing their criminal lawyers to advise them in the *Code* process. Severe sanctions, such as suspension or expulsion, are more likely to be appealed and, when a student brings a lawyer to a UAB appeal, the University will often engage external legal counsel. Legal costs from responding to appeals are rising, as are the costs of responding to other legal challenges such as judicial reviews. The Office of General Counsel can be asked to provide legal advice on multiple levels of a *Code* process, including UAPS investigation, Discipline Officer process, responding to a UAB appeal, and potential faculty issues, as well as providing legal advice to a UAB Chair on procedural matters, and responding to judicial review applications in the courts. Similar demands for legal advice may also exist on the staff side. With legal costs soaring, it is necessary to consider budget options and adequate funding for legal advice, either from within the Office of General Counsel or externally.

Recommendation

- That a group led by the Office of General Counsel, including UAPS, Risk Management, Faculty and Staff Relations and other interested parties, convene to address the issue of legal costs and examine options for mitigating risk while managing costs.

**APPENDIX 1- Top 10 Recommendations Achievable Immediately
Without Additional Resources**

Some of the recommendations made in this report will take time and additional resources. The recommendations below, while neither more pressing nor more important than the others, are things we can do in the immediate term using existing resources. Please refer to the appropriate sections of the report for context and background on each recommendation.

- That a one-page information document on what to do when you receive a disclosure of sexual assault be developed and widely distributed. It should be based on the advice provided by the SAC on the UAPS website: Listen, Believe, Provide Options. (Communications)
- That the advice from the UAPS website Sexual Assault page be prominently featured and widely disseminated and that content be updated with appropriate search terms to increase access through a web-based search engine. (Communications)
- That the University emphasize support for survivors in relation to disclosures of sexual assault. (Support)
- That senior administration issue a statement affirming the importance of addressing sexual assault at the University of Alberta as well as the continuing commitment of the University to create an environment free of harassment and discrimination for all students, staff, and faculty. (Communications)
- That all formal complaints (that is, reports under a University policy, as opposed to disclosures where the survivor does not want an investigation) of sexual assault be assigned to an investigator who is specially trained in investigating incidents of sexual violence. (Formal Complaints)
- That search terms be added to existing websites (UAPS, SAC, Student Conduct and Accountability) so that they are accessible and easy to find. (Communications)
- That it be widely communicated to the University of Alberta community, and particularly to those who might be receiving complaints of sexual assault, that mediation is not an option for informal resolution in cases of sexual assault. Mediation is a conflict resolution mechanism. Sexual assault is unsolicited harm to an individual, not a conflict. Conflict resolution processes that begin with the assumption that parties bear equal responsibility are not appropriate. (Formal Complaints)
- That a working group involving University Governance, the Office of General Counsel, SCA, UAPS, and other interested parties be convened to discuss ways to improve the timeliness of University processes. (Formal Complaints)
- That any discussions, programming, activities or support the University undertakes be entirely inclusive, acknowledging that anyone can perpetrate or be subjected to sexual assault, including women, men and sexual and gender minorities. (Education and Prevention)
- That any University official should consult with the appropriate unit (Faculty and Staff Relations, UAPS, the SAC) for information and support after having received a disclosure of sexual assault.

APPENDIX 2 –Statistics

Because there is so much misunderstanding about what constitutes a sexual assault and there is no individual office tasked with tracking sexual assault, we do not have consistent data. The following are the sources available to us currently.

1. National College Health Assessment (NCHA) Survey

The most recent data we have on numbers of University of Alberta students who have experienced a sexual assault come from the 2011 and 2013 National College Health Assessment (NCHA) surveys. These responses are self-reports that are impacted by students' assumptions about consent. The results also illustrate the impact of alcohol on sexual assault rates.

NCHA - Percentage who reported non-consensual sexual contact in the previous 12 months						
	2013			2011		
	Male	Female	Total	Male	Female	Total
Sexual touching without their consent	2.8	7.5	6.1	3.5	5.9	4.9
Sexual penetration attempt without their consent	0.6	2.9	2.2	0.9	1.5	1.3
Sexual penetration without their consent	0.3	1.6	1.2	0.3	0.9	0.7
A sexually abusive intimate relationship	0.7	2.6	2.1	1	1.2	1.1
A physically abusive intimate relationship	1.3	2.2	1.9	1.6	1.5	1.5

NCHA – Percentage of students who drank alcohol who reported non-consensual sexual contact in the previous 12 months when drinking alcohol						
	2013			2011		
	Male	Female	Total	Male	Female	Total
Someone had sex with me without my consent	1.0	1.7	1.5	1.4	1.2	1.3
Had sex with someone without their consent	0.9	0.5	0.7	0.2	0.0	0.2

3. Sexual Assault Centre Usage Data

Sexual Assault Centre Support Provided 2012-2015			
Academic Year	2012-2013	2013-2014	2014-2015
Sexual Assault	86	106	93
Adult Survivor	51	37	29
Sexual Harassment	7	13	24
Stalking	12	11	1
Intimate Partner Violence	13	15	32
Supporter	36	31	28
Other	5	9	20

4. Formal Faculty, Staff and Student Reports to UAPS

UAPS Sexual Assault Reports 2012-2015	
2012	3
2013	13
2014	7
2015 (to 1 May 2015)	2

5. Student Conduct and Accountability

Code of Student Behaviour charges laid, 2012-2015			
Academic Year	2012-2013	2013-2014	2014-2015
Sexual Assault	0	1	4
Sexual Harassment	7	6	5
Stalking	1	1	6
Intimate Partner Violence	2	1	4
% sexual assault	0	2	7
% Gender based violence	20	21	33

APPENDIX 3 – Reports, Articles and Literature Reviewed

University or College Reports

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Other Reports

Association of Governing Board of Universities and Colleges “AGB Updated Advisory Statement on Sexual Misconduct.” 2015. http://agb.org/sites/default/files/agb-statements/statement_2015_sexual_misconduct.pdf

Chronicle of Higher Education, In Context. “Campus Sexual Assault.” Fall, 2014. http://chronicle.com/items/biz/pdf/sex_assault_brief_fall2014.pdf

[Dalla] Lana v. University of Alberta, 2012 ABQB 97 (CanLII) (Judicial Review) <https://www.canlii.org/en/ab/abqb/doc/2012/2012abqb97/2012abqb97.html?searchUrlHash=AAAAAQAMMjAxMiBBQIFCIDk3AAAAAAE>

Dalla Lana v University of Alberta, 2013 ABCA 327 (CanLII) (Appeal of Judicial Review) <http://www.canlii.org/en/ab/abca/doc/2013/2013abca327/2013abca327.html>

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Web Resources

Sexual Assault Centre: <http://uofa.ualberta.ca/current-students/sexual-assault-centre>

Sexual Assault Centre of Edmonton: <https://www.sace.ab.ca/>

iSMSS SAfe Spaces: <http://www.ismss.ualberta.ca/SafeSpaces>

Gender Based Violence Prevention Project: <http://www.su.ualberta.ca/services/thelanding/gbvpp/about/>

Consent Ed: <http://www.consented.ca/>

End Violence Against Women International: www.evawintl.org

Government of Ontario - We can all help stop sexual violence: <http://www.ontario.ca/home-and-community/we-can-all-help-stop-sexual-violence>

National Center for Higher Education Risk Management: www.ncherp.org

The White House; Not Alone campaign: <https://www.notalone.gov/>

APPENDIX 4 - List of Units Interviewed

Aboriginal Student Services Centre

Athletics Department

Chaplains' Association

Community Social Work Team

Counselling and Clinical Services

Fraternity and Sorority Advisor

Fresh Start Program

Graduate Students' Association:

Helping Individuals At Risk

Human Resource Services

Institute for Sexual Minority Studies and Services

The Landing

Office of Safe Disclosure and Human Rights

Risk Management Services

Student Groups

Student OmbudService

Students' Union - Executive

Students' Union - Student Services

University of Alberta International

University Governance

University Wellness Services

Womens' and Gender Studies, Faculty of Arts

APPENDIX 5 - Gender Based Violence Prevention Program

The Landing's GBVPP will be launching September 2015 with the support from several campus student groups, the InterFraternity Council, University Athletics & the Faculty of Physical Education, Recreation Services. Based on the five modules within GBVPP; and supporting the University of Alberta Sexual Assault Centre Bystander Sessions and I pledge Campaign, each module will be delivered in sequence over the course of the calendar school year. Commencing with a program launch September 2015, large scale public awareness and education presentations will occur twice per year to support whole campus inclusion in messaging. To support GBVPP, The Landing is currently working on the development of a website to support an e-learning journey as well as support content presented to students. This website will act as a point of reference for information about gender based violence, information specific to the project and campus and community supports available. GBVPP content will be imbedded into InterFraternity Council & Athletes Board meetings over the course of the school year, and for pilot teams and student groups, they will have content presented during house meetings and practices, based on coaches'/ president's feedback and modifying of practice and meeting times to allow for education sessions. Because we are looking to be inclusive and support specific groups on campus, we have to be pliable to their time constraints and schedules – a 'one size fits all' for implementation will not work, however, content will remain unchanged. Throughout the 2015-2016 school-year, we will work together to identify student leaders to undergo a three day 'Train the Trainer' and begin peer mentoring bystander education for the 2016-2017 school year.

***Cultivating a Culture of Change & Impact on Campus: Gender Based Violence Prevention Project
[DRAFT AS OF JUNE 30, 2015]***

The Landing's Gender Based Violence Prevention Project (GBVPP), is a campus wide initiative designed to increase campus awareness, education, communication, inclusion and safety. The program is designed to give participants the education, tools and skills necessary to educate themselves and their peers in gender based violence and bystander intervention. Within University Campus Life, we use the term 'Gender' to describe male, female and the LGBTQ+ gender identities and we use 'violence' to denote any act of hate or abuse against any one of the preceding terms, including homophobia and transphobia.

GBVPP training engages participants in skill-building and analysis, focusing on fostering authentic relationships, personal connection and mastery of skills and knowledge necessary for effective communication. The program will focus on real life scenarios that help youth/young adults to recognize abusive behaviour, and develop the confidence and skills to interrupt those negative behaviours that perpetuate a culture of violence on campus.

Working with Student Leaders such as athletes and fraternity council members, gives us powerful entry points for prevention strategies on campus with student leaders taking a key lead role on campus to influence change amongst their peer culture. The GBVPP allows student leaders to support and deliver on the University's Four Cornerstones:

- Talented People
- Learning, Discovery & Citizenship
- Connecting Communities
- Transformative Organization and Support

And values;

- Excellence
 - Student Experience
-

- Integrity & Academic Freedom
- Diversity & Creativity
- Pride

GBVPP Goals

1. Raise Awareness

Clearly communicating the *actual* magnitude of the problem, based on University of Alberta Statistics, provincial statistics, as well as national statistics

We will move beyond sensationalized stories (University of Ottawa, UBC, Ray Rice & Ghomeshi) and focus on our campus and how everyday people and the lives being affected

2. Challenge Thinking

It is not shocking to state that we live in a sexist, racist or classist society when we have main stream messages that are colored by those belief systems. People are socialized to believe almost anything is normal after a period of repeated exposure to certain messaging

We will challenge and push participants to understand why they think and believe they do...it is a healthy tension

3. Open Dialogue

As facilitators/leaders of the sessions, if we are doing most of the talking, then we will have failed. A safe space must be created for people to freely engage in dialogue on these issues

Educational philosophy: people learn best by doing – from their peers while immersed in material

4. Inspire Leadership

Once we have the right group of people in the room, our job is to motivate and empower them to make a difference amongst their spheres of influence

5. Reduce the incidence of gender based violence on University of Alberta campus

The scope of the project contains, but is not limited to, these components:

1. The Landing will host 2 large scale campus public awareness & educational evenings per year with guest speakers and a host of other high profile guests. The goal is to inspire and unite campus community to bring change on campus.
2. An aggressive Public Marketing campaign involving signage and messaging within several host media mediums (The Gateway, Metro, Campus Radio, Athletic venues, Social Media, Online website, Garneau Community establishments). Student Athletes and other Student Leaders will be featured within this messaging.
3. Education training sessions - consisting of interactive modules focusing on University of Alberta priorities:
 - Gender Based Violence (Violence against Women, men and LGBTQ)

- Sexual Assault & Consent (Including consumption of alcohol and consent)
- LGBTQ Inclusivity
- Role of media, social media in perpetuating cycles of violence

5 Modules:

Introduction & Critical Thinking of Gender Roles - Thinking Outside The Box

By the end of the introduction, participants will have a basic understanding of masculinity as a social construct and be able to evaluate gender stereotypes which perpetuate oppressive beliefs and attitudes that are the foundation for abusive behaviors.

Module One : Gender and Healthy Sexuality; Healthy Relationships

By the end of Module one, participants will feel comfortable discussing concepts of gender, sex, and orientation as they relate to sexuality and consent which fosters and encourages the development of healthy relationships.

Module Two, Part 1: Homophobia & LGBTQ Inclusivity, Safe Spaces, Language

Part 2: Module Two A focuses directly on LGBTQ inclusivity & sport

Module Three: Gender Based Violence Part 1

By the end of Module Four, participants will have a basic understanding of men's violence against women and other men. Participants will be able to identify ways in which content learned in prior modules helps them to recognize and evaluate why and how attitudes and beliefs that support violence continues to exist. Sexual Harassment, Sexual Violence Myths, Rape Culture, and Consent are the key components focused on in this module.

Gender Based Violence Part 2, Sexual Assault & Consent (Including Alcohol and consent)

By the end of this module, participants will begin to understand the greater impact and more complete picture of sexual violence, specifically relating to how Power and Control plays a significant role in this type of violence.

Module Four: Alcohol Strategies for Campus

By the end of this module, participants will be knowledgeable on alcohol and responsible drinking behaviors, alcohol and violence, alcohol & consent.

Module Five: Role of Media

By the end of Module Five, participants will be able to use knowledge gained from previous modules on topics such as gender stereotypes, oppression, and sexism that perpetuate attitudes and beliefs that support the use of abusive behaviors to critically analyze the media that they consume.

Supporting Materials will be developed - participants have take a way's from the modules and presentations.

The GBVPP will also make available various learning opportunities for those on campus interested in presentations, but are not yet ready for the module learning journey. Additional learning opportunities include:

- 30-60-90 minute Introduction Presentations (broad based - can be scaled to meet time constraints)
- 45 – 60 Minute Large Scale Presentation (Purpose to inspire action) (one offs)
- All workshops will contain educational component focused on bystander intervention strategies – based on 'real life' scenarios
- ½ day to full day workshops
- 3 day TTT focused on future peer to peer mentorship

*Telus Funding has been received and a website is being designed to host the module contents, provide further knowledge and information pertaining to the project and provide opportunities for the campus community to connect with each other via blogs, videos of prevention strategies etc.

*A bystander app/campus safety app will be part two of online development

*CTL is supporting this content and learning journey development for the web and app

*Daryl Fort of Jackson Katz' MVP Strategies will be supporting the adaptation of curriculum

Content Development Support:

University Sexual Assault Centre & AASAS (AB Association of Sexual Assault Centers)
YWCA
iSMSS
Women & Gender Studies
MVP Strategies

Partners & Working Allies/Supporters:

Aboriginal Student Council
Aboriginal Student Service Centre
Aboriginal Students Association
African Students' Association
APIRG
Avenue Edmonton
Community Social Work Team
Faculty of Physical Education & Recreation,
Recreation Services

Golden Bears Football Team & Pandas Soccer
Golden Bear & Pandas Athletics
iSMSS
Metro Edmonton
NewAd Media
OUTReach
Pride Centre of Edmonton
Sexual Assault Centre of Edmonton
University of Alberta Students' Union
University of Alberta Sexual Assault Centre
University of Alberta Athletes Council
University of Alberta InterFraternity Council
YWCA of Edmonton
Zoom Media

APPENDIX 6- Unit by Unit Response to a Student Disclosure or Complaint

Sexual Assault Centre

When someone walks through the door at the SAC at 2-705 SUB they are immediately greeted and directed to a quiet, confidential space where they can talk freely about whatever brings them in. Some people talk about a recent sexual assault experience while others talk about things that happened as far back as their childhood. Some talk about violence in their current or former relationship, while others talk about experiencing sexual harassment, stalking, or supporting a friend or family member who has been impacted by sexual violence. Regardless of what brings people in, many are relieved to learn that the Centre's drop-in support program is anonymous, so they are not required give any identifying information such as their One Card or even their name.

Since all drop-in support sessions are client-driven, it is the person who accesses the service that decides what they want to talk about, and when. No one will be asked to share specific details about experiences, nor will they be pressured into taking any action that doesn't feel right for them. The goal of each session is to provide whatever support and information that individual needs. It might be to gain a better understanding what happened, or to get help deciding what to do next – including options for making a complaint or receiving medical attention. It might be help dealing with academic concerns, or coping with the effects of their experience. While others may simply want to tell someone supportive about what happened. At the end of the initial session, each person will be provided with options for ongoing support from Centre staff or comprehensive counselling from the Centre's psychologist. Additional referrals can be provided to other campus and community services as well.

In addition to the drop-in support and on-going counselling services available, the Centre also provides an accompaniment service for those who chose to seek medical attention, report their experience to U of A Protective Services or police, or are involved in a campus or judicial complaint process. Advocacy is also available to more fully support students' personal well-being, safety, and academic success. This might include working with Residence Services to change living arrangements in hopes of restoring a greater sense of safety, or involve requesting academic accommodations such as a change in classes or extensions for papers or projects, etc.

Ultimately, the staff and volunteers at the SAC are committed to ensuring those affected by sexual assault are provided a safe and supportive environment where they can explore options, and receive unconditional support, information, accompaniment, advocacy, and counselling services.

Office of the Dean of Students

When a student discloses sexual assault to the Dean of Students or her staff, the response is to provide that student with all appropriate support. The student is provided with information about the Sexual Assault Centre, Counselling and Clinical Services, and the University Health Centre. In addition, if other types of supports are needed, the Dean of Students will call the SMART team together to plan coordinated response.

Residence Services

A student reports a sexual assault through one of two ways in Residence: either they report directly to UAPS and UAPS informs Residence Services, or they report to their Resident Assistant (RA, student staff

member living in the community) and the RA contacts the Residence Coordinator (RC) on call, who is a full time, professional staff member with training for disclosure and student support.

Regardless of how we hear about the incident, the RC meets with the student immediately and attempts first to find out what supports the student needs, and then if appropriate to learn some approximate details of what happened. The RC has two objectives in this meeting- provide support, and begin a conduct investigation to gather enough information so that the Assistant Dean of Students - Residence Life (ADoS-RL) can effectively assess the ongoing risk to the student or the community. Residence Coordinators are trained to encourage the survivor to make a complaint, but not pressure them to do so. Sometimes providing support and building rapport can lead to more reporting or comfort in providing sensitive information. As much as possible Residence Services tries to empower the survivor in the process, however UAPS is notified that an assault has happened.

Once the student has been met with and their immediate safety needs are met, the ADoS - RL will make a determination on the level of risk facing the community and what course of action should be taken immediately. This sometimes means moving the survivor or alleged perpetrator while the investigation proceeds. Residence Services typically does not investigate sexual assaults internally as we defer to UAPS for the investigative process (out of concerns for our investigation interfering with their investigation). When the UAPS report comes back, if there is a named offender, typically the ADoS-RL will go through a breach of lease process which would potentially result in eviction and visitation privileges revoked.

Occasionally, if there is an imminent concern for safety, swift action in the form of an immediate eviction may be used to remove a perpetrator from the residence community. These decisions are made on a balance of probabilities and open to appeal.

UAPS

Sexual Assault is a crime under the Criminal Code of Canada and is also a violation of the University's *Code of Student Behavior*. It is the policy of UAPS that victims and witnesses of crime be treated with compassion, dignity and respect. While criminal matters are the responsibility of the police, UAPS may investigate allegations of violations of University policies and procedures such as the *Code*.

There are two ways to report a sexual assault to UAPS; by phone (911 OR 2-5050) or by attending the UAPS office located in the Education Carpark. Making a complaint to UAPS does not require the complainant to pursue criminal charges. UAPS empowers the complainant to be fully informed before making any decision to report to UAPS or police.

When a sexual assault is reported to UAPS during University business hours, a plain-clothes Investigator is dispatched to meet with the complainant unless there is an imminent safety risk that requires a Peace Officer response. If the call to UAPS is outside University business hours, one or two University Peace Officers are dispatched.

As a law enforcement agency, the role of UAPS is to conduct an impartial investigation. The first priority of responding officers is to provide for the immediate care and safety of the complaint and others. Other priorities include identification of any witnesses and suspects, preservation of any evidence and/or the scene, collection of initial incident information and providing the complainant with information regarding support services such as the SAC. Officers will ask for the complainant's personal information including

details about the suspect. During the initial investigation, UAPS will make determination if the complainant is affiliated to the University, where the incident occurred and if others in the community may be at risk.

Further to a formal agreement between UAPS and the EPS in 2012; in the case where the complainant does not want to initiate a police investigation, UAPS is required to provide a copy of the investigative report to police. In the case where the complainant reports to police, both the criminal investigation and UAPS investigation proceed concurrently.

In all cases of sexual assault, the UAPS investigator will follow-up with the complainant with a request to meet for an interview at a location determined by the complainant. In most cases, the interview is conducted at the SAC. If the interview is conducted at the UAPS office, the complainant signs into a guest book at the front public reception area and is seated in a small, private interview room with two chairs and a small table. The interview is very thorough and very detailed. The complainant is asked to disclose details that are very personal and provide a written statement. The interview lasts one to two hours however it can take longer or in some cases, require a second interview. The suspect and witnesses are also interviewed.

The Investigator will conduct on and off campus safety planning with the complainant and if required, assist the complainant with a “no contact” undertaking with the suspect. Serious or violent incidents where there is an imminent threat to the safety of the community can be dealt with expeditiously under Section 91 Protocol for Urgent Cases of Disruptive, Threatening or Violent Conduct. UAPS can also impose or facilitate interim measures to restrict access to University property where there is a safety risk by way of the Trespass to Premises act.

The Investigator keeps the complainant and the suspect apprised of the progress of the investigation. If disciplinary measures are warranted UAPS will make the recommendation to Student Conduct and Accountability for a charge and sanctions relative to a number of mitigating and aggravating factors.

Student Conduct and Accountability

When a charge under the Code of Student Behaviour (the *Code*) relating to sexual assault is received by Student Conduct and Accountability, the case is entered into our database and assigned to one of the two Discipline Officers. The Discipline Officers follow the procedures laid out in the *Code* section 30.5.8.

The Discipline Officer contacts the accused student to set a meeting, indicating the charge(s) and recommended sanctions. The student is invited to bring an advisor to attend the meeting and a time is scheduled. At the meeting, the student (and their advisor) is provided the opportunity to review the investigation file provided by UAPS, which includes a detailed summary of the investigation and copies of all witness statements and other documentary evidence (photos, printouts of social media or text message exchanges, etc.). The student is then given the opportunity to dispute, agree with, amend, or add to the facts as presented in the file. They may also provide additional evidence or names of witnesses they believe would have relevant information.

If the student disagrees with the facts as presented in the UAPS file, the Discipline Officer conducts any necessary additional investigation. The Discipline Officer takes into account all relevant available information when making a decision. If the student declines to meet with the Discipline Officer or to provide any response or information, the Discipline Officer will proceed with a decision based on available evidence and information. The decision will include a finding of whether or not the student committed the offence(s) alleged and, if that finding is that the student did violate the *Code*, the Discipline Officer will assign a sanction or sanctions. All decisions are made on using the Balance of Probabilities standard of

proof (that is, more likely than not) and are subject to the rules of Natural Justice, including an unbiased decision maker, the right to respond, the right to an advisor, and others as outlined in the *Code*. The written decision, including a detailed account of the allegations against the student, the student's response, the Discipline Officer's investigation and the finding and sanctions, and reasons for the decision is provided to the student, and is subject to appeal at the University Appeal Board (UAB). Information on how to appeal is included in the decision.

Early on in the process and periodically throughout the investigation, the Discipline Officer will also contact the survivor to provide information on process, to obtain clarification or more information as needed, and to ensure that they are kept up to date on the progress of the investigation. Finally, as required by the *Code*, the complainant is informed of the outcome of the investigation and any sanctions imposed, as well as the possibility that the decision could be appealed.

APPENDIX 7 - Communication Networks

Communication Networks

Community Helpers	SUTV
Athletes' listserv	Facebook
University Athletics Board	Twitter
Student Groups listserv	Pinterest
GSA newsletter	Internal direct email messaging
Interfraternity Council	Direct personal contact through staff
Panhellenic Council	Social media:
SUTV monitors	Facebook pages (central and unit-specific)
Student Connect	Twitter accounts (central and unit-specific)
HR Partners program	Chaplains' communication networks (specific to individual chaplains)
University weekly email digests	Para-church organizations, such as
Students	InterVarsity Christian Fellowship and Power to Change
Staff	ISMSS communications networks
Deans/Directors/Chairs	Dean of Students blog
Academics	International students' advisory committee
SU monthly newsletter	Student Faculty Associations
International Centre monthly newsletter	Residence Halls Association (RHA)
FocUSS - Dean of Students monthly newsletter	International Students' Society (ISS)
Residence Life:	University of Alberta International Student Network (UAISN)
Residence life website (including news items on the home page)	Risk Management Services newsletter
Bi-weekly newsletters (non-residence communications can be requested here)	

Other ways to reach University Community

The Healthy Campus Strategy project	E-class on receiving disclosures for student leaders and staff
Student Groups Event Organizer Training	Lunch and Learn sessions for staff
Student Groups Handbook	Contests through social media (peer to peer education)
Orientations	Posters in the LRT station
Base Camp	Champions model with mandatory training
U of A +	SU Student Governance Camp
Community Helpers program	Human Resources orientations
Safe Spaces program	Skillsoft
Town halls	Student Advisors' Conference
World cafes	Student Advisors' listserv
Open forums	
Online portal	
E-class on consent for students	
International Students' Handbook	
Student Groups Handbook	
E-class for students going abroad	

APPENDIX 8 - Communication Strategy

Our interviews included questions about the best ways to communicate messages to the University community. A list of some of their ideas follows:

1. A one page advice sheet on what to do if someone discloses that they have experienced sexual violence. The information provided on the UAPS website provides an excellent starting point. The version below has been edited:

What To Do If Someone Tells You That They Have Been Sexually Assaulted

Listening to a disclosure of sexual assault can feel overwhelming, but there are three basic and important steps to think about receiving a disclosure of sexual assault. These steps may seem too simple, but they are very effective:

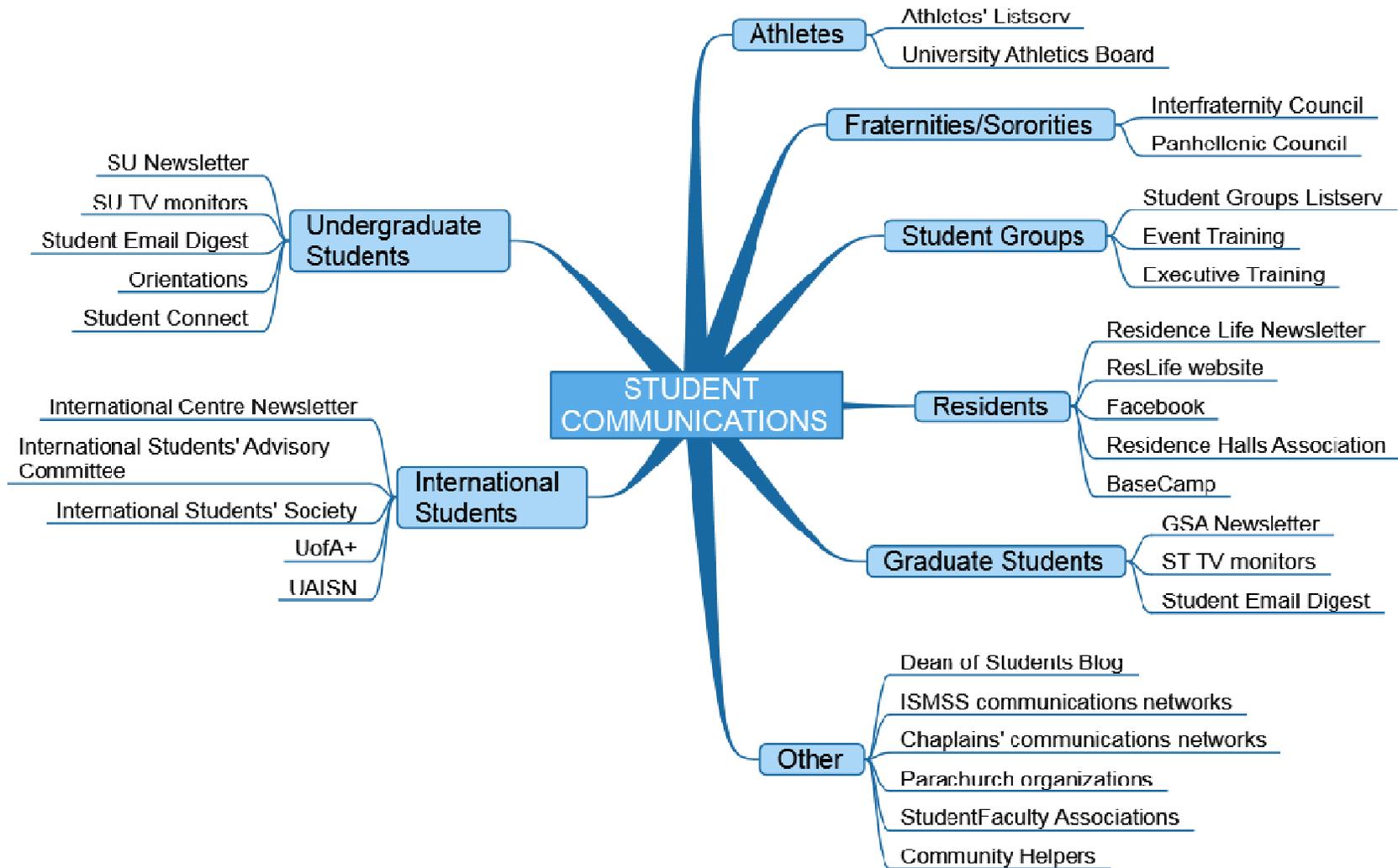
- **Listen** - Letting the survivor get their story out, and listening attentively can be very validating and helpful to them. You can show you are listening by making eye contact, maintaining open body posture, and limiting your questions. Often, you may have questions pop into your head while they are speaking. Instead of asking the question immediately, consider if the question is important or if you are asking it simply out of curiosity. If the question may help the survivor then it is appropriate to ask. It can be difficult for survivors to share their story, therefore allowing silence and giving the survivor the time to tell the story in their own way is helpful.
- **Believe** - This is another basic, but very important step. All too often survivors are questioned as to if they are telling the truth about their sexual assault. This disbelief by others may cause serious setbacks in the survivor's recovery. They may not disclose to anyone else again after being disbelieved, or may blame themselves for the sexual assault. Believing the survivor's story shows the survivor that they are not to blame for the assault, and it makes it easier for them to tell others.
- **Provide Options** - During a sexual assault, all control is taken away from the survivor. As a supporter you can help them regain a sense of control by letting the survivor make their own decisions for next steps. Once the survivor has finished disclosing their story, this may be an appropriate time to offer options to them. Some of these options include going to the hospital, reporting to the Police or UAPS, going to the SAC, seeing a counselor, joining a support group, or doing nothing.

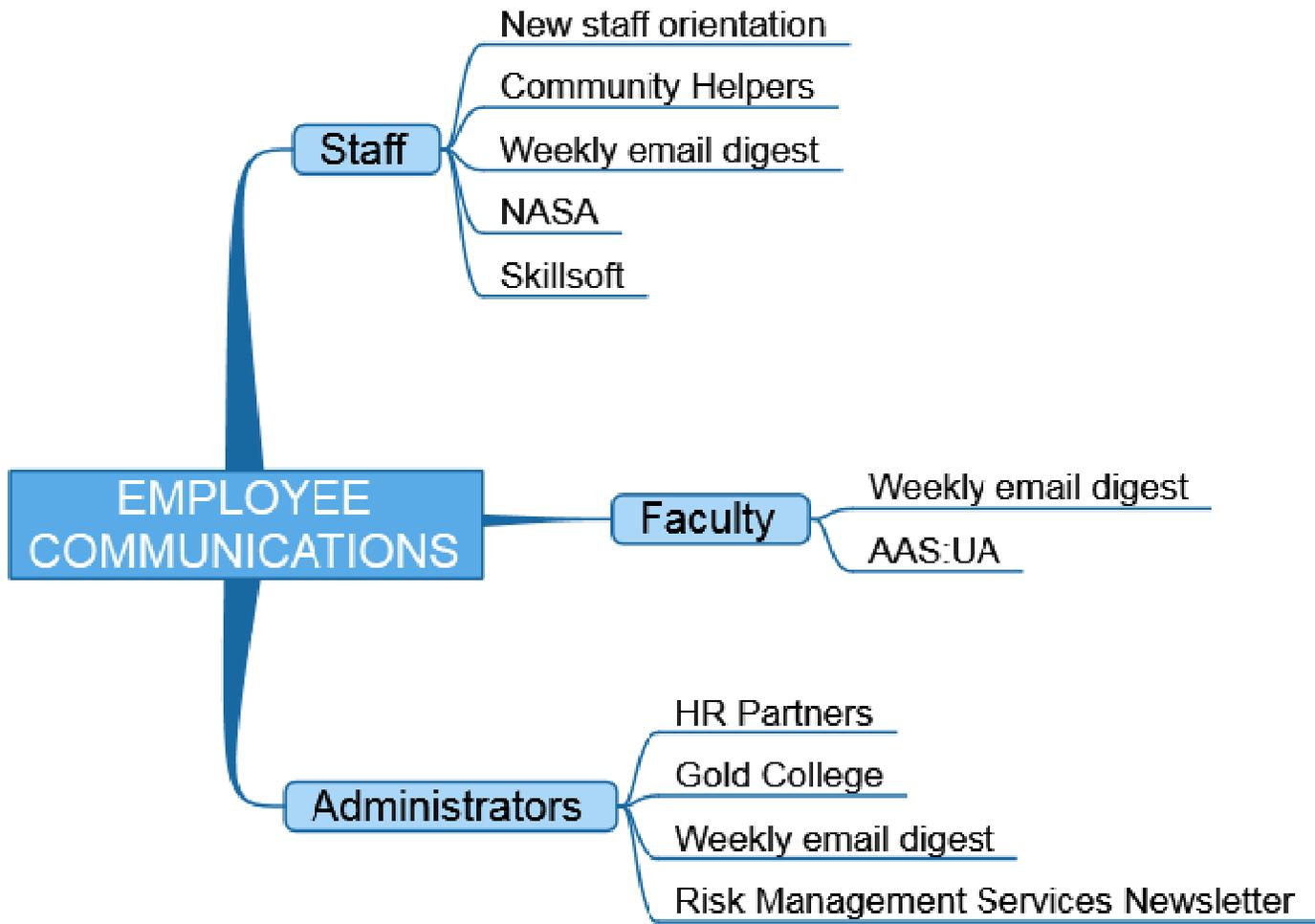
2. A central website populated with easy-to-access, clear information, including the following:

- Definitions²¹
- Information on SMART
- Links to relevant policies
- Links to internal and external supports and resources
- Clear information on the Code of Student Behaviour process
- Options for those who have experienced sexual assault (including, but not limited to, options for making a complaint, support and advocacy)
- Testimonials from students who sought support from the University
- Frequently asked questions for survivors, administrators, student advisors and friends/family

²¹A number of definitions were developed by SMART for use on SCA website; found here: osja.ualberta.ca/Community/SexualMisconduct.aspx

3. A poster campaign with a positive message, including posters in the LRT station
4. Informational slides on SUTV
5. Customized emails with links to resources for specific populations
6. Town hall discussions
7. Social media, including Facebook and Twitter
8. A decision tree for administrators, including who to call when an issue of sexual violence arises
9. A suggested script for those receiving disclosures.





APPENDIX 9 - Glossary of Acronyms

ADoS-RL – Assistant Dean of Students – Residence Life
CCS – Counselling and Clinical Services
Code – Code of Student Behaviour
CSW – Community Social Work Team
EFAP – Employee Family Assistance Program
EPS – Edmonton Police Service
HIAR – Helping Individuals At Risk
IFC – InterFraternity Council
RA – Resident Assistant
RC – Residence Coordinator
RJ – Restorative Justice
SAC – Sexual Assault Centre
SCA – Student Conduct and Accountability (formerly Office of Student Judicial Affairs)
SMART – Sexual Misconduct and Assault Response Team
UAB – University Appeal Board
UAPS – University of Alberta Protective Services