

July 18, 2022

Enclosed is a Sexual Violence Management Audit Report from the University of Alberta, which was compiled over the course of Winter 2022. This internal audit was carried out at the request of the U of A Board Audit and Risk Committee. The audit was exclusively focused on the effectiveness of the university's policies and procedures for complaints of sexual violence and harassment, as well as the effectiveness of sexual violence and harassment prevention systems and resources.

The audit reaffirms that the university's most recent steps are moving us towards our goals; steps such as:

- A new, dedicated **Sexual Violence Response Coordinator** to work with U of A stakeholders to review and strengthen institutional policy and procedures to ensure training programs are accessible, reflect best practices, and help build our network of expertise and resources.
- **Reviewing and revising our Sexual Violence Policy** and procedures to ensure that they align with the best prevention and response practices as identified through the nationwide Courage to Act project.
- Working collaboratively as part of the **Campus Based Sexual Violence Committee** (compiled from across all 26 of Alberta's post-secondary institutions) to support a more consistent response to sexual violence.
- Implementing a new **Sexual and Gender-based Violence Advisory Council**, comprised of representatives from across the U of A's campuses, including students, staff, and faculty, who will guide and support the Sexual Violence Prevention Coordinator in their work.
- Working towards an **Options Navigation Network** where members receive enhanced training to provide accurate, transparent, and timely information about the options available to sexual violence survivors.
- Two **new online learning opportunities for employees** to deepen their understanding, awareness, and prevention of sexual violence in the workplace.

The audit report also highlights the much needed work we need to do as a community in moving towards our above goals. Prevention and providing support to survivors is a community effort. Working collaboratively with university leaders, response and prevention experts, students, faculty, staff, and our post-secondary partners will help move us forward to a campus culture where all members of our community will have equitable access to the learning environment, free from harassment and sexual violence.



As the U of A's new Interim Provost and Vice-President (Academic), I am committed to continuing the good work that has been started and to progress forward in a substantive way. Starting immediately, I will be engaging in key conversations with those who represent our tireless student groups that have kept this fight on our radar, as well as our leaders and employee groups. This audit and its recommendations will be a part of those conversations. Deb Eerkes, the U of A Sexual Violence Response Coordinator, is working on an expedited schedule to maintain the momentum towards fulfilling our goals.

In the meantime, the U of A's online [sexual violence information and resource hub](#) offers quick 24-hour access to a network of support experts and community resources. We have also just added [a new web section](#) to help demystify and improve access to the latest university process updates and U of A community roles in prevention and response.

If you have any questions or thoughts about the university's management and efforts on sexual violence prevention and response, please do reach out to [my office](#). This is a critical priority for our community, so my colleagues and I welcome opportunities to help address conversations that can lead to improvements.

Sincerely,

A handwritten signature in black ink, appearing to read "Verna Yiu".

Verna Yiu, MD, FRCPC  
Interim Provost & Vice-president (Academic)

# Sexual Violence Management Audit

## Audit Report

### Audit Client and Accountable Parties:

Dr. Steven Dew, Provost and Vice-President (Academic)  
Todd Gilchrist, Vice-President (University Services and Finance)

### Consulted Parties:

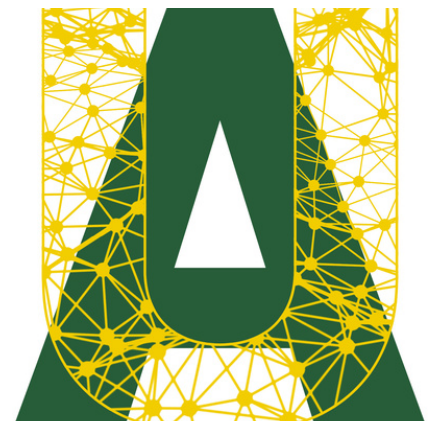
Helen Vallianatos, Acting Vice-Provost and Dean of Students  
Wendy Rodgers, Deputy Provost, Provost & Vice-President (Academic)  
Michelle Strong, Director, Faculty Relations, Provost & Vice-President (Academic)  
Tanya Wick, Associate Vice-President, Human Resources, Health, Safety and Environment  
Deb Eerkes, Sexual Violence Response Coordinator, Provost & Vice-President (Academic)  
Brad Hamdon, General Counsel & University Secretary, Office of General Counsel

### Prepared by:

Internal Audit & Risk Management

### Date:

May 2022



## Executive Summary

Overall, the University of Alberta (the university) has a strong history of taking sexual violence seriously, many processes and structures having been built decades before legislation required them. Like society in general, the pervasiveness of the issue has become more transparent. It has led to many enacted and planned improvements that have been, for the most part, driven by a desire to improve the university environment as opposed to being driven by legislation or government directives.

The safety risk to individuals as well as the reputational risk to the institution from mismanaging sexual violence specifically and violence generally cannot be understated in the current university context. Additional compliance risk exists within the context of Occupational Health and Safety and Human Rights legislation. The audit determined, based on interviews and comparisons against criteria (listed below), that generally student to student sexual violence is managed effectively and many processes are considered leading practice. Generally, academic to student sexual violence is less effective due to a primary focus in collective agreements in proving misconduct, effectively precluding the broader use of non-disciplinary approaches and interim measures. The institution is seen to be reluctant to impose processes where the agreements are silent to avoid perceived provocation of the academy.

The following themes were identified as areas of improvement.

1. Modernize the Sexual Violence policy in alignment with government direction and leading practice to eliminate bias. This review is currently underway.
2. Enhancing leadership tone on sexual violence and accountability and mandating education on sexual violence and trauma-informed responses, primarily with academics, is necessary. The idea that holding people accountable through formal or informal processes is designed to be exclusively punitive must be transcended.
3. The academic collective agreement addresses sexual violence complaints as misconduct, assuring appropriate procedural fairness but often at the expense of the perspectives of the survivor, which would include a recognition of the implications of trauma in the process. Revision of collective agreements to recognize sexual violence as a unique concern will be a long term solution, yet measures can be taken now to support changes in approach and process.
4. Due to cultural factors, including those mentioned above, the institution has an over-reliance on formal complaints to remedy concerns, to employ prevention strategies and to drive education on sexual and gender-based violence.
5. From a complainant (survivor) perspective, consolidating and aligning processes and procedures will bring clarity and consistency and will:
  - a. Ensure that both complainants (survivors) and those aware that an incident has occurred will be best equipped to navigate the process and thus have greater confidence in reporting both disclosures and complaints.
  - b. Remove ambiguity about where to report and what to expect.
  - c. Support complainants and respondents in being treated equitably in all situations.
  - d. Greater levels of reporting will provide the institution with more information on potential areas of concern.
6. The availability of resources to support non-disciplinary practices where appropriate is necessary to shift culture toward a broad rejection of sexual violence by the University community.

This audit is designed to provide a point-in-time view of sexual violence at the institution and recognizes more needs to be done to fully implement a broad strategy. The recently created Sexual Violence Response Coordinator (SVRC) role is a vital step toward demonstrating to all stakeholders the importance of this subject. It should be noted that the incumbent seconded into this role is nationally recognized as an expert in



post-secondary sexual violence. This role will be responsible for addressing many of the observations in this report.

## Background and Overall objectives

On December 9, 2021, the Chair of the Board of Governors of the university, through the Board Audit and Risk Committee, requested an audit conducted by Internal Audit & Risk Management (IA&RM) to evaluate:

1. The effectiveness of the policies and procedures used by the university when it receives a complaint of sexual violence or harassment (students, staff and academics).
2. The effectiveness of the systems and resources used by the university to prevent sexual violence and harassment.

Due to the breadth of this audit, IA&RM performed extensive scoping with stakeholders to understand the university's current posture, as well as consulted external resources to understand leading approaches and practices in Canada and at universities in particular.

A broad guide for managing sexual violence risk within post-secondaries in Canada, *Achieving Fairness: A Guide To Campus Sexual Violence Complaints*, is recognized as the primary reference in Canada. This book was highly recommended by subject matter experts and was therefore used as a primary basis of comparison in this audit.

It should be acknowledged that many changes are underway at present within the institution to address known concerns. These initiatives are captured throughout the report.

During the scoping of this audit, the Minister of Alberta Advanced Education issued a letter to the board chairs of Alberta post-secondary institutions directing institutions to review their sexual violence policies. This directive was in response to a whitepaper issued by The Council of Alberta University Students in 2020 asking for government action on the issue of sexual violence and specifying what changes they want to see. Student expectations from this letter were incorporated into the audit, as were the principles outlined in external resources specified in that letter. Changes are required by the Minister by November 2022.

## Audit Approach

This audit was conducted by IA&RM using internal resources with subject matter expertise provided by Rubin Thomlinson LLP, a firm in Toronto that specializes in sexual violence policies, procedures and investigations with experience with large Canadian universities. IA&RM has extensively interviewed stakeholders to understand current processes and concerns and evaluated these for alignment to leading approaches as well as for compliance with existing policy, legislation and directives. The list of parties interviewed is available in appendix A to this report.

It is recognized that obtaining the student perspective is critical for this audit. IA&RM has relied on both the Letter from the Minister and on a joint letter sent to the leaders of the university from the Student Union along with other student associations on sexual violence concerns in November 2021 to represent the student perspective.

## Audit Scope and limitations

The audit scope includes the following areas.

- 1. Completeness and adequacy of current institutional policy and intersection of Collective Agreements:**
  - a. Sexual Violence policy and Sexual Violence Disclosure and Complaints Procedure
  - b. Code of Student Behavior
  - c. Article 7 of AASUA and Article 18 of NASA collective agreement specified processes
- 2. Processes prior to a reportable incident**
  - a. Tone at the top
  - b. Structures to support effective processes
  - c. Clarity of existing processes and disclosure points
  - d. Appropriateness of existing processes to discourage incidents
  - e. Existence and adequacy of education across campus
- 3. Processes when a reportable incident occurs (student, staff and/or academic parties)**
  - a. Disclosures and responses
  - b. Complaints and responses
  - c. Investigations
  - d. Sanctions
  - e. Appeals

This audit is not designed to replace a comprehensive review of the institution typically done prior to implementing sexual violence policies and procedures. It is not a full scale review and it does not involve the significant review work and campus-wide consultations that have been and will be undertaken by the SVRC role. This audit provides only a point-in-time view of sexual violence management at the institution.

It should be noted that the subject matter expertise engaged was limited to providing feedback on the audit process steps undertaken and advising on best practices for conducting reviews of post-secondary sexual violence policies and procedures.

## Audit Criteria

IA&RM reviewed current policies, processes and procedures and utilized the following criteria to evaluate the university in terms of completeness and compliance as appropriate:

1. Current University of Alberta policies and procedures addressing Sexual Violence, Code of Student Behaviour and Conflict. Other related policies were considered as appropriate.
2. Letter sent by Minister Nikolaides in February 2022 to board chairs, with the Gender-Based Violence Prevention Policy Checklist enclosed
3. Achieving Fairness: A Guide To Campus Sexual Violence Complaints (Joanna Birenbaum and Karen Busby, Thomson Reuters Canada, 2020)
4. Subject matter expertise from Rubin Thomlinson LLP
5. Courage to Act initiative (principles)
6. A November 17, 2021 open, joint letter sent to the leaders of the University of Alberta from the Student Union, along with other student associations, on sexual violence prevention and response (principles) and the Provost's public response to this letter dated in December 14, 2021

## Audit Observations

The following represent significant observations and recommendations for improvement:

### 1. Completeness and adequacy of current institutional policy

#### a. The current Sexual Violence Policy (SVP) and Sexual Violence Disclosure and Complaints Procedure does not satisfy the Gender-Based Violence Prevention Policy Checklist issued by the Minister of Alberta Advanced Education

##### **Observation:**

The checklist issued by the Minister of Alberta Advanced Education indicates two lists of principles that campus policies should include and should not include. It was expected that post-secondaries review their institutional policies for compliance by November 2022.

The letter underscores a significant number of the principles that are already implemented and are leading practice nationally.

The new SVRC role (Provost and VP(Academic) is in the process of reviewing and revising the SVP suite (policy, procedure and associated information document) and the Code of Student Behaviour to comply with the Minister's letter.

IA&RM has reviewed the drafts of the proposed revision and concluded that they are reasonable and meaningful.

##### **Recommendation:**

IA&RM supports the continued revision of institutional policies including:

- i. expanding the policy to cover gender-based violence,
- ii. consideration of student input by consulting student groups in the process of revision,
- iii. addressing the compounding effect of complainant/survivor vulnerabilities (intersectionality).
- iv. Re-emphasizing the criticality of trauma-informed training for those involved in relevant processes.
- v. A prohibition on investigators and others involved in disclosures and reporting asking irrelevant questions regarding their past sexual history (driven by recent legal developments in Ontario)
- vi. Consider the inclusion of a drug and alcohol use immunity clause (driven by recent legal developments in Ontario)

##### **Primary Office of Administrative Responsibility: Provost & Vice-President (Academic)**

##### **Management Commitments:**

*The Sexual Violence Response Coordinator, in collaboration with Student Conduct & Accountability and the Office of General Counsel, is leading a process of revising the University's Sexual Violence Policy to ensure that the policy reflects best practices and complies with the Government of Alberta's direction in this area. That policy revision will undergo significant and comprehensive community consultation in the coming months, and is on track to be approved by the Board of Governors in advance of the Government's November 2022 deadline.*

## **b. Deficiencies in the current Code of Student Behavior (COSB) appeal process**

### **Observation:**

Under the terms of COSB, respondents have the right to remain silent and the presumption of innocence during the reporting, investigation and decision-making process of sexual violence claims. This often provides an advantage to the respondent as they have all the information on the case but can now introduce new evidence at appeal (the appeals process is *de novo*, meaning no information gathered in the original process is admissible). This process is at odds with human rights objectives in processes prior to an appeal. Appeals have only disciplinary objectives. The right to silence and presumption of innocence principles are appropriate for criminal law but not for administrative processes. This incongruence serves as a discouragement for respondents to engage in earlier processes and dampens the desire of complainants/survivors to make complaints.

Often parallel criminal proceedings occur during administrative reviews and appeals. This can also have an effect on the respondent's participation as well as on the institution's decision to delay its proceedings. There are no formal standards at present for delaying proceedings during criminal investigations.

While not explicit in the COSB, it has been the University of Alberta Protective Services (UAPS) responsibility for acting as the respondent in the appeal process in non-academic misconduct appeals. Acting as both investigator and respondent puts UAPS in a conflict position. Students may be unable to trust UAPS as impartial investigators because, as the respondent to an appeal, they have a stake in the outcome of the appeal. Additionally, UAPS are not professionally equipped to manage what basically emulates a criminal appeals process.

### **Recommendation:**

The use of *de novo* hearings has been changed for most universities in Canada. General Counsel has indicated the *de novo* hearing process is being reviewed and will be changed to a true appeal on the record if approved.

It is recommended that the UAPS role conflict be eliminated, through excluding them from being the respondent in appeals hearings.

It is recommended that the institution's processes and objectives remain independent of other proceedings such as criminal investigations unless required by a court.

### **Primary Office of Administrative Responsibility: Provost and Vice-President (Academic)**

#### **Management Commitments:**

*The Sexual Violence Response Coordinator (with support from other key University experts) is working on two key policy projects related to ensuring that our policy landscape reflects best practice and complies with the Government of Alberta's directives. The first is revision of the Sexual Violence Policy and the second is development of a new Student Conduct Policy (replacing portions of the Code of Student Behaviour related to non-academic misconduct). The Student Conduct Policy will have a Student Misconduct Appeals Procedure that will address this recommendation. This procedure has been drafted, consultation is underway, and the procedure is on track to be approved before November 2022.*





### c. Primary reliance on the terms of the AASUA Collective Agreement to respond to sexual violence complaints limits effectiveness

#### **Observation:**

The University has additional responsibilities and commitments in addition to the Collective Agreement, including but not limited to:

- eliminating time limits for reporting (specified in the Minister's letter)
- providing trauma-informed practices for both parties to a complaint (policy)
- Foster and protect a respectful work, study and living environment that is free of discrimination and harrassment (OHS Legislation)

A broader approach than reliance on the terms of the collective agreement is required to address sexual violence complaints. The terms in Article 7 of the AASUA collective agreement are disciplinary in nature, providing rights to the respondent that are not available to the complainant. This article also discourages any action, such as interim measures, to be taken outside of a formal investigation.

It is important that there is availability of complainant/survivor-centric processes outside of the disciplinary process. Interim measures imposed on academics are a fundamental component of this approach and will require a culture shift to overcome the perceived stigma of such actions. The collective agreement discourages any action, such as interim measures, from being taken outside of a formal investigation to avoid potential rights infringements. Other options to meet the needs of a person who has been harmed with an aim to ensure they have equitable and safe access to the learning/working environment are also important.

It should be noted that the university has few formal complaints alleging sexual violence from AASUA members and where there have been such complaints, interim measures were made when a complainant/survivor sought them. The broad concern is on the specificity of the current agreement on complaints processes driving a focus on proving misconduct, making non-disciplinary processes challenging to implement.

Complainant/survivor-centric processes should also be more transparent to ensure that complainants/survivors are informed upfront about the entire process, and kept up to date as the process progresses. When disciplinary processes are invoked, in principle there is little consideration paid to the needs of the complainant/survivor as the focus is on the respondent.

The November 17, 2021 joint letter from the Student Union, along with other student associations, highlights this concern, stating i) *“opaque, inequitable reporting and investigation mechanisms in the collective agreement (of AASUA) and ii) “sections that erase disciplinary records after two years (in the AASUA collective agreement).”* These specific demands were not addressed in the Provost's response issued on December 14, 2021.

#### **Recommendation:**

It is recommended that the university take the opportunity to develop processes to incorporate complainant (survivor) centered perspectives where the current collective agreement is silent without impinging on procedural fairness principles. Culturally, moving away from viewing interim measures and accommodations as punitive is critical to acceptance of these changes.



Training in the effects of trauma for all individuals involved in complaint processes, from intake through to decision-maker, are also recommended.

**Primary Office of Administrative Responsibility: Provost and Vice-President (Academic)**

**Management Commitments:**

*This recommendation describes culture change for the University, one that will take time, communication, education, practice, and training. The first priority for leading this change is the policy development work that is underway through the revisions to the Sexual Violence Policy and development of the new Student Conduct policy. These policies create the framework orienting the University's response to sexual and gender-based violence (SGBV) around the obligation to create a safe, supportive and vibrant learning environment, which includes all University teaching, learning, research, working, residential and social environments. This framework is the first step toward developing the necessary communication and training to shift understanding in the community. Building infrastructure for other forms of resolution is an important component of shifting the culture.*

## **2. Processes prior to a reportable incident**

### **a. The need for U of A leaders to prioritize the sexual violence policy given its importance within the current university context**

**Observation:**

There is a general misunderstanding or perception that the university community has limited capacity to act upon incidents of sexual violence without a formal complaint.

Changes to Alberta's Occupational Health and Safety (OHS) Act have necessitated workplaces to focus attention on psychological and physical violence to the degree they do on worker safety. Most notably, the definition of violence was expanded to include sexual violence. The Hazard identification, Assessment and Control Procedure, Appendix B Violence Prevention, was approved by the institution in 2020.

The OHS Act and Alberta Human Rights Act place a positive, proactive duty on the employer to recognize and deal with employees who engage in workplace violence. Employers can and have been held liable for ignoring cases of workplace violence.

The Vice Provost and Dean of Students communicated in February 2021 that the university should "take reasonable action based on concern that is supported by credible information" and that "disclosure creates a concern, and we should act on that concern." This message is consistent with changes in legislation and the expectations placed on employers.

**Recommendation:**

Senior management should communicate their expectations to support the development of a culture that inherently rejects sexual violence and supports a proactive approach to addressing concerns. Messages could include the following.

- i. Individuals do not need to wait for a student, staff or faculty member to make a complaint.
- ii. All faculty and staff have a responsibility to act once they are made aware of workplace violence of any kind.

- iii. Bystander intervention is encouraged.
- iv. Everyone should feel free and safe to disclose.
- v. Underscore the fact there are legal expectations in this space.

**Primary Office of Administrative Responsibility: all.**

**Management Commitments:**

*Communication planning will be a key component of building community understanding for the policy changes that are underway, and the culture change to come. That planning will include authentic communication from senior leaders that will build on the communications to the University community from the Provost last year, which made commitments in response to student concerns, commitments that are now being realized through the work of the Sexual Violence Response Coordinator.*

**b. Lack of clearly defined expectations of complainant/survivors in processes is a barrier to reporting an incident**

**Observation:**

Through extensive interviews with stakeholders, many members of the university community reported that they do not have a clear understanding of what is involved in the process of sexual violence disclosures and complaints. There is a resulting lack of confidence that the institution can act meaningfully upon the reporting of an incident.

Processes are complex given the differences between stakeholder groups and are not clearly laid out in a publicly available document.

Cases are often moved between different parties and the complainant/survivor may need to disclose multiple times.

The November 17, 2021 joint letter from the Student Union, along with other student associations, highlights this concern, requesting “*Harmoniz(ing) all policies and practices surrounding sexual violence to create a single survivor-centred document that lays out clear, consistent practices for all members of the university community across all campuses*”.

It is understood that the SVRC will be creating a Disclosure Support Network (DSN), formed by a group of existing service units where the staff will receive enhanced training. The objectives of the DSN are to take the burden of navigating our systems away from survivors and to enhance the university’s capacity to provide accurate, transparent and timely information on the various options available to those who disclose an incident.

**Recommendation:**

1. The SVRC’s DSN initiative should continue in order to improve communication between intake points so the complainant/survivor will have clearer expectations of processes and will not need to initiate multiple conversations about incidents.
2. Training initiatives should be established to ensure all levels of staff who have contact with the sexual violence process understand where to direct complainants/survivors. An effective and reliable system is essential to make members of our community feel confident in coming forward. While new, mandatory violence and harassment e-learning has been launched by HR HSE, this training was



found to address violence well but lacked necessary specifics associated with sexual violence or references to such information.

3. Clarity and communication of processes and available “doors” through tools such as process maps be developed and made available.

**Primary Office of Administrative Responsibility: Provost and Vice-President (Academic)**

**Management Commitments:**

*Ensuring clarity and ease of process is a key priority for the SVRC. The new Disclosure Support Network, planning for which is underway, will engage units of the University to be systems navigators on behalf of survivors, thereby removing the burden of that navigation from those survivors. This Network will be built into the policy work that is underway, and will require structure and training to be successful. The DSN will be a key focus of our consultation with institutional resources in the coming months.*

**c. Lack of mandatory education and training specific to sexual violence for all members of the university community**

**Observation:**

The current SVP states that all persons (i) investigating complaints of sexual violence and (ii) adjudicating complaints of sexual violence in the complaint resolution procedures must have appropriate training. Audit work has confirmed this is not consistent.

The university has an effective Sexual Assault Center (SAC), which is mandated to provide comprehensive educational workshops for the campus community and support to survivors of sexual violence. It has a long history of serving the university community over the past 27 years. Extensive resources about definitions of SV and options to respond are available on the SAC website.

There are various examples of training seen in Human Resources, Health Safety and Environment, Faculty of Graduate Studies and Research, through the Provost’s Office and for the University of Alberta Appeals Board. However, none of the training or education materials specific to sexual violence are mandatory for any level of staff in the university community, nor is consistency assured.

Only through consistent education and focus will the culture of the institution change in regard to sexual violence.

The November 17, 2021 joint letter from the Student Union, along with other student associations, highlights this concern, stating that the institution should introduce “*mandatory training for instructors, students, and staff*”.

**Recommendation:**

Consistent, mandatory education for all members of the university community is recommended to ensure a collective understanding of expectations as well as policies and intake processes.

Recently introduced mandatory e-learning by HR HSE effectively addresses the aspects of sexual violence that are common to violence and harassment, and is likely adequate for many university constituents. Specific sexual violence training is however necessary to coordinate with this training, for

those who are a likely point of disclosure and those who are responsible for the intake, investigation and adjudication of reported sexual violence incidents is critical and should be mandatory.

**Primary Office of Administrative Responsibility: Provost and Vice-President (Academic)**

**Management Commitments:**

*The Deputy Provost has indicated that sexual violence training will be included in mandatory training requirements currently being determined through her office. An expected date of implementation is to be determined.*

*The SVRC is working with the Sexual Assault Centre, Residence Services and other areas to ensure existing training is consistent and addresses particular needs including general awareness, specific skills for roles (including investigations, decision-makers, and units involved in the disclosure support network).*

*The Government's announcement of new expectations for post-secondary institutions included funding for institutions to dedicate to related initiatives. The university is currently considering dedicating a portion of that funding towards training for decision-makers in particular.*

**d. Lack of defined process for excluded staff**

**Observation:**

Excluded staff includes approximately 400 members. The largest group of excluded staff, Management and Professional Staff, is subject to the *Draft Discrimination & Harassment Complaint Procedure for Excluded Employees and Academic Colleagues*. Sexual violence is however scoped out of the parent policy to this procedure.

Although recently revised, several sections of this procedure remain non-compliant with the Minister's letter. The tone of the policy, while balanced, does not embrace a complainant/survivor-centric approach.

The Director of Employee Labour Relations has indicated that the policy will undergo a further review by associations and governing bodies in the near term.

**Recommendation:**

A review of the existing *Draft Discrimination & Harassment Complaint Procedure for Excluded Employees and Academic Colleagues* relative to the sexual violence policy and the Minister's letter is recommended.

**Primary Office of Administrative Responsibility: Vice-President (University Services and Finance)**

**Management Commitments:**

*The Director of Employee Labour Relations has committed to continue the review of the draft procedure for excluded staff. Management will work to expedite this policy and procedure review, but not at the expense of the process and will ensure a robust consultation with stakeholders.*



### 3. Processes when a reportable incident occurs (student, staff and/or academic parties)

#### a. Lack of clear pathways for navigating the reporting of incidents

##### **Observation:**

It was observed that processes involving undergraduate students are well established. When an incident was reported to the Dean of Students, the office was responsive to students and collaborative among parties involved. Interim measures were typically implemented in a timely manner and options available to go forward are often discussed with students.

Different processes exist for staff groups including students, academic and support staff. There are differing timelines for making complaints, for the possibility of extension and criteria for a complaint to be accepted. Processes also differ depending on the governing documents the respondent falls under. This complexity makes it challenging for complainants/survivors to navigate and, as importantly, precludes the ability to gain insight into the potential expectations that will be placed on them or the potential outcomes they can expect. There is also a lack of consistent trauma-informed support available through the process should the complainant/survivor seek support.

The November 17, 2021 joint letter from the Student Union, along with other student associations, highlights this concern, stating “*Harmonizing all policies and practices surrounding sexual violence to create a single survivor-centred document that lays out clear, consistent practices for all members of the university community across all campuses.*”

##### **Recommendation:**

A comprehensive, campus-wide strategy that recognizes the potential impediments to disclosures and complaints associated with intersectionality of vulnerabilities in some complainants/survivors is recommended to ensure a complainant/survivor-centric intake process. It is recognized that procedures will likely remain embedded in collective agreements and disparate procedures.

##### **Primary Office of Administrative Responsibility: Provost and Vice-President (Academic)**

##### **Management Commitments:**

*The SVRC has begun coordinating with colleagues across campus to address this concern, primarily through establishment of the Disclosure Support Network, which will take the onus off survivors to navigate the University’s processes. The Disclosure Support Network will feature in the new/revised policies.*

#### b. Concerns when an incident involves an AASUA faculty member

##### **Observation:**

##### 1. **Education and awareness regarding appropriate faculty-student relationships**

It is common for faculty members to have personal relationships with students. Although some institutions in Canada prohibit such relationships in their policies, the effectiveness of this approach is questionable.

The November 17, 2021 joint letter from the Student Union, along with other student associations,

requested leadership to "Set(ting) and enforce(ing) ethical standards for relationships and sexual interactions between faculty and students, particularly their own students, respecting the impact of power differential on consent."

The Provost's response was to underscore the importance and visibility provided on consensual relationships through the Conflict Policy, specifically the annual declaration of conflicts of interest which includes a section on such relationships.

Based on interviews and a review of the annual declaration process, the effectiveness of this process is a concern. Declarations are decentrally administered, precluding the ability to identify missing declarations or to follow up with those in conflict.

## 2. Addressing breaches of the student-faculty relationship

Interviews have highlighted a common perception of a lack of transparency of complaints against faculty. It is recognized confidentiality is critical in these matters, but the current process precludes any alternatives that would support a complainant/survivor-centric perspective. In the absence of information, complainants/survivors often perceive there is a lack of action or that the academic is being protected by the institution. Such beliefs are toxic to the culture of the institution.

It was also observed that there is a consistent belief that nothing can be done to address concerns in the case of a disclosure and that a formal complaint is required to trigger any response by the institution. This is consistent with perceptions of a general reluctance to impose interim measures on faculty members "without an investigation" for fear of triggering a grievance for a perceived punitive action.

### **Recommendation:**

Communication and education to dispel the beliefs that academics are immune to any actions except through complaint is required to begin to shift the institution's perspective on accountability for sexual violence.

Consideration should be given to alternative processes for disclosures made against academics to avoid the requirement for a formal complaint and the resulting exclusion of the complainant/survivor. In these areas where policy and collective agreements are generally silent there is opportunity to shift focus toward a complainant/survivor-centric model.

The current process for capturing employee annual disclosures should be revisited to improve compliance and follow up and to increase opportunities to underscore appropriateness of relationships where a significant power differential exists.

### **Primary Office of Administrative Responsibility: Provost and Vice-President (Academic)**

### **Management Commitments:**

*As above, this recommendation will require working with the community to shift thinking and build understanding about alternatives to formal complaints, including those that already exist. The policy work will lay the groundwork for this shift, which will then require effective communication and training to be successful.*



*The University will review its current Consensual Personal Relationships information document to consider opportunities to make its contents more accessible and widely understood.*

### **c. Institutional reluctance to embrace non-disciplinary resolution options**

#### **Observation:**

Based on audit fieldwork and expert sources, it is understood that, in the case of sexual violence, the objective of the complainant/survivor is sometimes to stop the offending behaviour rather than seek punishment for the respondent. Interim measures are often desirable in these situations because of this fact. When faced with pursuing a process that has discipline as the only potential outcome, the complainant/survivor may avoid making disclosures or complaints. Therefore, this effect has its own risks in that no information is provided to the institution to identify potential people of concern.

It is also understood that alternatives to complaints processes, including restorative practices should allow for culturally appropriate options to recognize the effects of intersectional vulnerabilities on many complainant/survivors. It should also be noted that mediation is not recognized as an appropriate alternative by experts.

As long as a culture of focusing on discipline in regard to sexual violence disclosures and complaints remains, and incidents are primarily addressed through processes designed to confirm misconduct, the ability to achieve outcomes that restore relationships and acknowledge the unique issues associated with complainants/survivors will be limited.

The November 17, 2021 joint letter from the Student Union, along with other student associations, highlights this concern, requesting university leaders to *“Implement and refine institution-wide restorative justice approaches, and provide appropriate training to staff”*.

#### **Recommendation:**

It is recommended that restorative options be considered to a greater extent wherever possible. The culture of the institution needs to shift to support acceptance of many of these processes as they center on the complainant/survivor.

Restorative options are not always appropriate. However, where they are used skilled staff are necessary. It is recommended that resources experienced in their use be available where they are. This may require some balancing of resourcing between existing misconduct-oriented and restorative process skill sets.

Incident reporting postmortem analysis is also recommended to identify opportunities to enhance prevention going forward or to improve processes/procedures/policies as appropriate.

#### **Office of Administrative Responsibility: Provost and Vice-President (Academic)**

#### **Management Commitments:**

*The University is on the road to building greater understanding of restorative and other options through the policy work that is underway. Once there is a greater willingness and openness to considering these practices, and a greater understanding of them, then structure and training must follow to ensure that meaningful and appropriate alternatives to a disciplinary response are available where their use is of*





*interest. A survivor-driven approach, that is, the aim to meet the needs of survivors and ensure a safe and vibrant learning environment, will continue to guide work in this area.*



## Appendix A

IA&RM has interviewed stakeholders in the areas listed below throughout planning , fieldwork and reporting stage of this audit:

- Provost & Vice-President Academic
  - Deputy Provost
  - Vice-Provost and Dean of Students
  - Helping Individuals at Risk
  - Safe Disclosure & Human Rights
  - Student Services - Student Conduct & Accountability
  - Sexual Assault Centre
  - Faculty Relations
  - Equity and Human Rights
  - Sexual Violence Response Coordinator
- Human Resources, Health, Safety and Environment
  - Well-being, Culture and Rewards
  - Employee & Labour Relations
  - Health, Safety and Environment
- Office of General Counsel
- University Governance (Appeals & Compliance)
- University of Alberta Protective Services
- Faculty of Graduate Studies & Research
- Vice-President Facilities & Operations
  - Residence Life
- Student Union
  - Student Life