

Respectful Work and Learning Environment (RWLE) and Sexual Assault (SA) Policies & Procedure Consultations Report

RWLE & SA Policy Advisory Committee

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Consultation Process Overview

From May 2018 to November 2018, the University of Manitoba undertook the process of consulting our community on potential changes to our Respectful Work and Learning Environment (RWLE) Policy, Sexual Assault (SA) Policy, and the combined procedures. The policy consultations and revision process is part of a larger initiative by the University of Manitoba to foster a safer campus and create a culture of consent.

Feedback for the policies was sought through several means, overseen by the *RWLE & Sexual Assault Policy Advisory Committee* (for list of membership see Appendix 2), including:

- An online feedback website
- In-person targeted consultation sessions
- Community town halls
- Written requests for feedback

Diversity and representation were prioritized in the processes, and feedback was sought from a variety of stakeholders and groups from all University of Manitoba campus locations (for a full list of consultations, see Appendix 1).

Community members were eager to participate in the process: the University received **124** unique responses through the online feedback website, and spoke with nearly **260** community members through in-person sessions and town halls.

The feedback and suggestions received were key in influencing potential changes to our policies, as well as informing the University on ways in which we could adapt our practices in other areas.

Part 1: Policy Specific Feedback

The following section will highlight the key pieces of community feedback that were received regarding policy changes.

1. Fear of Reprisal

Concerns about reprisal were consistently raised as a barrier to disclosing or filing a formal complaint. Community members sought for protection against reprisal to be expressed in both policy and practice.

2. Clarifying Limits of Confidentiality & Confidentiality Requirements

Many expressed concerns around the ability for persons disclosing to maintain autonomy in the process if they are unaware of the limits to confidentiality prior to disclosing. More information surrounding confidentiality was requested, as well as clear communication regarding where information goes if there is a requirement to report.

Community members also expressed concern about confidentiality provisions during the process of an investigation, as well as after an investigation has concluded. Fear about possible liability, as well as feelings of being restricted, were referenced. Information was requested regarding what can be shared, with whom, and why certain things can be shared and others cannot.

3. Accountability

Community members expressed concerns that there are not proper accountability measures in place for those who have breached policies, and that often there is no feelings of justice in resolutions or disciplinary action. This was referenced for both the Sexual Assault & RWLE policies, as well as with the Conflict of Interest policy.

4. Clarification of Terms and Definitions

Many of those consulted expressed confusion over terms used in the policies. In particular, there was a lack of clarity around what the informal resolution process is in contrast to filing a formal report. Additionally, many did not know the difference between interim measures and accommodations.

5. Accessibility and Comprehension

Most community members consulted referenced difficulty in understanding and digesting policies and processes. In particular, there were concerns regarding the language used in policies and the level of comprehension required, as well as the ability to understand the legalistic terms, systems, and processes currently in place.

6. Neutrality

Many of those consulted expressed a preference for the University to use external investigators over internal investigators during the investigation of a breach of policy in order to ensure impartiality and neutrality. Many also recommended that all investigators that the University hires should undergo diversity training, and should utilize a trauma-informed approach.

Part 2: General Feedback

The following section will highlight the key pieces of community feedback that were received regarding sexual violence issues not specific to policy.

1. Consolidation of Disclosures & Reporting Process

This issue was repeatedly raised by all community members, from administrators to students. There was a repeated call for a consolidated, centralized system for disclosing, reporting, and responding. Concerns were raised about having to seek different supports from different offices, having to repeat one's story, and feeling re-victimized. Many called for a single location and a single point of contact for all accommodations and steps throughout the process, and having access to everything within UMSU University Centre or another centralized hub.

2. Increased Transparency

Many concerns were raised regarding transparency and communication with the U of M community. The following were the most commonly heard responses:

- Desire for more information to be shared with both the community at large and with prospective employers regarding investigations and breaches. It was recognized that with current privacy legislation this may not be possible, but the desire still held.
- Release of arbitration results.
- A desire for the release of information without identifying details. Community members recognized that the details of cases and disciplinary action cannot be shared due to privacy regulations, but asked for the release of more de-identified information. They also called for information and education for community members on the processes of investigations and on potential outcomes.
- A better understanding of the powers of the university, namely what actions the U of M can and cannot take, and what information the U of M is and is not allowed to share. Concerns were raised that the lack of this information results in skewed public perception and a negative outlook on the University administration.
- Better advertisement of existing information about investigations as well as the annual reports. Many did not know an annual report existed, and those

who did desired more information be included, such as more information on disclosures and informal processes.

- A desire for the University, as well as U of M unions, to advocate for changes to provincial privacy legislation.

3. Autonomy for people affected by sexual violence

Faculty, staff, administrators, and students all expressed concern around the autonomy of people who have experienced sexual violence, and a need for more survivor-centrism in practices. In particular, the following were reoccurring themes:

- Consultation with those affected by sexual violence in all regards on how they want to proceed throughout the process, including deciding whether or not to pursue a formal or informal complaint, and in determining accommodations and interim measures.
- The need to reduce chances of re-victimization throughout the process of seeking supports or pursuing an investigation. Some suggestions included making it easier for those affected by sexual violence to access academic and financial accommodations, as well as preventing them from having to repeat their story multiple times in order to receive accommodations.
- Concerns over the anonymity of the person disclosing, especially in cases where the University initiates an investigation.

4. Communication

Many of those consulted raised issues surrounding accountability and communication. Commonly raised themes included:

- A need for the University to better communicate with the community.
- A desire for those affected by sexual violence to be kept more informed during the investigation process, as well as increase communication with those affected by sexual violence in all regards.

5. Mandatory Training

Many of those consulted, and in particular faculty and staff members, called for mandatory training on a number of different topics for all University employees. Calls for training included:

- Policy & Procedure training: Many faculty and staff members expressed the need for training to better equip employees with knowledge about the behavioural policies at the University. Concerns were raised about not knowing how to help students or how to advise them on where to go; what responsibilities are for employees; and what the potential consequences and implications of breaching policies are.
- Training on sexual violence information and definitions.
- Processes of disclosing and reporting: Many expressed the desire for more opportunities to receive responding to disclosures training.
- Diversity training: Many of those consulted requested diversity training for faculty and staff in order to better support diverse students and employees. In particular, an increased focus on Indigenous education and having this embedded in any and all training was emphasized.
- Conflict of Interest policies: Most were not aware of the existence of a Conflict of Interest policy, and those who were aware felt as though there was no understanding or education of the policies, particularly the requirement to disclose relationships that may involve a conflict of interest.

6. Clarity

Community members expressed a general lack of understanding regarding our policies, processes and procedures, and called for clarity through education. In particular, a few issues were raised repeatedly:

- Understanding roles and responsibilities: Employees expressed a need for information on their responsibilities should they receive a disclosure (if to report, who to report it to, when, and how to help the person disclosing). Managers and supervisors expressed a need for information on their responsibilities, and nearly all expressed a need for clarity on responsibilities regarding disclosing relationships.
- Clarity over what the threshold is for determining risk, who is responsible for determining risk, and when is mandatory reporting necessary.

7. Diversity in training, education, and resources

Faculty, staff, students, and administrators all voiced the need for increased diversity measures and training. In particular, the following were referenced:

- The need for specialized training for international students, as well as training for staff and faculty on understanding the needs and barriers faced by international students.
- Prioritizing Indigenous issues in training & education and investing in indigenous supports and full-time equivalents for investigating and supporting indigenous peoples affected by sexual violence and discrimination.
- The need for undergraduate students (particularly first and second years) to be trained in available supports, sexual violence basics, and procedures. There were suggestions for both in-class and online options.
- Cultural training for faculty and staff.

8. Accessibility

Issues with accessibility were a recurring theme, particularly in terms of the accessibility of educational resources. Community members requested the following:

- Online training opportunities.
- In-person workshops and/or in-class sessions.
- Including supports and reporting information on course outlines
- Better access to online information (more maneuverable website, increased visibility).
- Different advertising strategies for different groups/campuses (ex. Posters along with emails for Bannatyne, more communication with Inner city, etc.)

9. Miscellaneous

- Community members expressed the desire for more educational efforts, prevention and awareness strategies, and proactivity expressed in the policies themselves.
- Many expressed the need for the University to rebuild trust with the community at large. Community members felt that more has to be done to encourage confidence in our system and processes, and referenced feeling a lack of trust in the University and their abilities to support community members. As well, many expressed doubt regarding the University's motives

and priorities.

- In terms of conflicts of interest and romantic/sexual relationships involving a power imbalance, most community members were not in favour of an outright ban on relationships between students and faculty members/instructors and supervisors and employees. Instead, the majority were in favour of clearer guidelines, more heavily enforced consequences, and a better system of management when relationships are disclosed. Most agreed that directly supervising and/or grading is not appropriate in terms of relationships, and either should not be allowed, or should have accommodations for if it occurs in order to prevent power imbalances.

Appendix 1

Consultation Sessions (in-person or through written request for feedback)

Consultation Period: (October 1-November 30 2018)

Students

1. Bannatyne Board of Senior Sticks
2. Inner City Student Council
3. International Students' Community
4. University of Manitoba Graduate Students' Association (UMGSA) Council
5. University of Manitoba Students' Union (UMSU) Board of Directors

Faculty and Staff

6. Council of Student Affairs (CoSA)
7. Associate Dean's Research
8. Associate Deans Undergraduate
9. Faculty of Health Sciences Dean's Council
10. Inner City Social Work
11. LASH Committees
12. Local Disciplinary Committee Chairs
13. Provost's Council & Deans
14. St. John's College & St. Andrew's College Residences' Staff
15. Student Accessibility Services
16. Disabilities Studies
17. Student Support

Combination

18. Accessibility for Manitoban's Act (AMA) Steering Committee
19. Community Town Hall (BC)
20. Community Town Hall (FG)
21. Indigenous Community
22. LGBTTQIA+ Community
23. Ongomiizwin
24. Residence Life Staff and Advisors
25. Sexual Assault & Violence Steering Committee
26. University Disciplinary Committee members
27. Women's Constituency
28. Thompson Social Work Program

Appendix 2

Respectful Work & Learning Environment (RWLE) and Sexual Assault Policy Advisory Committee – Composition

Position	Name
Co-Chair: Vice-Provost (Students)	Susan Gottheil
Co-Chair: Human Rights & Conflict Management Officer	Jackie Gruber
Acting Associate Vice-President (Human Resources)	Darlene Smith
Professor, Department of Sociology	Tracey Peter
Chief Risk Officer, Risk Management	Alan Scott
Client Relations Coordinator, Marketing Communications Office	Lindsay Stewart Glor
Director and General Counsel, Office of Fair Practices and Legal Affairs	Naomi Andrew
Director, Student Advocacy and Case Management	Heather Morris
Faculty Relations Officer, Provost's Office	Karen Schwartz
Human Rights Counsel	Joel Lebois
President, University of Manitoba Graduate Students' Association (UMGSA)	Carl Neumann
Professor, Faculty of Law	Karen Busby
Sexual Violence and Resource Specialist, Provost's Office	Allison Kilgour
University Secretary	Jeff Leclerc
Vice-President Advocacy, University of Manitoba Students' Union	Sarah Bonner-Proulx
Vice-Provost (Academic Affairs)	Diane Hiebert-Murphy
Vice-Provost (Graduate Education)	Todd Mondor