

Concordia Student Union

Sexual Violence and Safer Spaces Policy

Oversight Body: Policy Committee

Date passed by Council: 10 April 2019

Date of Next Review: April, 2020

Related policies, bylaws, legislation:

Definitions

Complaint: A written complaint which sets out the facts which support a Survivor's allegations of sexual violence under this Policy.

Complainant: An individual who files a complaint under this Policy.

Consent: The active, ongoing, informed and voluntary agreement to engage in sexual activity. The consumption of drugs and/or alcohol, the party's relationship status and/or sexual history together does not provide an excuse from obtaining consent. Consent can also be withdrawn at any time. Further, consent for one sexual act does not imply consent to a different sexual act.

Consent is not given where:

- a. It is given by someone else;
- b. The person lacks capacity to consent due to their judgement being materially impaired by drugs and/or alcohol, being unconscious, sleeping or otherwise;
- c. It was obtained through the abuse of a position of power, trust or authority, whether through size, strength, or standing/reputation at the university;
- d. It was obtained through threats, coercion or pressure;

- e. If consent was given for an act under certain conditions or circumstances and those were not respected (i.e. the use of a condom).
- f. If consent was given for an act, but the person feels unsure, doubtful, or uncomfortable about the decision to give consent, then it is not considered full, proper consent.

CSU Representative: Members of the Executive and members of the Council of Representatives, members of Academic Caucus: Senators and Board of Governors Representatives, Judicial Board members, Students-at-large, and Electoral Officers.

Disclosure: When an individual chooses to inform the SVAC about an incident where they subjected to sexual violence.

Interim measures: Temporary measures to provide support and protect the safety of the Survivor for the course of an investigation before the SVAC reaches their decision.

Intersectionality: The cumulative way in which the effects of multiple forms of discrimination (such as racism, sexism, and classism) combine, overlap or intersect in the experiences of marginalized individuals or groups.

Person Accused: A person who has been accused of sexual violence under this Policy. Also referred to as Respondent when a complaint has been made under this Policy.

Rape Culture: Systemic attitudes and behaviors that normalize trivialize or encourage Sexual Violence.

Reprisal: Any action or threat that is intended as retaliation for reporting an incident of sexual violence under this Policy.

Sexual Assault: Any type of sexual act or contact without mutual consent. Sexual assault is included in the definition of Sexual Violence.

Sexual Harassment: A course of unwanted remarks, behaviours, attention, actions or communications of a sexually oriented nature, and those that promote gender-based, race-based or ability-based bias.

Sexual Violence: A sexual act, whether physical or psychological in nature, that is committed, threatened or attempted against a person without the person's freely given consent. These acts are often motivated by prejudices against a person's sexuality, gender

identity or gender expression. This includes but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, stealthing (removal of STI barrier without consent), sexual exploitation, degrading sexual imagery, distribution of sexual images or video of a community member without their consent, and cyber harassment or cyberstalking of a sexual nature.

Sexual Violence Accountability Committee (“SVAC”): SVAC is a committee of three (3) to five (5) individuals responsible for handling all complaints of sexual violence under this policy.

Survivor: An individual who has been subjected to Sexual Violence. The terms Survivor is used under this Policy, however individuals who have been subjected to sexual violence may choose how they will be referred to.

Survivor-centric approach: An approach that seeks to empower Survivors by placing their needs at the center of decision making and support.

Support Person: A person who can provide emotional support and reassurance to the party meeting with the SVAC. They are not an advocate. A witness or potential witness cannot be a support person unless the SVAC decides that its in the Party’s best interest.

Purpose

In recognition of:

- a. The Concordia Student Union (“CSU”) was established in order to represent and advocate for a diverse population of Concordia undergraduate students.
- b. CSU members have a shared responsibility to ensure that Concordia (the “University”) is a learning, living and working environment that is free from sexual violence and discrimination.
- c. As such, creating a Sexual Violence Policy (the “Policy”) will ensure that allegations of sexual violence involving CSU members are properly addressed and that every CSU member is made aware of their roles and responsibilities regarding the prevention and response towards sexual violence.

The purpose of this Policy is to:

- a. Promote and foster a safe environment, and a culture of consent free from rape culture and sexual violence within the CSU.
- b. Provide resources and support to Survivors and the Concordia community at large.
- c. Codify the process and procedure for the disclosure and investigation of instances of sexual violence.
- d. Codify the disciplinary procedure and possible sanctions or reparations where this Policy has been violated.

Scope

This Policy applies to incidents of Sexual Violence where a CSU Representative is involved, regardless of where the alleged incident took place.

This Policy also applies to communications with or by a CSU Representative, taking place on a computer, telephone or network, including but not limited to e-mail accounts, text messages, social media accounts or other similar online platforms, whether these devices, accounts or platforms were intended for personal or professional use.

Policy Statement

1. Commitment and Values

- 1.1 The CSU strives to foster a culture of consent, as well as healthy attitude and behaviors towards sexuality;
- 1.2 The CSU is committed to speaking out against behaviour and practice that encourages the perpetuation of sexual violence including sexism, ableism, racism, homophobia and transphobia;
- 1.3 The CSU is dedicated in taking an intersectional approach when addressing sexual violence as per the CSU *Positions Book*.
- 1.4 The CSU is dedicated to taking a Survivor-centric approach when addressing incidents of sexual violence.

1.5 The CSU believes that Sexual Violence requires a community response, and as such, CSU Community Members have the obligation to prevent the perpetration of rape culture on campus.

1.6 The CSU shall make use of its various communications tools, including its newsletter and website, to raise awareness of sexual violence and discrimination, as well as, promote services for survivors of sexual violence.

2. Training

All CSU representatives are required to complete the following annual training requirements:

2.1 Executives must complete six (6) hours of consent and power dynamics training for the Executives by September 1st of their mandate.

2.2 Councillors must complete three (3) hours of consent training by October 1st of their mandate. Councillors elected in by-elections must complete the same consent training prior to February 1st.

2.3 The Executive team shall provide two options, as well as, a minimum of three weeks notice to Council members, as to the date and time of their mandatory consent training. Consent training shall always be scheduled at the same time as an expected Council meeting (Wednesdays, 6:30pm), as Council members must have time reserved for Council.

2.4 Failure or refusal to complete consent training by the deadline set for Councillors and Executives during the Annual Elections and By Elections, shall be deemed an automatic resignation.

2.5 Excusals shall be assessed the same way as Regular Council meetings excusals, in addition to providing Council with written documentation proof of completion of an equivalent training.

2.6 CSU Representatives and SVAC members, excluding Executives and Councillors, must complete three (3) hours of consent training within two months of their appointment. Failure to complete the training will result in an automatic resignation of their position.

2.6.1.1 CSU Representative or SVAC members, excluding Executives and Councillors, may be reappointed by a 2/3 majority vote of the CSU Council of Representatives, provided that the CSU Representative has written documentation proof of completion of an equivalent training.

2.6.2 Training for CSU Representatives shall be provided by the Centre for Gender Advocacy or Sexual Assault Resource Centre, or both. If neither group is available to provide

trainings, the CSU shall take recommendations from these groups for alternate training providers.

2.6.3 Training will be considered as complete, by the facilitator of the workshop, if the Representative demonstrates:

2.6.3.1 That they were actively listening and participating in the training.

2.6.3.2 An openness to challenge and unlearn problematic behaviours.

2.6.4 Annual Clubs Orientation will include a consent component, including safer spaces guidelines for club events.

3. Sexual Violence Accountability Committee (SVAC)

3.1 SVAC is a committee of three (3) to five (5) individuals responsible for handling all complaints of sexual violence under this policy. The committee member will be comprised of:

3.1.1 One (1) Student at Large appointed by Appointments Committee by June 15th of the mandate year;

3.1.2 One (1) community member with demonstrable experience in advocacy or activism in regards to sexual violence;

3.1.3 One (1) CSU Representative who also sits on the Concordia University Standing Committee on Sexual Misconduct and Sexual Violence, appointed at the May Council elect meeting of every mandate;

3.1.4 One (1) third party investigator contracted by the CSU, who may not be affiliated with or employed by Concordia University in any way;

3.1.5 One (1) member of Judicial Board, unless this member is party to the complaint.

3.2 Any member who is party to the Complaint will not be eligible to participate in the case.

3.3 Quorum for meetings of SVAC shall be three (3) members of the Committee.

3.4 Appointments for membership to SVAC shall be made through CSU Appointments Committee, by a date no later than the first (1st) of August of each mandate.

3.5 Any vacant positions on the SVAC that arise shall be filled by Appointments Committee within 30 calendar days.

3.5.1 Should the SVAC not have enough members for quorum, Judicial Board may appoint temporary SVAC members from their own membership to handle complaints provided that there are no conflicts of interest.

4. Disclosure

4.1 Any person may make a disclosure to the SVAC under this Policy where they believe a CSU community member is involved in an incident of Sexual Violence;

- 4.2 A person who makes a disclosure under this Policy does not have the obligation to then make a formal Complaint under this Policy;
- 4.3 If a disclosure under this Policy raises reasonable concern for public safety, the SVAC may share relevant information with police services.

5. Support

- 5.1 Regardless of whether a Survivor has decided to pursue a formal Complaint under this Policy, after making a disclosure, the SVAC will provide the Survivor with the following support:
 - 5.1.1 Survivors will be treated with compassion, dignity, and respect.
 - 5.1.2 Survivors will be informed about the support services made available by the University as well as other resources offered by the community.
 - 5.1.3 Survivors will be informed about their options to make a formal complaint, or participate in an alternative form of resolution under this Policy;
 - 5.1.4 Survivors will be provided with appropriate forms of academic consideration depending on the Survivor's individual needs;
- 5.2 The Survivor does not need to disclose details in order to receive support.

6. Formal Complaint

6.1 Complaint

- 6.1.1 A Survivor who wishes to make a formal Complaint under this Policy may make one in writing to the SVAC.
- 6.1.2 The Complaint must contain the name of the Respondent and of the Complainant, the date(s) of the alleged incident, the alleged behavior, and any other information the Complainant finds relevant. The Complaint may also contain a suggested sanction if the Respondent is found to have violated the Policy.

6.1.3 Both the Complainant and potential witnesses shall be free from any form of reprisal for making a complaint under this Policy or for participating in an investigation under this policy.

6.2 Investigation

6.2.1 Upon receiving a Complaint, the SVAC shall conduct an investigation into the Complaint by speaking to the necessary witnesses, and collect any other relevant evidence in order to complete an investigative report detailing their findings.

6.2.2 The SVAC shall invite both the Respondent and the Complainant to each meet, separately, with the appropriate members of the SVAC, to respond to the Complaint in the case of the Respondent or to provide details about the Complaint in the case of the Complainant.

6.2.3 The SVAC shall also invite both the Respondent and the Complainant to communicate with the SVAC in writing, if they do not wish to do so in person.

6.2.4 If the Complainant or the Respondent decides they wish to meet with the appropriate members of the SVAC in person, they may be accompanied by a Support Person.

6.2.5 If the Complainant or the Respondent decide that they wish to meet with appropriate members of the SVAC in person, they may be accompanied by a Support Person. It is at the SVAC's discretion if a support person will be allowed to help write or speak on behalf of the complainant or respondent, due to the emotional and physical ability or inability of either the complainant and respondent. In order for any written or spoken contribution by a support person, the SVAC must have the explicit written consent of the complainant or respondent to be represented by the support person.

6.2.6 Two (2) members of the SVAC who are the most appropriate, chosen at the SVAC's discretion, shall review the Complaint, the investigative report as well as the meetings with the Parties, if applicable, and decide whether the Respondent has committed Sexual Violence as defined by this Policy.

6.3 Appropriateness of the two (2) SVAC members chosen to review the complaint shall include consideration of:

6.3.1 The SVAC members' lived experiences;

6.3.2 The nature and seriousness of the complaint;

- 6.3.3 Any potential or perceived conflicts of interest between members of the SVAC and the nature of the complaint.
- 6.3.4 The SVAC may implement any interim measures necessary to protect the parties during the investigation and decision making process. These interim measures shall not affect the outcome of the final decision.

6.4 Review and Decision

- 6.4.1 The decision of whether the Respondent has violated this Policy will be based on the balance of probabilities: whether it is more likely than not that the alleged behavior occurred.
- 6.4.2 If a CSU Representative is found to have violated this Policy then the SVAC may impose any of the Sanctions listed in S.10 of the *Concordia Student Union Code of Conduct*. The SVAC may also present a motion to Council to have the concerned Representative removed from office.
 - 6.4.2.1 Sanctions applicable to this policy from the Code of Conduct include, but are not limited to:
 - 6.4.2.1.1 An Informal warning: A discussion with the respondent wherein the purpose is to help the respondent understand their misstep and make more appropriate decisions in future.
 - 6.4.2.1.2 A written or verbal apology on behalf of the Respondent to the Claimant and/or the Student Union.
 - 6.4.2.1.3 A formal and recorded written warning: This warning may indicate the action which may be taken if there is further breach of this policy and the *Code*.
 - 6.4.2.1.4 Withdrawal of right to participate in specified activities or services for a specified period of time.
 - 6.4.2.1.5 Temporary Suspension: A respondent who is a Student Union Representative will temporarily be suspended from all entitlements and functions and may not participate in any union activities or union related activities for a specified period of time.
 - 6.4.2.1.6 Automatic Resignation: In the most serious cases where the violation brings the Union into disrepute and the safety of its members into question the SVAC may deem such an action an automatic resignation by Student Representative.

6.4.3 In addition to the sanctions listed in S.10 of the *Concordia Student Union Code of Conduct*, the SVAC may also impose the following remedies: a letter of apology, mandated education/workshops, or and order of non-communication between parties.

6.4.4 If the Complainant has suggested a sanction, the SVAC shall take this suggestion into account when imposing a sanction, however the Survivor's suggestion does not bind the SVAC's ultimate decision.

7. Alternative Resolution

7.1 The Survivor may request, at any time, that they would like to participate in an alternative resolution process.

7.2 At any time during an alternative resolution process, the Survivor may indicate that would like to proceed with a formal Complaint.

7.3 Alternative resolutions may include, but are not limited to:

7.3.1 Impact/Statement Letter: A Survivor may decide to communicate to the Respondent that their behavior, remarks or communications caused them harm. The Survivor may choose to communicate their feelings verbally or in writing with the assistance of the SVAC.

7.3.2 Facilitation: A Survivor may request a facilitated discussion between themselves and the Respondent. The facilitator must be trained for meetings of this nature. The facilitated process may result in a written agreement that could include behavioral expectations, a no-contact agreement or an apology. The facilitator may be chosen from a list of facilitators provided by the Committee. Should the survivor not feel comfortable with any facilitator on the list, they may select a different facilitator provided that the facilitator is not in a conflict of interest.

7.3.3 Education: The Respondent may agree to participate in education and/or training regarding consent, and sexual violence.

8. Appeal

8.1 Where the SVAC renders a decision under this Code, both the Respondent and the Claimant have a right to appeal the decision within 7 business days of the transmission of the final decision.

8.2 An appeal must be based on either:

- a) Additional new evidence that could not have reasonably be brought to the SVAC's attention at the time where the Complaint was under review;
- b) Demonstrable prejudice or bias against the Respondent;
- c) A procedural error was made, which caused serious prejudice to the Respondent;

8.3 The appeal shall be made in writing, detail the grounds for the appeal and be lodged with the Judicial Board.

8.4 Upon receipt of the appeal, the Judicial Board shall inform the other party of the appeal, and invite this party to communicate with the Judicial Board, in person or in writing, in order to respond to the appeal within 7 business days.

8.5 Where the Judicial Board decides that there are sufficient grounds for appeal, they shall review the decision of the SVAC, and as soon as practicable render their decision. This decision shall be communicated to the respondent and the complainant within 7 business days.

8.6 The appeal decision will be kept in Judicial Board's archives.

9. Confidentiality

9.1 The general practice of the SVAC is to keep all information received under this Policy confidential.

9.2 However, the SVAC may be required to disclose information received this Policy if:

9.2.1 An individual is at risk of life threatening self-harm.

9.2.2 An individual is at risk of harming others.

9.2.3 There is a risk to the safety of the University or broader community.

9.2.4 Evidence of the disclosed Sexual Violence is available in the public realm.

9.2.5 Under any other circumstances where required by law.

10. Annual Report

10.1 The Academic and Advocacy Coordinator, in conjunction with SVAC, will be responsible for compiling an annual report regarding the implementation and use of this Policy.

10.2 This report must include recommendations for policy review, the number of Complaints received, as well as recommendations from the SVAC about the Policy and CSU practices.

10.3 This report will be presented every year at the Annual General Meeting of the CSU and to the last Council of each mandate.

11. Policy Review

11.1 This Policy must undergo a complete review every two (2) years. The SVAC, SARC and Centre for Gender Advocacy must be consulted in conjunction with this review.

11.2 One year following the adoption and implementation of this policy, the CSU Policy Committee is mandated to expand the scope to include all CSU members, staff and clubs.

12. Spacer Spaces at CSU Events

The CSU shall ensure that the Safer Events Guidelines are respected for all events organized by the Union. The CSU will encourage the event organizers that it supports financially or logistically to follow these guidelines for harm reduction during their events. The guidelines are suggestions and starting points, thus event organizers are encouraged to take measures that respond to the particularities and needs within the context of their events. We also invite these groups to continue the discussion around creating safer spaces with their members and the participants in the events they host.

12.1 At every event, there will be the following statement made visible:

The CSU is committed to ensuring a safer space at every event we organize. Everyone attending is asked to actively partake in creating a respectful environment through their words and actions. The goals of a safer space include: harm reduction, accessibility, safety, and a non-threatening environment free of

violence/harassment. To maintain a safe space for all to participate, we have a collective responsibility to ensure that:

- a. Everyone's physical and emotional boundaries are respected, including being free from all forms of discrimination and harassment.
- b. We speak thoughtfully and respectfully towards others, thinking about language that can exclude or harm (e.g. not assuming gender identities, background, sexual preference, etc.)
- c. If we witness violent and/or oppressive behaviour, we intervene to stop the harm, when it is safe to do so, or seek support from an event organizer.

Do not hesitate to approach any of the organizers for any accommodation you may need. The CSU welcomes feedback on how the safer space policy can be improved.

The closest wheelchair accessible bathroom is _____.

The closest gender-neutral bathroom is _____.

- 12.1.1 When appropriate, event organizers are encouraged to either read out or display the Territorial Acknowledgment at the event:

We would like to acknowledge that Concordia University is located on unceded Indigenous lands. The Kanien'kehá:ka Nation is recognized as the custodians of the lands and waters on which we gather today. Tiohtiá:ke/Montreal is historically known as a gathering place for many First Nations. Today, it is home to a diverse population of Indigenous and other peoples. We respect the continued connections with the past, present and future in our ongoing relationships with Indigenous and other peoples within the Montreal community.

12.2 Accessibility

In the promotion and planning of CSU events, please take into consideration accessibility needs and adapt your event accordingly whenever possible. Important criteria to consider:

- a. Is the venue wheelchair accessible?
 - i. Wheelchair accessible: no steps with ramp and/or elevator access, measuring the door of the room if applicable.
 - ii. Wheelchair inaccessible: indicate how many steps and if there is a handrail
- b. Is it a scent-free environment?
- c. Is it a child-friendly event? If not, childcare must be provided upon request within 48 hours notice.

- d. If there is a video, is it closed-captioned?
- e. Is there ASL/LSQ interpretation or other assistive devices (e.g. hearing loop systems) upon request with a clear deadline?
- f. Is the lighting fluorescent, non-fluorescent or otherwise?
- g. Is there whisper translation made available upon request with a clear deadline?
- h. If the event offers food, is there a vegetarian, vegan, Kosher, Halal, gluten-free, or nut-free option? Is everything labeled with a list of ingredients? Is the food out of reach of service dogs to reduce distraction?
- i. If the event has a fee, are there alternatives for people who cannot afford it? For instance, a pay-what-you-can option.

This is a non-exhaustive list of accessibility needs, and we encourage you to include in the promotion of your event an invitation to participants to communicate any other accessibility needs.

12.3 Event promotion

The communication of events must include accessibility information within social media event promotions, as well as, on posters whenever possible. All design and text content must be free of discriminatory content and must not promote a culture of alcohol consumption.

12.4 Guidelines for Alcohol Consumption at Events

- a. Events that involve alcohol consumption must also make water and snacks easily accessible.
- b. A resources person or organizer must remain sober for the duration of the event
- c. Organizers are encouraged to make available a variety of non-alcoholic beverages, as well as, to plan a variety of activities through the event apart from the consumption of alcohol.

12.5 Check-out survey

Organizers are encouraged to use the following survey questions to collect feedback on their events in order to create safer events in the future.

1. Please rate your overall experience at our event (Very satisfied, satisfied, neutral, unsatisfied, very unsatisfied)
2. Would you come again to this event or a similar event?
3. Was there an aspect of the event (group or individual behaviour, discussion, visual material, etc.) that made

you feel uncomfortable/threatened/unsafe at any moment?

4. Overall, did the organizers succeed in making the event a safe, inclusive space?

13. Resources and Support Services

Sexual Assault Resource Centre (SARC)	https://www.concordia.ca/students/sexual-assault.html
Office of Rights and Responsibilities	http://www.concordia.ca/students/rights.html
Security	https://www.concordia.ca/campus-life/security.html
Dean of Students	http://www.concordia.ca/offices/dean-students.html
Human Resources	https://www.concordia.ca/hr.html
Special Advisor to the Provost on Campus Life	(514) 848-2424 ext. 4754
Centre for Gender Advocacy Peer-to-Peer Support	https://genderadvocacy.org/
CSU Legal Information Clinic	https://www.csu.qc.ca/services/lic/
CSU Student Advocacy Centre	https://www.csu.qc.ca/services/advocacy-centre/
CSU Off-Campus Housing and Job Bank	https://www.csu.qc.ca/services/housing-and-job-bank-hojo/
Employee Assistance Program	http://www.concordia.ca/hr/benefits/eap.html
Montreal Sexual Assault Centre hotline	(514) 933-9007 http://www.cvasm.org/en/