

Update on Sexual Violence Prevention

University of Ottawa

For the period from May 1, 2022 to April 30, 2023



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Section I – The Human Rights Office and Sexual Violence Prevention

Overview

The Human Rights Office's general mandate is:

To provide leadership and expert advice regarding the creation, implementation and evaluation of policies, procedures and practices on inclusion, employment equity, accessibility, prevention of harassment and discrimination, sexual violence, and on the rights and responsible conduct of students.

The Human Rights Office (HRO) is a neutral and impartial office responsible for receiving and responding to complaints related to human rights from all university community members. The HRO also provides education and training and offers guidance and consultation to all community members on these matters.

In relation to sexual violence prevention, this mandate is being fulfilled by:

- implementing and reviewing Policy 67b – Prevention of Sexual Violence Prevention, in alignment with section 17 of the *Ministry of Training, Colleges and Universities Act*;
- managing the complaint process, including contracting the services of external investigators, providing guidance to appropriate authorities, providing information to all parties and documentation;
- providing consultations to uOttawa community members who receive disclosures of sexual violence;
- intaking disclosures in a trauma-informed manner that includes referrals to other services and information on the complaint process;
- managing partnerships with off-campus and on-campus services related to sexual violence prevention;
- jointly chairing, and serving as a member of, the Standing Committee of Sexual Violence Prevention;
- responding to inquiries from media and external parties on sexual violence prevention efforts at uOttawa;
- providing all mandatory training assigned to respondents by appropriate authorities;
- educating the general uOttawa community on sexual violence prevention.

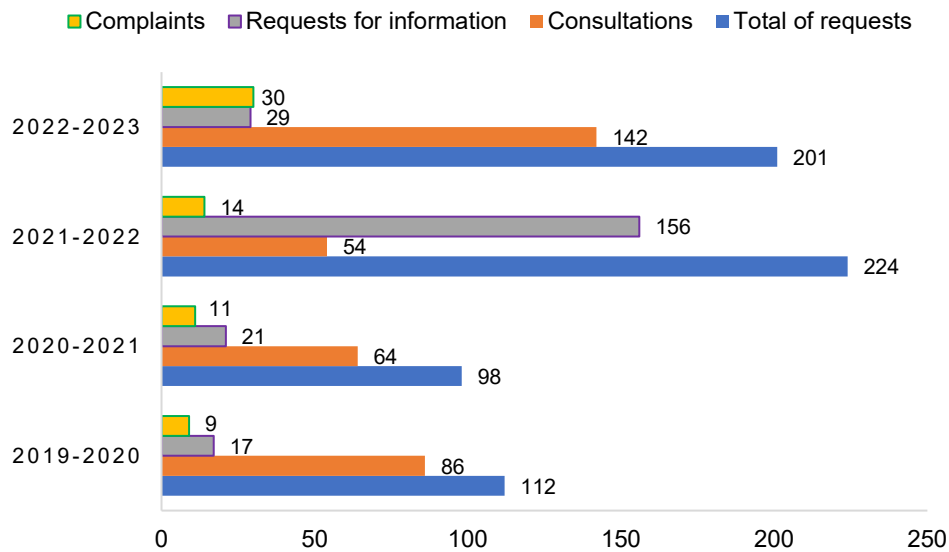
While the HRO team works collaboratively to fulfill this mandate, the efforts are spearheaded by two senior advisors.

Prevention and education efforts

Between May 1, 2022, and April 30, 2023, the Human Rights Office hosted 15 training sessions on Policy 67b and prevention of sexual violence, one Train the Trainer Bystander Intervention training session, and two training sessions on receiving disclosures of sexual violence. The Human Rights Office participated in 14 student orientation sessions and six tabling events. These included u101 Week orientation sessions, recurring HRO cafés for student staff members, and Health and Wellness promotion events.

Section II – Data and Trends

Disclosures, complaints, and accommodations



In 2019-2020, the HRO received a total of 112 requests, 86 of which were consultations, 17 requests for information and 9 complaints. For 2020-2021, a total of 224 requests were made, 64 consultations, 21 requests for information and 11 complaints. A total of 224 requests were made for 2021-2022, including 54 consultations, 156 requests for information and 14 complaints. Finally, for the 2022-2023 period, a total of 142 requests were made, including 142 consultations, 29 requests for information and 30 complaints.

Total requests include consultations, requests for information (information) and complaints.

- Consultations refers to disclosures from survivors or third-parties, requests for accommodations, referrals to other services, etc. They essentially relate to an incident, or incidents, of sexual violence.
- Requests for information (information) refers to information on Policy 67b or for educational purposes, such as media inquiries. These are not requests for information related to a specific incident, or incidents, of sexual violence.
- Complaints refers to a party starting either the formal or informal complaint process under Policy 67b.

Discussion

While the number of requests related to sexual violence has stayed consistent over the past four years, in terms of statistical significance, it is important to note that the number of complaints under Policy 67b – Prevention of Sexual Violence has been trending upwards, increasing by over 100% since last year. While at face value this increase in complaints may seem unfavorable, the Human Rights Office posits that it reflects a reaffirming of the University of Ottawa’s commitment to a safe and healthy campus for work, study and campus community life for all University community members, as well as the University’s commitment to providing support to University community members who are directly affected by sexual violence.

According to research conducted at Canadian universities by Rubineau and Jaswal, 2017:

Indeed, research demonstrates that rates of sexual violence (across the spectrum from unwanted touching to unwanted penetrative sex acts) across college and university campuses have remained relatively stable over the past 30 years (Banyard et al., 2005; Rozee & Koss, 2001), despite the implementation of proactive (prevention programs) and reactive (response resources) efforts during the same time frame (Armstrong et al., 2006). There have been a

number of promising developments in response to sexual violence across universities in Canada. Common policy changes include hiring coordinators to oversee the response to sexual violence on campus, increasing education on what constitutes sexual violence and on available services, creating a single point of contact for victims, streamlining and expanding service options, and creating a victim-led reporting process. The implementation of such initiatives, however, does not mean students will make use of them (Allen et al., 2015; Walsh et al., 2010). While these policies are important, they are premised on the assumption that students trust the university and want to engage with the university following an experience of sexual violence.

The complaint process outlined in uOttawa's Policy 67b - Prevention of Sexual Violence is based on a survivor-centric model, and the survivors who disclosed the incidents participated in the investigations of all 30 complaints. This is because the HRO conducted educational outreach with several services on campus to increase not only awareness of the policies and processes related to sexual violence, but also general trust in the reporting procedure. The outreach efforts were research driven and based on a compilation of best practices aimed at community leaders that the Human Rights Office identified as high-trust groups within the University of Ottawa community. These groups were most likely to receive disclosures from survivors and thus able to provide information about the Human Rights Office and the complaint procedures in a manner that was more likely to be trusted. This resulted in more community members opting to engage in the complaint process.

Section III – Considerations

The role of management in preventing sexual violence

The Human Rights Office wishes to note that while an increase in complaints does indicate that the University has decreased barriers to reporting and increased education within the community, there is more work to be done around sexual violence prevention. One such example is that in some cases of sexual harassment that involve a pattern of unwanted sexual behaviours, as opposed to one serious incident, addressing the behaviour before it becomes a pattern would result in prevention that protects the community from sexual harassment. According to Rubineau et al. (2017) "One such insight [in safety culture] is the importance of attending to and addressing the more common and milder forms of the kinds of behaviours that are to be prevented." We suggest that managers who are empowered to address inappropriate behaviour as part of the

culture within their units would be a powerful tool in preventing sexual violence. The Human Rights Office plans on partnering with services who can disseminate this information to managers.

The HRO will also offer personalised training to units who manage large groups of student-employees. Finally, the HRO will review the mandatory training on sexual violence prevention that is managed by Human Resources with a view to collaborating on the implementation of any necessary updates.

Barriers to accessing information on procedures

The HRO is a neutral service that provides information and resources to all parties involved in complaints under Policy 67b. However, the HRO is finding that the structure of the complaint process is such that respondents are less likely to access their right to receive information about the complaint process. The impact of this lack of information is particularly acute in cases involving students and non-unionized staff, as these parties have no inherent access to support persons who understand the complaint process and procedural fairness.

When a disclosure is made by a survivor or a third-party, senior advisors act as intake officers, complete a risk analysis, provide referrals for support and/or advocacy, and complete an officer's assessment. Should the survivor choose to proceed with a complaint at that point, the senior advisor will assist the survivor in preparing the formal complaint and send a notice of complaint to the respondent. In short, survivors can work with HRO senior advisors quite a bit and have access to considerable information before a formal complaint is even filed. However, respondents are only made aware of the Policy and the complaint at this later point, and while the senior advisors are neutral, respondents may not see it that way, given that their first engagement with the HRO is when they are notified of a complaint.

It is unlikely that a respondent will initiate contact with the HRO to request information on the policy and their participation in the complaint process in the same way that a complainant might. Particularly in the case of student-to-student complaints, respondents may not have access to a union representative because the Student Rights Center, run by the University of Ottawa Students Union, identifies student-to-student cases as a conflict of interest that prevents them from offering substantial support to either party. In some cases, the respondent's hesitation to connect with HRO and lack of understanding of the policy can result in longer investigations, breaches of confidentiality, and other complications that complexify an already difficult process. The result can be catastrophic for all parties involved.

To try to mitigate the risk associated with an unwillingness to access information from the HRO, the HRO informs all respondents of their right to be accompanied and supported by their union representatives. For student respondents who are not also University employees, this is not an option, but the HRO encourages them to be accompanied throughout the process by a trusted support person such as a parent or advisor. In addition, the HRO will continue working with services such as the Students Rights Center and the Community Legal Clinic to provide information on Policy 67b, as these trusted services are in a better position to disseminate the necessary information. In addition, the HRO is working on a one-pager to answer frequently asked questions and to provide a summary of the process to both parties. The one-pager, along with providing procedural information, will highlight the HRO's neutral role in the complaint process.

Potential organizational changes

In addition, the HRO wishes to note that most Ontario universities have a separate office dedicated to support for sexual violence survivors. Generally, these offices receive disclosures, organize access to support and accommodations, and inform survivors of the university's policy and complaint process. At other Ontario universities, when survivors wish to proceed with a formal complaint, they do so through a separate office that is solely dedicated to managing the complaint process. This type of organizational structure does not exist at the University of Ottawa.

Blending the management of the complaint process with other roles related to sexual violence incidents could leave the institution balancing on a knife's edge. On one hand, the University must demonstrate that the incident is taken seriously by providing trauma-informed support and accommodations and by emphasizing that the survivor is believed. On the other hand, the complaint process requires that all parties perceive that those managing it are neutral and impartial. Without this perceived neutrality, the University risks potential grievances and lawsuits (Gumpert, 2017) from those accused of breaching Policy 67b. This extremely precarious balance opens the institution up to legal and reputational risk. Separate offices would minimize these risks by following best practices established by other Ontario universities and more clearly demonstrate the University's support for survivors, alongside its strong belief in procedural fairness for individuals accused of breaching Policy 67b.

In short, the HRO believes that creating a distinct office for accommodations and support to survivors would more effectively demonstrate that the University takes seriously its obligations to survivors under section 11e of the *Ministry of Training, Colleges and Universities Act* while reinforcing the perceived neutrality of the office responsible for fairly managing the complaints

procedure. However, given the University of Ottawa's current size and its resource constraints, the HRO intends to explore options for internal reorganization as an alternative that could achieve a similar result without requiring the establishment of a new office.

Conclusion

"Culture eats strategy for breakfast." - Peter Drucker

The HRO believes that uOttawa's Policy 67b – Prevention of Sexual Violence provides a strong framework for addressing the institution's commitment to provide support to those members of the University community directly affected by sexual violence. Our partnerships with services that understand and embody the Policy's principles are generally positive, as is the feedback we receive from student groups who seek out information on the policy. We recognize that this has been a collaborative effort, supported throughout campus.

We believe that with this procedural foundation and support from senior leadership and the uOttawa community, the HRO is poised to help shift the culture on campus and establish uOttawa as a best-practice institution when it comes to preventing sexual violence.

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