

Response to the Final Report of the 2022 Review of the *Policy on Sexual Violence and Sexual Harassment*

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The University of Toronto commits to building the best systems and practices to protect all members of our community from sexual violence, to support survivors, and to foster a culture of consent, accountability, and respect.

- President Meric Gertler, [October 19, 2021](#)

Introduction

All members of the University community should have the ability to study, work, and live in an environment free from sexual violence and sexual harassment. As part of our institutional commitment to this principle, the University's *Policy on Sexual Violence and Sexual Harassment* came into effect in 2017. Our tri-campus Sexual Violence Prevention & Support Centre was established that same year, specifically to provide support and guidance to survivors, as well as helping to foster culture change through community education and training.

The *Policy* includes an important provision requiring a review of its content and implementation every three years. This ongoing and cyclical process reflects the University's continuing effort to support survivors, combat sexual violence and sexual harassment, and ensure we have the right processes in place to respond to incidents that occur. We are resolved to improve our systems and practices; to create an environment where survivors feel empowered to share their experiences and seek support; to build awareness of supports and services; and to foster a culture of consent, accountability, and respect. In that spirit, we are pleased to have received the "Final Report of the 2022 Review of the *Policy on Sexual Violence and Sexual Harassment*," to share it with the community, and to offer this Administrative Response.

We accept all of the reviewers' recommendations.

The University accepts all of the reviewers' recommendations and will begin to implement them immediately. Many of the recommendations can and will be enacted swiftly. In several instances, we are already working to address issues that became apparent in the years since the *Policy* was implemented. In other instances, we appreciate that appropriate consultation and thoughtful planning will be required. We commit to proceeding as expeditiously as possible.

Gratitude and appreciation

We are grateful to the co-chairs of the Review of the *Policy on Sexual Violence and Sexual Harassment*, Professor Linda Johnston, Dean of the Lawrence S. Bloomberg Faculty of Nursing, and Dr. Allison Burgess, Director of the Sexual & Gender Diversity Office. Their Report is clear and thorough, with a thoughtful discussion of complex and challenging issues. The recommendations are carefully considered and address the full scope of the expanded mandate set by the President in October of 2021. The authors should be commended.

We wish to express our gratitude to the students and student groups, staff, faculty, and librarians – and most especially to the many survivors among them – who participated in open sessions, online feedback forums, individual and group consultations, and who made formal submissions. The extensive scope of the consultation and feedback process is testament to the gravity and importance of this issue and its impacts on members of our community. The reviewers noted their gratitude to those who trusted them with their experiences and concerns; we share in and amplify that gratitude. To all the participants: this entire process, and the improvements it will inspire, would not be possible without your courage.

Context

The focus of the Review and this Response is on improving our policies, practices, and systems, and we want to highlight the importance and value of the work that has already been done. The Review makes this point eloquently:

We want to make clear, however, that while there is work to be done, the University has much to be proud of in the establishment of the Sexual Violence Prevention & Support Centre (“the Centre”) and the trauma-informed supports that are offered there. We recognize the vitally important and challenging work the Centre staff carry out every day on behalf of survivors.

We acknowledge the contributions of many academic administrators – Deans, Chairs, and others – and the staff and student groups across our campuses who carry out vital activities to address issues of sexual violence and sexual harassment at our institution. We also recognize the great work of previous policy architects, reviewers, and other contributors who have made important interventions in our ever-changing campus culture. The recommendations that we make in this report are not meant to castigate, but rather to help the University to better meet the needs of the community at large, to evolve in its response to sexual violence and sexual harassment on its campuses, and to support University leadership, the Centre, its staff, and the other offices involved in addressing incidents of sexual violence and sexual harassment.

Responses to Recommendations

As noted, we accept all of the Report's recommendations. In this section we provide more detailed comments on several of them.

Mandate 1: Consider what changes are needed to the *Policy on Sexual Violence and Sexual Harassment* to address any gaps and determine how the University can continue to foster a culture of consent, accountability, and respect that is necessary for real change.

We are pleased to report that administrative staff have already begun to draft new *Policy* language in line with the Report and consultations. *Appendix F* to the Report, "Line-by-line *Policy* Language Changes Based on Community Consultation and Feedback," helpfully outlines specific policy changes and refinements to be considered, in addition to the broader recommendations.

In what will be a theme of this Response, we would like to emphasize that continued consultation on implementing many of the Report's recommendations will be essential to our success. Members of the U of T community will be invited to review and offer feedback on the forthcoming policy changes and the administration will create and publicize mechanisms for this engagement. Proposed *Policy* changes will advance through the regular governance process in the fall of 2022.

Continued review is a critical element of the *Policy*. A formal review is required every three years, and we are committed to an ongoing, informal process of continuous improvement. We welcome feedback and will adapt as necessary to stay current with leading practices. The community's engagement has been – and will continue to be – an essential part of the process.

R1. Separate the report intake process from the support mechanisms of the Sexual Violence Prevention & Support Centre to better focus the Centre's resources on survivors/complainants, and utilize new Case Manager roles to assist parties in navigating the reporting process.

The University will prioritize creating and filling new Case Manager roles, as recommended.

This recommendation highlights, and intends to resolve, a perceived conflict or tension within the current system that was highlighted through the Review process. Currently, the Sexual Violence Prevention & Support Centre deploys the same resources both to support survivors and to intake reports made by complainants. This was originally intended to reduce the number of times an individual would need to tell their story. However, as the Report notes:

Trauma-informed support requires an unambiguous belief in survivors and a primary commitment to avoid retraumatization. By contrast, taking a report of sexual violence or sexual harassment from a complainant for the purposes of determining the feasibility of an investigation requires a different type of interaction and engagement.

Separating the report intake process from the support mechanisms within the Centre will help resolve this tension. The Report also makes clear the intent is not to create a new mechanism for reporting. The entry point to the reporting process will remain within the Centre, with the process itself being administered by the new Case Managers. This change will help clarify roles, better focus resources, and continue to minimize the number of times a complainant needs to tell their story. Our goal is to improve the experience for complainants and survivors.

R2. Increase institutional accountability through robust annual institutional reporting at a senior level on sexual violence and sexual harassment.

The University will implement this recommendation for the 2023-24 reporting cycle. However, we understand that simply creating another report alone will not increase institutional accountability. The measures need to be carefully considered and meaningful, with an unambiguous commitment to privacy protections for all those involved, including those bringing forward disclosures and reports. Moreover, the report must be readily accessible to the public.

In addition, the University will review the various reports that include data related to instances of sexual violence and sexual harassment with the goal of aligning, standardizing, or integrating the content related to sexual violence and sexual harassment. These changes will be particularly helpful in facilitating tri-campus and year-over-year comparisons.

R3. Revise the Student's Guide to the Policy on Sexual Violence and Sexual Harassment and create an additional companion guide for faculty, librarians, and staff.

We recognize that the *Student's Guide* should be improved, increasing its clarity and ease of use. The reviewers heard repeatedly throughout their consultations that the process is complex and often opaque, and that the current *Student's Guide* does not succeed in clarifying this. The chart appended to the Report in *Appendix G* illustrates this complexity. The effort to map the process in this manner has been valuable in helping reviewers, administrators, and everyone in the community better understand the processes associated with the *Policy*. We anticipate that the chart, likewise, will help with the revisions to the *Student's Guide* and the creation of a companion *Guide* for faculty, librarians, and staff. Implementing this recommendation must, by necessity, take place after the approval of the amended *Policy*.

R4. Increase resources, incentives, and accountability for ongoing community-wide training on the prevention of sexual violence and sexual harassment.

R5. Establish a student-focused education program on healthy boundaries, communication, and consent practices within relationships.

We have already taken steps to respond to these recommendations, as the need for these resources has become increasingly clear in recent months. The Centre has recently been restructured to include an Assistant Director, Education and Communications, who started in June 2022. This dedicated role is responsible for the strategic development, management, and assessment of the Centre's education and communications portfolio and oversees its tri-campus educational curriculum.

The Centre has also continued providing divisional and departmental training as well as education for student groups, the demand for which continues to increase. According to the [Centre's 2020-21 Annual Report](#), there were approximately 100 educational initiatives across all campuses, including training and workshops, events, and other programs. (More information is available from the [Centre's website](#)). The Review wisely suggests finding ways "to embed and enhance core competency training on sexual violence in areas where mandatory training is feasible and/or already exists." We commit to working with divisional and campus leaders to identify the appropriate venues and mechanisms to do this. There will be an ongoing assessment of the resources needed to support the educational mandate of the Centre.

Similarly, the Report suggests working with student-facing offices to create educational programs on healthy relationships. Such programs would be inclusive and sensitive to our diverse community, comprised of individuals from a wide variety of backgrounds and lived experiences. Understanding and promoting healthy relationships and a culture of consent are crucial to preventing sexual violence in all its forms. The Report also proposes that a "peer-led model might be suitable to encourage participation and to model behaviour that addresses healthy boundaries, behaviours, and relationships." These are excellent ideas. In response, we recognize that leveraging existing offices and programs cannot be done without dedicating additional resources to those offices and programs. Furthermore, designing effective training and education will take creativity, expertise and collaboration with divisions, departments, campuses, student groups, community agencies, and experts in the field. We suggest that the Vice-Provost, Students is the senior administrative lead best positioned to implement this aspect of these recommendations.

R6. Raise awareness of the Centre's range of services across the University and its role as a support for survivors.

This is a critical and time-sensitive recommendation. Our tri-campus institutional communications teams and divisional communications partners – including student life communications – will work together on a communications plan that ensures

awareness-building efforts across the University are coordinated, timely and effective. In addition to the hiring of the new Assistant Director, Education and Communications, previously mentioned, a new communications professional has joined the Sexual Violence Prevention & Support Centre to work with tri-campus partners. Academic and administrative leaders will be called upon to consider what they might do immediately to raise awareness of the Centre within their units. Raising awareness of the Centre's services through a coordinated and multi-channel approach is an immediate priority.

R7. Formalize supports for respondents within existing infrastructure.

We recognize that respondent support is a difficult subject for many. We agree with the Report's authors when they write that "if we are serious about improving our campus culture as it relates to sexual violence and sexual harassment, and about breaking the cycle of violence, we must find a way to better support respondents." The Reviewers heard that "some student respondents felt unsure of how to proceed when a complaint was made against them, and uncertain about how to move forward after a process was complete." This is especially salient as the Report also reminds us that some respondents may also be survivors. A community of care must support education, growth, and learning if we are to reduce recidivism and repair harm. To be clear, providing support for a respondent does not abrogate their accountability if they have been found to have caused harm or violated the University's policies.

Mandate 2: Identify best practices to address barriers to reporting and to provide support for survivors.

R8. Increase the institution's provision of sexual violence and sexual harassment supports.

This is a broadly worded recommendation which builds on the recommendations from Mandate 1. While previous recommendations could rightly be understood as increasing the institution's provision of sexual violence and sexual harassment supports and addressing barriers to reporting, Recommendation R8 calls for an increase in counselling services and regional partnerships.

We accept this recommendation and commit to enhancing counselling services for survivors through the Sexual Violence Prevention & Support Centre. This commitment will require us to work collaboratively with U of T's existing health and wellness offices, as well as with community-based organizations for longer-term, culturally-specific, and/or after-hours counselling and support. Accordingly, implementing this recommendation may require slightly longer timelines than many of the others.

R9. Expand and enhance the non-adjudicative resolution process and incorporate into accompanying communication materials.

The University will clarify and expand the definitions and examples of Non-Adjudicative Resolution processes as part of the outcome of this *Policy* review. As this

recommendation makes clear, expanding and enhancing the Non-Adjudicative Resolution process will have important benefits that will affect other recommendations as well. These include: improving timeliness in certain cases; presenting complainants with additional options and flexibility; offering the potential to pursue restorative or reparative remedies when more punitive approaches would be less desirable; and providing more procedural transparency. The proposed policy changes (mentioned in response to Mandate 1) will codify what is already the practice in many cases and encourage us to explore best practices from other institutions and scholarly experts.

Mandate 3: Consider how to appropriately account for power dynamics that are inherent in institutions of higher learning.

R10. Explicitly address the issue of power dynamics and retaliation in the Policy and other related policies and guidelines.

The University is currently revising the *Provostial Guideline on Conflict of Interest and Close Personal Relations* alongside relevant changes to the *Policy*. We are working to make the language on reprisal in both documents more direct and to strengthen those provisions significantly. We are using plain language to reinforce that “threats of, or acts of retaliation, will be treated as Incidents of Sexual Violence.” We will also consider questions of jurisdiction. In part to make the connection between the two documents explicit, we are planning to bring both revised documents forward through governance on the same timeline.

There are two additional comments we would make concerning this recommendation.

First, as with other policy changes and initiatives, communicating them effectively is as important as making them. For example, the *Provostial Guideline on Conflict of Interest and Close Personal Relations* should be included and explicitly connected to the *Policy* in the training referred to in Recommendation R4. We will emphasize the power dynamics inherent in some intimate relationships between members of the U of T community and highlight the problems they can cause.

Second, as the Report notes, we recognize that some members of our community strongly favour a formal ban on faculty-student sexual relationships. This is a fraught and difficult topic, which the Report treats thoughtfully, with integrity and rigour. We encourage members of our community to read this section of the Report closely. It embodies many of the principles that characterize the Report’s recommendations more generally, including: respect for complexity; acknowledging practicality; being mindful of unintended consequences; and placing an honest consideration for individuals at the heart of proposed solutions.

Mandate 4: Explore what information can be shared with participants engaged in, and at the conclusion of, a sexual violence or sexual harassment process while taking into account confidentiality, privacy obligations, and a fair and effective process.

R11. Increase transparency and timeliness for complainants and other participants.

The University is actively considering ways to share more information with the relevant participants in a sexual violence or sexual harassment reporting process. The Report clearly articulates the dilemma:

In sexual violence or sexual harassment proceedings, as in other undertakings at the University that involve personal information, it is critical to respect the confidentiality of the information shared and the privacy of individuals involved. It is also important to recognize the importance of communication and transparency in fostering trust in the process and meeting the mental health needs of participants.

Considering how to balance these considerations, where such a balance is possible under the law, is the focus of the Report's treatment of Mandate 4. The University understands that these processes can be extremely difficult for all involved; increasing transparency and timeliness can be important steps in helping mitigate that difficulty. The Report makes several suggestions for how, in its words, greater "openness can be achieved without compromising confidentiality or privacy." We endorse the recommendation that the *Policy* be adjusted to formalize information sharing with parties to a complaint process where possible.

One note about timeliness. As we noted in our response to Recommendation R10, the Report is careful to avoid overly simplifying complex issues. The Report recommends that the University find ways of "mitigating institutional delays" and we endorse this recommendation. The Report is also careful to avoid recommendations about timelines or deadlines that might diminish a Complainant's agency in bringing forward or pursuing a report on their own accord, as well as pausing a process as needed for their own studies, recovery, or mental health. Policy or process changes designed to improve timeliness must be crafted "with an eye to being flexible for humans, but rigid for University processes." We endorse this recommendation, too, recognizing that it imposes a demanding standard to determine what timelines to embed in the *Policy*, and what timelines are best incorporated into procedural documents and best practices. Once again, the Report focuses on fair, respectful, and flexible consideration of the individuals involved.

Mandate 5: Consider whether the university sector should develop a process for sharing information between institutions about findings of sexual misconduct by faculty members.

R12. Establish guidelines and processes that allow information on sexual violence and sexual harassment to be shared with other institutions to discourage "passing the harasser."

In 2021, the President (on behalf of the University) accepted, in principle, the Association of American Universities (AAU) recommendation that institutions should

“when considering whether to hire a faculty member, contact prior employers to determine whether the faculty member has been found to have engaged in sexual harassment or misconduct while at that institution.”¹ We commit to developing a new process that operationalizes this recommendation in the 2022-23 academic year. Moreover, the Provost and President will put that same AAU recommendation on the agenda for the various affiliate organizations to which we belong (for example: U15, OCAV, COU sexual violence reference group, Universities Canada). The President also undertakes to consult with international groups with which we are affiliated (the U7+, for example) as well as relevant international peer organizations (the Russell Group, for example) about how to expand the AAU recommendation beyond member organizations to all institutions to which we send faculty or from which we welcome them.

Next Steps

Expected Completion 2022-2023

- Community consultations on proposed changes to *Policy* via student consultations website (September– October) (R9, R10)
- Revise *Provostial Guideline on Conflict of Interest and Close Personal Relations* (Guideline) in line with reviewers’ recommendations and changes to *Policy* (R10)
- Bring changes to *Policy* and *Guideline* resulting from review and consultations to governance in Cycle 2
- Create and fill new Case Manager roles (R1)
- Develop and implement a process to implement the AAU recommendations and address the issue of passing the harasser (R12)
- Continue to raise profile of the Centre through expanded communications and marketing (R6)
- Expand training on sexual violence and sexual harassment across all campuses (R4)
- Identify the appropriate existing offices for respondent support (R7)
- Determine ways in which timeliness and transparency can be increased in the complaint process while upholding due process and privacy requirements and communicate these across campuses (R11)

Expected Completion 2023-2024

- Initiate robust annual institutional reporting in 2023-24 reporting year (R2)
- Revise *Student’s Guide to the Policy on Sexual Violence and Sexual Harassment* and create companion guides for faculty and librarians and staff (R3)
- Enhance student-focused education program on healthy boundaries, communication, and consent practices within relationships (R5)

¹ AAU Advisory Board on Sexual Harassment in Academia Hiring and Disclosures Subgroup; Promising Practices in Hiring Disclosure Policies.

Before next review (2025)

- Work with community and institutional partners to provide enhanced supports for survivors of sexual violence and sexual harassment. (R8)

Conclusion

Once again, we would like to thank the co-chairs of the Review of the *Policy on Sexual Violence and Sexual Harassment* and all those who have contributed – and continue to contribute – to this process. We are especially grateful to survivors who participated selflessly in the various consultations. Your trust, your courage, your concerns, and your ideas have informed and shaped the reviewers' Report and this Administrative Response. Your contributions will be critically important in helping improve the policies, processes, and ultimately the outcomes for the entire University of Toronto community.