

## Draft Revisions to Section 8.8 of the Policy on Sexual Violence Involving Queen's University Students

The Sexual Violence Prevention and Response Task Force has been asked to develop amendments to the notification requirement in Section 8.8 of the *Policy on Sexual Violence Involving Queen's University Students* (the Policy), and any other incidental changes as required.

Further to the Sexual Violence Prevention and Response Task Force meeting of January 14, 2020, members were asked to review the provided confidentiality and disclosure statements in policies from peer institutions and submit examples of concepts or language that they support.

As the feedback provided was varied, three draft options for revisions to the Policy have been developed. These options are preliminary and will be used as a starting point to help guide the discussion at the task force meeting of February 3, 2020.

The draft options are based on the following principles regarding disclosures and confidentiality:

- i. Supporting a survivor-centred approach that prioritizes their needs and wishes whenever possible
- ii. Ensuring that survivors receive timely and appropriate information regarding options, accommodations, and support services
- iii. Providing clear and transparent information regarding the limits of confidentiality

### OPTION 1

#### I. Disclosure

The University recognizes that Disclosures of an incident of sexual violence are often shared in confidence and that in many cases, confidentiality is essential in order for Students to come forward (**U of T**). A Disclosure does not initiate a formal Complaint process.

Students who have experienced Sexual Violence may initially disclose to a trusted faculty or staff member. The individual receiving a disclosure should act in a caring and supportive way and maintain confidentiality, except where the individual making the disclosure consents to further information sharing, or where limits of confidentiality apply as outlined in section II of this Policy. (**UOIT**)

All Employees who receive a Disclosure of sexual violence have a positive duty to inform the Student of this Policy, available supports and assistance, and direct the Student toward the Sexual Violence Prevention and Response Coordinator [website](#). It is the choice of the Student whether to access support services (**U of T, Carleton**).

The university offers annual training on this Policy, the services of the Sexual Violence Prevention and Response Coordinator, and best practices for members of the Queen's Community in responding to Disclosures of sexual violence. Such training shall be mandatory orientation training for all new staff and faculty. Each department and faculty is encouraged to develop training appropriate to their role within the university **(St.FX)**. ***[Note: There is uncertainty whether training for Queen's faculty can be made mandatory]***

## II. Confidentiality

The confidentiality of Disclosures should be maintained wherever possible. In some cases, confidentiality may not be maintained where information needs to be disclosed in order to address a risk to the health and safety of members of the University community or where Employees are obliged by law to disclose the information **(U of T)**. If the information received from the disclosing Student suggests any of the circumstances outlined below, those receiving the disclosure should share that information with the [contact TBC] and in doing so, must inform the Student of this action **(UOIT)**:

- a. There are reasonable grounds that an individual is at risk of self-harm;
- b. There are reasonable grounds that an individual may pose a threat or risk to a Student who has Disclosed or Reported having been affected by Sexual Violence;
- c. There are reasonable grounds that an individual may pose a threat or risk to members of the University community or the broader community;
- d. A residence don receives information about an incident that took place in a university Residence. **(Queen's previous policy)**
- e. Investigation or reporting to authorities where required by law (the following list of examples is not meant to be exhaustive: an incident involving a minor, obligations related to occupational health and safety, human rights legislation and/or community safety) **(Carleton)**; and/or
- f. Information is required for a police investigation, or for litigation purposes.  
**(Similar wording in Carleton, Western, UOIT, St.FX, and U of T)**

Those requiring advice about whether information should be shared may consult, without sharing identifying information about the Student, with the Sexual Violence Prevention and Response Coordinator. **(UOIT)**.

## OPTION 2

### I. Disclosure

The University recognizes that Disclosures of an incident of sexual violence are often shared in confidence and that in many cases, confidentiality is essential in order for Students to come forward **(U of T)**. A Disclosure does not initiate a formal Complaint process.

Students who have experienced Sexual Violence may initially disclose to a trusted faculty or staff member. The individual receiving a disclosure should act in a caring and supportive way and maintain confidentiality, except where the individual making the disclosure consents to further information sharing, or where limits of confidentiality apply as outlined in section II of this Policy. **(UOIT)**

Employees who receive a Disclosure should email [disclosure@queensu.ca](mailto:disclosure@queensu.ca), sharing only the date of the disclosure and confirming that the Student has been provided with information about this Policy, available supports and assistance, and/or directed toward the Sexual Violence Prevention and Response Coordinator website. It is the choice of the student whether to access support services.

The Employee that receives the Disclosure may consult with the Sexual Violence Prevention and Response Coordinator for advice on next steps, but may only provide identifying information about the Student with the Students explicit permission to do so. **(UOIT)**

Employees who receive a Disclosure of an incident of sexual violence, and who receive the Student's explicit permission to do so, can provide the name and preferred contact information of the disclosing Student to the Sexual Violence Prevention and Response Coordinator for follow-up support and services **(U of T)**

### II. Confidentiality

The confidentiality of Disclosures should be maintained wherever possible. In some cases, confidentiality may not be maintained where information needs to be disclosed in order to address a risk to the health and safety of Members of the University Community or where Employees are obliged by law to disclose the information **(U of T)**. If the information received from the disclosing Student suggests any of the circumstances outlined below, those receiving the disclosure should share that information with the [contact TBC] and in doing so, must inform the Student of this action **(UOIT)**:

- a. There are reasonable grounds that an individual is at risk of self-harm;
- b. There are reasonable grounds that an individual may pose a threat or risk to a Student who has Disclosed or Reported having been affected by Sexual Violence;
- c. There are reasonable grounds that an individual may pose a threat or risk to members of the University community or the broader community;

- d. A residence don receives information about an incident that took place in a university Residence. **(Queen's previous policy)**
- e. Investigation or reporting to authorities where required by law (the following list of examples is not meant to be exhaustive: an incident involving a minor, obligations related to occupational health and safety, human rights legislation and/or community safety) **(Carleton)**; and/or
- f. Information is required for a police investigation, or for litigation purposes. **(Similar wording in Carleton, Western, UOIT, St.FX, and U of T)**

Those requiring advice about whether information should be shared may consult, without sharing identifying information about the Student, with the Sexual Violence Prevention and Response Coordinator. **(UOIT)**.

### **OPTION 3**

#### **I. Disclosure**

The University recognizes that Disclosures of an incident of sexual violence are often shared in confidence and that in many cases, confidentiality is essential in order for Students to come forward **(U of T)**. A Disclosure does not initiate a formal Complaint process.

Students who have experienced Sexual Violence may initially disclose to a trusted faculty or staff member. The individual receiving a disclosure should act in a caring and supportive way and maintain confidentiality, except where the individual making the disclosure consents to further information sharing, or where limits of confidentiality apply as outlined in section II of this Policy. **(UOIT)**

All Employees who are not Health Care Providers<sup>1</sup> who receive a disclosure from a Student should:

- a. Inform the Student about this Policy and of the support services that are available to them. Help for those who have received a Disclosure is posted on the Sexual Violence Prevention and Support Coordinator's [website](#);
- b. Explain the limits of confidentiality to the Survivor, as outlined in Section II of this Policy;
- c. Emphasize that you are here to help, and part of that help means connecting them with the Sexual Violence Prevention and Response Coordinator who can provide professional support and advice on options moving forward. It is up to the Student if identifying

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<sup>1</sup> In general, health care providers are doctors, nurses and other professionals who are engaged in providing a service to diagnose, treat or maintain an individual's physical or mental condition or to prevent disease or injury or to promote health. Individuals providing academic advice and counselling are not providing health care.

information, such as their name and contact information, is shared with the Sexual Violence Prevention and Response Coordinator;

- d. Notify the Sexual Violence Prevention and Response Coordinator that a disclosure has been made. All notifications should include the date of the disclosure and a confirmation that the Student has been provided with information about this Policy, available supports and assistance, and/or directed toward the Sexual Violence Prevention and Response Coordinator website. The Student shall have the option of providing an email address, telephone number, or other contact information of their choice. If the Student does not wish to provide their name or their own contact information, the person receiving the disclosure shall provide their own email address instead;
- e. Where the name and contact information has been provided by the Student, the Sexual Violence Prevention and Response Coordinator will reach out to the Student to offer support. The purpose of the response from the Sexual Violence Prevention and Response Coordinator is to provide information regarding available supports and resources. It is the choice of the Student whether to access support services; and
- f. Where the Student's contact information was not provided in the notification, the Sexual Violence Prevention and Response Coordinator shall contact the Employee who made the notification by email to provide the same information on supports and resources that would have been provided directly to the Student. The Employee who made the notification will then provide the information on supports and resources to the Student through the Student's preferred method of contact. After delivering the information to the Student, the Employee who made the notification shall confirm with the Sexual Violence and Response Coordinator by email that the Student received the information from the Sexual Violence and Response Coordinator.

## **II. Confidentiality**

The confidentiality of Disclosures should be maintained wherever possible. The University will limit sharing of information to those within the University who have a need to know the information for the purposes of implementing the Policy, including providing support, accommodation and interim measures, and the investigation and decision-making processes.

In addition, confidentiality cannot be maintained in the following circumstances:

- a. There are reasonable grounds that an individual is at risk of self-harm;
- b. There are reasonable grounds that an individual may pose a threat or risk to a Student who has Disclosed or Reported having been affected by Sexual Violence;

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- c. There are reasonable grounds that an individual may pose a threat or risk to members of the University community or the broader community;
- d. A residence don receives information about an incident that took place in a university Residence. **(Queen's previous policy)**
- e. Investigation or reporting to authorities where required by law (the following list of examples is not meant to be exhaustive: an incident involving a minor, obligations related to occupational health and safety, human rights legislation and/or community safety) **(Carleton)**; and/or
- f. Information is required for a police investigation, or for litigation purposes.  
**(Similar wording in Carleton, Western, UOIT, St.FX, and U of T)**

**OTHER SUPPORTED ADDITIONS**

**Amnesty**

- StFX recognizes that some individuals may be reluctant to come forward to Disclose or Report sexual violence if they were drinking or using drugs at the time the sexual violence took place, particularly if to do so violated an employment, student, or athletic code of conduct. A Member of the StFX Community who makes a Report in good faith will not be subject to disciplinary actions by StFX for violations of StFX policies related to drugs or alcohol at the time the sexual violence took place **(Saint Francis Xavier)**.