

From: Sexual Violence Prevention and Response Task Force

Subject: Draft Amendments to the *Policy on Sexual Violence Involving Queen's University Students*

The Sexual Violence Prevention and Response Task Force was asked to develop amendments to the notification procedure associated with Section 8.8 of the *Policy on Sexual Violence Involving Queen's University Students* (the Policy), and any other incidental changes as required. The membership of the Task Force, which includes students, staff, faculty, and staff from the local sexual violence support centre, can be found on the Task Force's [webpage](#).

As changes to Section 8.8 have implications for other sections of the Policy, the Task Force has developed proposed revisions to the following areas:

- Confidentiality of Disclosures
- Disclosures
- Training

In response to feedback from the Queen's community and members of the Task Force, an amnesty statement has been added to the Policy. The statement formalizes the University's current practice that a student who experiences sexual violence is not subject to disciplinary actions by the University for alcohol or substance use violations of Queen's non-academic misconduct policies. The Task Force believes the addition of an amnesty statement will help mitigate a possible deterrent to disclosing an incident of sexual violence.

Principles

The proposed revisions are based on the following principles regarding disclosures and confidentiality:

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

Policy Review Process

The Task Force met on January 14, February 3, and February 25, 2020, to review feedback from the Queen's community and discuss changes to the Policy. To inform their work, members of the Task Force also reviewed [sexual violence policies from peer institutions](#) and received an overview of the legal obligations to report an incident of sexual violence from Queen's Legal Counsel.

The Task Force discussed three [options](#) for revisions to the Policy, which were developed based on community feedback, input from members of the Task Force, and sexual violence policies from peer institutions.

Below is a summary of the Task Force's discussions related to confidentiality of disclosures, the disclosure process, and training.

Confidentiality of Disclosures

The Task Force discussed at length the complexities related to confidentiality and sexual violence disclosures. It was agreed that confidentiality should be maintained whenever possible, as it is often an essential factor for students to come forward.

The Task Force also discussed the legal requirements to disclose information regarding an incident of sexual violence, and the importance of addressing possible risks to the safety of the Queen's community. As such, it was determined that the Policy should require that the confidentiality of disclosures be maintained whenever possible, while also clearly outlining the limits of confidentiality to ensure transparency.

Disclosures

As noted above, the Task Force discussed several [options](#) for disclosure processes.

Consideration was given to an option that does not require employees who receive a disclosure to notify the Sexual Violence Prevention and Response Coordinator. Following a detailed discussion, it was determined that such an option is not desirable. Without a notification requirement, the onus to respond to a disclosure of sexual violence rests solely on the employee who receives it. While training on this Policy is available to all faculty and staff, it may not be operationally possible for the University to ensure that all 9,500+ employees have the required up-to-date information to respond appropriately to students who experience sexual violence. Contact with the Sexual Violence Prevention and Response Coordinator would ensure that an employee who receives a disclosure is provided with guidance on how to respond to the student and is advised of accurate information about sexual violence support services.

The Task Force determined that the Policy should include a requirement for University employees who are not health care providers to notify the Sexual Violence Prevention and

Response Coordinator of a disclosure, without identifying the student unless given permission to do so. Employees who are health care providers would continue to be bound by the rules governing their specific professions with respect to the issue of confidentiality.

The notification to the Sexual Violence Prevention and Response Coordinator ensures that employees are provided with up-to-date information and guidance on responding to disclosures of sexual violence. Contact with the Sexual Violence Prevention and Response Coordinator also ensures that employees who receive disclosures can provide the student with accurate and timely information regarding support services and accommodations, as well as options for reporting and formal complaints.

Training

The Task Force discussed the importance of training to ensure that employees understand how this Policy applies to them, how to respect confidentiality, when confidentiality cannot be maintained (for example, to address a safety risk), and steps to take if there is an imminent safety risk to the disclosing student or to the Queen's community.

Members of the Task Force unanimously recommended that training on the Policy be mandatory for all employees, as appropriate to their role. However, it was acknowledged that making training mandatory would require in-depth discussions with senior administration and consultations with employee groups.

As the updates to the confidentiality and disclosure sections of the Policy are time-sensitive, the Task Force recommends that, for the time being, the Policy states that training is strongly encouraged. The Task Force recommends that the senior leadership team and employee groups work together to make training mandatory, as appropriate to various roles, as soon as possible.

Proposed Policy Revisions¹

Following the Task Force's review of several options, the group agreed on the recommended revisions outlined in the attached policy, which include the following elements:

- A strong statement on the importance of confidentiality, which recognizes that confidentiality is often essential for students to come forward.
- An outline of the limits of confidentiality to ensure students are aware that, in some circumstances, information may need to be shared in order to address a serious safety risk or where employees are obliged by law to share the information.

¹ The proposed revisions are based on sexual violence policies from the following peer institutions: Carleton University, Western University, University of Ontario Institute of Technology, Saint Francis Xavier, University of Toronto, and previous versions of the Queen's University Sexual Violence Policy.

- A requirement for employees who are not health care providers to notify the Sexual Violence Prevention and Response Coordinator of a disclosure, without sharing identifying information about the student unless given permission to do so, or where limits of confidentiality apply as outlined in the Policy.
- The addition of an amnesty statement, which formalizes the University's current practice that a student who experiences sexual violence is not subject to disciplinary actions by the University for drug or alcohol violations of Queen's non-academic policies.

The Task Force believes that the proposed revisions will ensure students who experience sexual violence receive timely and accurate information regarding support services and formal reporting options, and that employees receive guidance on how to respond to disclosures of sexual violence. These proposed revisions, as incorporated in the attached Policy, were reviewed by the Senior Leadership Team.