



Motion in Support of Revisions to McGill's Policy Against Sexual Violence and Student Advocacy 2019-02-28

Submitted for: February 28, 2019

WHEREAS, the [Policy Against Sexual Violence](#) is currently being revised by a working group chaired by Associate Provost Angela Campbell;

WHEREAS, the most recent draft of the Policy states, “No member of the Teaching Staff may enter or initiate into a sexual or romantic relationship with a student over whom the member of Teaching Staff has academic authority, influence, or collaboration.”;

WHEREAS, language of “academic authority, influence or collaboration” does not clearly delineate which relationships are prohibited and which are not;

WHEREAS, professors are in a position of trust and authority over the academic lives of their students which extends beyond a direct relationship which creates an inherently unequal power dynamic;

WHEREAS, the SSMU's intention to support a prohibition is not to regulate relationships but to address abuses of power at the University;

WHEREAS, the Policy does not differentiate between different members of teaching staff (i.e. between tenured professors and teaching assistants);

WHEREAS, the Policy currently does not recognize that undergraduate and graduate student experiences differ and necessitate different treatment in the policy;

WHEREAS, Article 11 of the [Student Charter of Rights](#) states that the University will take reasonable efforts to ensure students are free from violence, including sexual violence;

WHEREAS, Article 13 of the Student Charter of Rights states that the students have the right to be free from vexatious conduct displayed by a representative of the University acting in an official capacity;

WHEREAS, on October 12, 2017, SSMU resolved to combat rape culture and make campus a safer place for students, staff, faculty and visitors;



WHEREAS, the need for a clear prohibition has been addressed by professors last year in an [open letter](#) that urges McGill to, “institute a clear policy that prohibits sexual relationships between students and faculty who are in a position to influence their careers, outlines sanctions, and to rework the existing Policy Against Sexual Violence and Policy on Harassment, Sexual harassment, and Discrimination to effectively address sexual harassment on campus;”

WHEREAS, the Policy does not acknowledge the institutionalized power that professors hold over students;

WHEREAS, the Policy does not current ensure that complainants will be made aware of all administration and disciplinary outcomes;

WHEREAS, the McGill administration, namely the ones most involved in the Sexual Violence Policy Working Group and McGill’s legal counsel have maintained that a more expansive prohibition between undergraduates and teaching staff is not possible due to Quebec privacy law;

WHEREAS, student criticism and calls for a broadened prohibition between undergraduates and professors on the Sexual Violence Policy Working Group have been disregarded because of the referenced legal limitations;

BE IT RESOLVED, THAT the SSMU support and advocate for:

- a prohibition of relationships of an amorous or sexual nature between undergraduate students and professors at the University
- a prohibition between graduate students and professors who hold an evaluative or supervisory role over them (including but not limited to graduate thesis committees)
- a policy that includes a clause prohibiting professors from engaging in “conduct of sexual nature” directed at student (see Appendix)
- a policy that includes clause stating that disciplinary action against professors will stay in the their employment file for a period of 7 years and will be considered in promotion and tenure
- McGill administration to publicly state their position on being against a prohibition between undergraduate students and teaching staff, and provide a formal legal brief of the exact legal limitations
- McGill administration to lobby the Quebec government to amend privacy law for a broader prohibition to be enforced at the University and allow for complainants to be aware of the disciplinary outcomes of the process
- protections for survivors against disciplinary investigation or sanction, in the course of making a Disclosure or a Report, that they breached a university regulation or policy by possessing or consuming alcohol, cannabis or any illegal drug, as allowed by law.



Office of the Speaker | Bureau du président du conseil

Tel: (514) 398-6800 | Fax: (514) 398-7490 | speaker@ssmu.ca

3600 McTavish St., Suite 1200, Montréal, QC, H3A 0G3

Located on Haudenosaunee and Anishinaabe, traditional territories

Moved By:

Sophia Esterle, Vice *President (Student Life)*

Jacob Shapiro, Vice *President (University Affairs)*

Rebecca Scarra, *Arts Representative*

Bryan Buraga, *Senate Caucus Representative*

APPROVED



APPENDIX

“Conduct of a Sexual Nature” means any conduct which, in whole or in part:

i) seeks the sexual attention or sexual favour of the person to whom it is directed;

or

ii) treats the other person as an object of sexual desire;

or

iii) is discriminatory or hostile to a person because of the person’s sex or gender identity;

and that is known or ought reasonably to be known to create for such a person an intimidating, hostile, or offensive working, learning, extracurricular or, in the residences, living environment.

APPROVED