

EDUCATION

FAILURE TO PROTECT

An exclusive investigation into how universities abandon victims of sexual assault

BY ZANE SCHWARTZ · Chloe's boyfriend hit her so hard she suffered a concussion, permanent hearing loss and, according to her psychologist, post-traumatic stress disorder. She says what Concordia University in Montreal did to her was worse.

Chloe, who asked that her real name not be used, was a first-year student at Concordia in September 2014 when her boyfriend, whom she'd been dating for a little over six months, punched her repeatedly in the head.

Her neighbours called the police; he was arrested and charged with assault. Chloe says the man, also a Concordia student, assaulted her twice more on campus: the first time choking her and the second hitting her in the buttocks so hard it left a bruise. After the second incident, he was arrested again and charged with violating court-imposed conditions restricting his ability to contact her.

The assailant, whom Chloe asked *Maclean's* not to name, was found guilty of assaulting her on Sept. 24, 2015. In court, his lawyer stressed his grades were good and his future would be harmed if he had a permanent criminal record. The judge gave him a conditional discharge, meaning he would avoid a permanent criminal record provided he followed certain provisions, such as not contacting Chloe.

Despite the court's findings and his being arrested for assaulting her on campus in February, Concordia repeatedly refused to hold a disciplinary hearing. (Concordia declined to comment on the specifics of the case.)

"There's no 'he said, she said' here," says Chloe. "He pleaded guilty in front of a court of law. I have a recording of him admitting to it. I've got a restraining order against him, and Concordia doesn't care."

Chloe had filed a complaint with the university on March 24, 2015, accusing her ex-boyfriend of physical and sexual assault on Concordia's campus. University staff told her a hearing would be held within 20 days; it took more than a year. That delay—during which

Chloe dropped out of school—showcases the many problems faced by students who report sexual assaults at universities across the country.

Maclean's interviewed 41 students who said they had been sexually assaulted while at a Canadian university. Some said staff asked them not to contact the police or the media; all said they were encouraged to resolve the situation informally, through remedies such as mediation sessions between the victim and the alleged assailant. There were also complaints of callous counselling staff, bureaucratic delays and an emergency hotline that was only staffed part-time.

More than one in five female students, 46.7 per cent of LGBTQ+ students and 6.9 per cent of male students have been sexually assaulted in their lives, according to a *Maclean's* survey of more than 23,000 undergraduate students from 81 schools. About half those assaults happened during university. And while schools and provincial governments have recently

announced new initiatives to prevent sexual violence on campus, the results of the survey raise questions about the effectiveness of those programs. Across Canada, 31 per cent of students said they were given no information on how to report a sexual assault, and 25 per cent said they were given no information on services for students who are sexually assaulted. Even when the information is received, it's unclear whether it makes a difference.

"The truth is, Canada has very high frequencies of campus sexual violence," says Geneviève Paquette, a professor at the Université de Sherbrooke. "We aren't doing nearly enough to protect students."

CLAIRE—WHO ASKED THAT only her first name be used—reported being sexually assaulted in January 2014 at Mount Allison University in Sackville, N.B. The university initially placed her in mediation sessions with her alleged assailant.





This Concordia student's trauma was compounded by the way the school handled the case

"They put me in a room with the man who assaulted me multiple times, for about two hours each. It was a really bad experience," she says.

When mediation failed, Claire submitted a formal complaint. Two and a half months later, she was informed her grievance had been dismissed.

"They told him first and then they told me. I was literally blown away. It didn't even cross my mind that they would ever say that this didn't happen," she says.

Claire was given three business days to file an appeal. On April 14, her father, a lawyer, asked Ron Byrne, vice-president of student affairs at the time, to provide him with the procedures governing an appeal. Byrne provided the information the following day and Claire submitted her appeal. Ten days later, Claire received a second dismissal.

"In the first instance, it is not clear to me that your appeal actually falls under any of the grounds of appeal that are specified for these cases, as set out in our governance policy," wrote university president Robert Campbell in an email obtained by *Maclean's*. He does not specify what the grounds for appeal are, or why Claire's appeal fell outside of them.

After this second rejection, Claire dropped out of Mount Allison. The man who she says assaulted her graduated the next month.

"Revictimization through universities is not only happening all the time, it can take a massive toll on one's well-being," says Claire. "Certainly it took a significant toll on mine, far more than I ever thought it would."

Campbell did not respond to a request for comment. Kim Meade, vice-president, international and student affairs, said in an emailed statement that respect for Claire's confidentiality barred her from answering questions, including whether university policy still requires appeals to be filed within three business days.

"Mount Allison treats any case of sexual harassment or assault extremely seriously. Our commitment to those involved also requires us to treat any information they may share with us as confidential," Meade wrote. "Therefore, the university will not release or discuss information, or comment on, a specific situation."

Claire dropped several classes and did poorly in others while she navigated the university's reporting process. She took some classes at a university closer to her family home, but Mount Allison wouldn't count those classes toward her GPA.

"Going back to Mount Allison is not something I had any intention of doing," says Claire. "The thought of it made me nauseous. But I also couldn't not finish my degree."

Claire returned to Mount Allison in January 2017. She hopes to graduate in May 2018.

AT CONCORDIA, CHLOE hit roadblocks everywhere she tried to report. After her ex-boyfriend was arrested again for assaulting her on campus early in 2015, she met with campus security, the office of rights and responsibilities and the sexual assault resource centre. Chloe says she asked each office how they could make her feel safe at school. Security offered to accompany her on campus, but she felt accepting that would only further ostracize her. Frustrated, she had Geneviève Pollender, a social worker

with a victims' support organization, write a letter on her behalf, stating she didn't want to pursue a formal complaint for fear her ex-boyfriend would attack her again if she did.

"She is afraid that he could abuse her in a public place since he did it at school. Her wish is that the school put things in place so that she can focus on her education," reads the letter.

Chloe says the school never responded to that letter. Feeling out of options, she filed the March 2015 complaint. A hearing, which was supposed to happen within 20 days, was quickly postponed to September because her assailant wouldn't be in Montreal over the summer. In August, Chloe was informed that the matter was postponed indefinitely. Her assailant's lawyer argued the university tribunal could unfairly prejudice the criminal proceedings.

On Sept. 2, 2015, Wendy Kraus-Heitmann, a friend of Chloe's, emailed Concordia president Alan Shepard to warn him of a potential sit-in at his office by supporters of Chloe. Kraus-Heitmann asked him to look into the case personally and meet with Chloe. Shepard wrote back to her, saying, "Thank you

for giving us a head's up, and for the details, and for your trust in us, and for your desire to sustain the well-being of our students and the university."

Shepard did not respond to *Maclean's* request for comment on this article. University director of public relations Mary-Jo Barr said that the deputy provost, Lisa Ostiguy, met with Chloe instead.

In November, after Chloe's assailant pleaded guilty, she was informed by Concordia that no disciplinary hearing could be held until after the probation conditions expired, because they barred her attacker from being in the same room as her.

Part-time law professor Patrice Blais, who offered to represent Chloe pro bono, had the court conditions changed so Chloe and her assailant could be in the same room for the purpose of Concordia's disciplinary tribunal.

In May 2015, Angela Ghadban, then Ostiguy's executive assistant, had emailed Chloe to tell her she could prepare video testimony and have an advocate from the student union be in the room on her behalf. But then her assailant's lawyer became involved, and Chloe was told she would need to attend the hearing. Her questions about why she was required to be in the same room with the man who assaulted her were never answered.

'They put me in a room with the man who assaulted me multiple times. It was a really bad experience.'

(Barr did not directly answer *Maclean's* questions regarding why the university changed its position on Chloe attending the hearing, saying Concordia is limited in its response because she is currently pursuing a case against the school at Quebec's Human Rights Commission.)

Chloe asked that Blais be copied on all communications regarding the upcoming tribunal. He was not, and she missed the deadline to submit evidence to the tribunal, some of which she had already submitted to the same tribunal before earlier hearings were postponed.

Ultimately, Concordia declined to consider much of Chloe's evidence. The tribunal dismissed the charge of sexual harassment but found that he had violated the university's policy against threatening or violent conduct. His punishment? Thirty hours of community service, to be completed over about six months.

CONCORDIA ISN'T THE only university reluctant to discuss the details of their practices. *Maclean's* interviewed six students in addition to Claire who say they were sexually assaulted at Mount Allison University between 2013 and 2017. All noted the university prominently advertises a 24/7 support line for students who are sexually assaulted, but the number connects to the cellphone of a part-time employee.

"I must have called that number over 20 times and no one answered," says Maggie, a recent Mount Allison graduate. "I found out later it's a cellphone number. Obviously it can't be monitored all the time—she needs to sleep—but they really shouldn't claim it's 24/7 when it's not. I can't describe how distressing it was. I was doing what the university said I was supposed to and no one was there to help."

Questions sent to university president Campbell were redirected to Meade, the vice-president, international and student affairs, who consulted with Sexual Harassment and Assault Response and Education Service (SHARE) adviser Melody Petlock on an emailed response. Meade said the only person monitoring that phone number is Petlock, although if she is away from campus for a "significant length of time," other staff help out.

Meade described Petlock as a "part-time employee with flexible working arrangements" and said SHARE services are available 24/7

including on weekends and after business hours. Natalie Mellon, a student who served on the President's Advisory Committee on Women's and Gender Issues from 2015-17, says that simply isn't true.

"She's a part-time employee and she has to sleep. It's really irresponsible that the university keeps telling students they can call her 24/7," she says.

Mellon says she and several other student leaders asked Campbell to hire additional staff or hire Petlock full-time when he met with the advisory committee in 2016. "At the same time we were being told there's no money for a sexual harassment adviser, they were building a brand-new football stadium that cost millions of dollars," she says.

Meade said the university received a request for additional funding for the SHARE office in November 2017 and is considering it.

AT QUEEN'S UNIVERSITY in Kingston, Ont., the problem wasn't just the availability of counselling staff but their conduct with students. Meghan, who asked that only her first name be used, tried to schedule a counselling appointment with Queen's University after she says a male student at the university sexually assaulted her in September 2014.

Meghan was initially offered an appointment in two weeks' time. Only when her mother called Queen's to say her daughter was having suicidal thoughts did the university schedule an appointment with Meghan for the next day.

After the counselling appointment, Meghan was directed to the Human Rights Office and Margot Coulter, the school's sexual harassment prevention coordinator, who was then the primary contact for students who reported sexual assault. "From the minute I entered that room I was under attack," wrote Meghan in a submission to the university. "Margot asked me to tell her what happened, including details not only leading up to the rape, but of the actual rape itself—who was on top, who did what."

Meghan's complaint, and those of at least three other students, led Queen's to hire an outside consulting group—Quintet Consulting—to investigate allegations that Coulter regularly discriminated against and harassed students. In her written statement, which

Concordia's handling of sexual assault claims has led to some victims feeling retraumatized

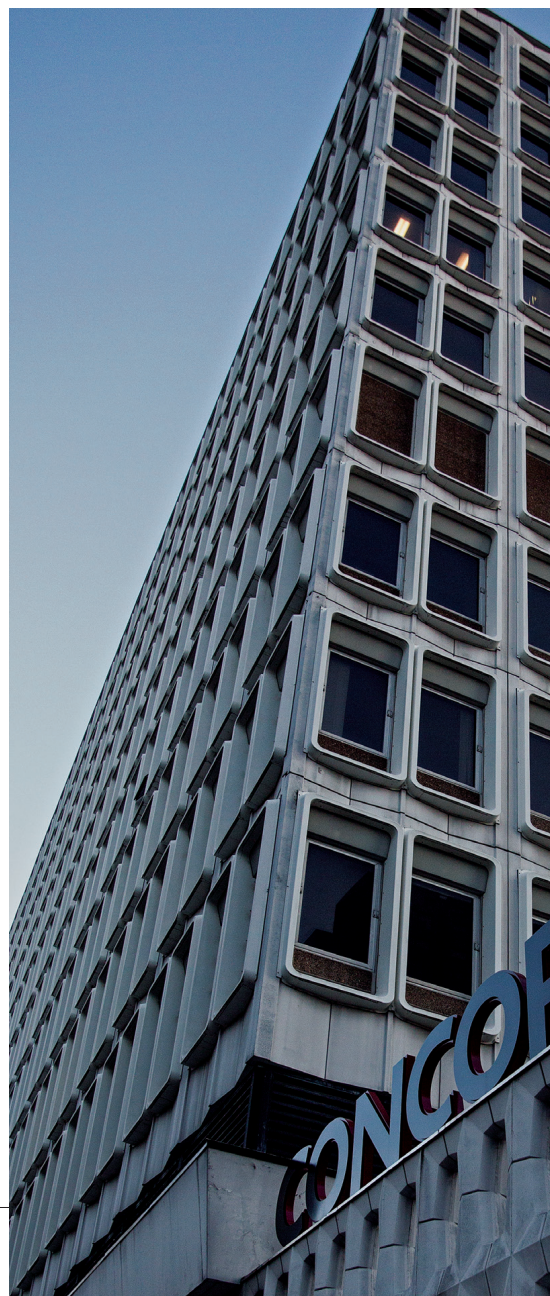
was sent to the consultants, Meghan claimed Coulter said attempts at a criminal charge or seeking discipline through the university wouldn't be successful. Coulter did not reply to multiple requests for comment.

Eventually, Coulter had a detective from the Kingston Police speak with Meghan. "I've often said that my meeting with Human Rights and Kingston Police is harder for me to relive than my actual rape. I'd like you to take a minute to seriously consider the implications of that statement," wrote Meghan in her submission to the university.

("The Kingston Police are not in a position to comment on the actions of others or on police investigations," said Const. Cameron Mack, Kingston Police's media relations officer.)

Doulton Wiltshire, who was director of the Sexual Health Resource Centre and a member of Queen's University's Sexual Violence Prevention and Response Working Group

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at the time, was also contacted by Quintet. “In my role as director of the Sexual Health Resource Centre I made a complaint championing two students who felt they were discriminated against and harassed by Margot Coulter from the Human Rights Office,” says Wiltshire in a phone interview.

Asked if any disciplinary action was taken by Queen’s University against Coulter, the school’s manager of media relations Mark Erdman says, “The university took seriously the allegations of harassment against a staff member to whom survivors reported that they had experienced sexual violence.” He adds: “There was no finding of impropriety on the part of the staff member.”

Queen’s hired Barbara Lotan in May 2016 to serve as the school’s first sexual violence prevention and response coordinator; Coulter remains involved in a variety of student-facing initiatives, including a November 2017

one designed to address acquaintance sexual assault. She is also still a member of Queen’s Sexual Violence Prevention and Response Working Group.

MACLEAN’S STUDENT SURVEY is the first nationwide survey on campus sexual assault in 25 years. It was conducted online and distributed through the magazine’s mailing list of students along with distribution by some schools, partner organizations and targeted Facebook ads. The survey had more than 23,000 undergraduate responses from 81 campuses. However, the results are not necessarily statistically representative, due to low response rates at several universities. Any school for which responses are highlighted in this article had at least 300.

The previous national survey of sexual violence on campus was conducted in 1992, co-authored by Walter DeKeseredy, then a professor at Carleton University. “People think Canada is a kinder, gentler nation. However, when it comes to violence against women, it certainly isn’t,” says DeKeseredy.

DeKeseredy’s survey relied on a written questionnaire filled in by 3,142 students. It found that 29 per cent of female students said they had been sexually abused in the previous 12 months.

In addition, 81 per cent of female students reported some form of abuse when the definition was expanded to include psychological abuse such as taunts or insults. The survey found that women were often sexually assaulted by men they knew.

DeKeseredy’s methodology generally used broader definitions for different types of sexual violence than the *Maclean’s* survey, which means the results are not directly comparable. DeKeseredy, currently the director of the Research Center on Violence at West Virginia University, says that while progress has been made in some areas, many universities are still making the same mistakes in their attempts to prevent sexual violence. “Universities are well-intentioned but they can’t just have a policy on paper, maybe do a single assembly at the beginning of the year when students are concerned about buying books and finding their classes,” he says. “That’s never worked.”

DeKeseredy says a critical step for universities is conducting regular surveys of their campuses to see exactly where the problems are in their community. If pushed by top leadership, those surveys can get considerable results. At the University of Kentucky in 2015, all of its students—more than 24,000—filled out the survey after the school’s president

told students they wouldn’t get transcripts if they didn’t.

In Canada, a handful of schools are already conducting similar initiatives. The University of New Brunswick released survey results in January 2017 showing that 21 per cent of the 1,200 students who responded said they had been sexually assaulted since arriving at campus.

A survey released around the same time of about 9,000 people at French-speaking Quebec universities found that 36.9 per cent reported experiencing some form of sexual violence by someone linked to their university.

Schools need to hire staff with a specific focus on changing culture and supporting students who report sexual violence, says Sherbrooke’s Paquette, who was one of the researchers behind the Quebec survey.

Quebec recently unveiled a new strategy to combat sexual violence, with a \$23-million commitment over five years from the province. It will also require campuses to come up with specific policies on a range of issues, including intimate relationships between students and professors.

CONCORDIA HAS RECENTLY been rocked by allegations of sexual harassment by professors in the university’s English department. Those professors have been suspended from teaching duties pending the results of an investigation. At a press conference held on Jan. 10, Shepard, the president, said, “We’re not trying to sweep anything under the rug. That’s not my style, for people who know me.”

That’s a surprise to Chloe. “To say that they’re not sweeping it under the rug is baffling, and it reopens a lot of wounds because it is the same sort of doublespeak that they did while I was running around and everybody was saying, ‘Oh, we’d love to help, just repeat these super-traumatizing experiences to one more person, just wait three more months, another three months,’” says Chloe. “It’s been three years now and I have one question that I want answered: Concordia knew they had a student who was found guilty of violent assault on their campus. Did they do anything to keep other students safe from him? They certainly didn’t do anything to keep me safe.”

Today, Chloe is living alone in Montreal, spending much of her time seeing doctors for the physical and psychological trauma caused by the assaults.

The man who assaulted her is still active at Concordia. In October 2017, almost three years to the day Chloe says he choked her on campus, he was awarded a \$2,000 scholarship. ♣

