



Ontario Undergraduate Student Alliance

The Ontario Undergraduate Student Alliance is a non-partisan advocacy organization that represents the interests of over 140,000 undergraduate and professional, full-time and part-time university students at eight student associations across Ontario.

POLICY BRIEF: SEXUAL VIOLENCE PREVENTION & RESPONSE

Everyone must play a role in creating a world free of sexual violence. If we do not, we are accepting its existence as an inevitable part of our society. All survivors—regardless of gender, sexual orientation, ability, or heritage—should be supported in ways that allow them to seek justice in meaningful ways and safely pursue their education. Student unions have played a critical role on campus, providing programming, training, and support and offer these recommendations as a blueprint for success.

THE PROBLEM

Ineffective and Unproven Prevention

Prevention programs are implemented inconsistently across the province, lack empirical research of their effects, and can be costly. Ineffective programs can reinforce problematic attitudes and beliefs, and in the worst cases, increase rates of sexual violence. Thus far, the government seems to lack the human resources to provide better stewardship over these concerns.

Students are coming to university with inconsistent and inadequate knowledge of consent, bystander intervention, and sexual violence. Unfortunately not all training is mandatory and this concern is elevated by higher risks for sexual violence among first year students.

Emphasis on universal training programs may be too broad for employees working in situations associated with higher incidence of sexual violence and existing campus infrastructure does not support a safe physical environment for all students. Women students, LGBTQ+ identifying students, and students with disabilities tend to feel less safe in and around campus, compared to their peers.

Non-Survivor-Centric Responses

Under their lawful or contractual responsibilities, universities sometimes decide for students whether or not to press charges. This is extremely problematic because pursuing an investigation can re-traumatize survivors and prohibit their healing.

Now that universities are required to develop policies for procedural fairness, they are looking to the government for guidance. Unfortunately, examples of fair, survivor-centric practices have not been provided nor have guidelines regarding consequences for perpetrating sexual violence. As a start, students are looking for practices that do not allow the rights of the respondent to overshadow the safety of the complainant. Under other resolution practices,

students wish to remove barriers put up by collective and contractual agreements, and appeal processes.

There is also concern that students who access the Ontario Student Assistance Program (OSAP) may lose full-time status as a result of dropping a course to abide by interim measures, thereby limited their access to education and financial assistance. Health benefits are also difficult to manage. Survivors who require long-term support face significant financial barriers if their Ontario Health Insurance Plan (OHIP) or University Health Insurance Plan (UHIP) do not cover the necessary care or if they do not have access to private insurance plans.

Unsupervised Compliance

In attempts to be compliant with new laws, some universities have left aspects that are important to students out of their policies. It is unclear where students can go to contest this. Students also worry that universities' concern for reputation or misinterpretation will limit the dissemination of data. Already, the number of students who choose to bring forward experiences of sexual violence to their institutions is low because of concerns around confidentiality, anonymity, stigmatization, and trust that their disclosure or formal report will be handled fairly. Easing these concerns is made more difficult without qualitative or quantitative data to gauge attitudes and behaviours related to sexual assault and harassment in Ontario's university communities.

RECOMMENDATIONS

Establish a Sexual Violence Prevention Unit

Sexual violence education, prevention, and response should be evidence-based and held to a high standard. A new Sexual Violence Prevention Unit within the Ministry of Advanced Education and Skills Development could achieve these goals by:

- Interpreting climate survey findings;
- Making recommendations regarding prevention practices;

- Investigating and eliminating barriers to disclosure, reporting, and paths to healing;
- Identifying procedures that prevent survivors from pursuing justice; and
- Developing guidelines and best practices for appeals.

Invest in Prevention & Education

The Sexual Violence and Harassment Action Plan should remain a priority province-wide. Adapting the terms and conditions of the Women's Campus Safety Grant to broaden its application would enable institutions to prioritize sexual violence education, bystander intervention training, and program evaluation. The province should support universities in these efforts by:

- Investing in early outreach programs for high school and elementary school students;
- Mandating that all students receive ongoing evidence-based, survivor-centric education and training, with a focus on the transition from high school;
- Amending the Occupational Health and Safety Act to ensure that employees with student-facing roles receive role-specific training and that campus security, specifically, is trained to implement safer, more supportive reporting practices; and
- Mandating that Smart Serve certification be expanded to include bar-specific, sexual violence prevention training and that on-campus bars include mandatory in-person bystander intervention training.

Prevent Crime Using Environmental Design

Universities are responsible for ensuring all students feel welcome and safe from sexual violence. Campus infrastructure could be designed with this focus if:

- The Council of Ontario Universities developed minimum safety standards to prevent sexual violence,
- The province mandated all universities to perform regular safety audits to ensure the standards are being met, and
- The province made capital project funds available to build and maintain safer campuses.

Improve Disclosure & Reporting

Students should have full control over their choice to disclose, report, and/or pursue a criminal investigation and their anonymity and confidentiality should always be safe guarded. In keeping survivors at the centre of responses and encouraging them to pursue the most beneficial supports, the province should:

- Communicate intent and purpose of data collection;
- Mandate that survivors be notified in advance of universities' duties to report to the police and obligations under collective agreements;
- Eliminate contractual agreements between campus and regional police that take away survivors' agency;
- Mandate the inclusion of external supports and service referrals in university policies;
- Provide funding for intersectional supports on or around university campuses; and
- Mandate the implementation of response teams to advocate on behalf of survivors.

Guide Resolution

Investigations and appeals into incidents of sexual violence should be prompt, thorough, impartial, and emphasize the safety of the university community. While the rights of the respondent should never be infringed upon, the interests, privileges, and safety of survivors should be a priority. The province should:

- Provide examples of procedurally fair, survivor-centric investigations and decision-making processes, and appropriate consequences for perpetration; and
- Ensure there is a requirement for the written notification of the outcomes of appeals.

Implement Provincial Accommodations

Survivors' safety concerns should guide establishment of interim measures. Accommodations pertaining to their mental and physical health must be available beyond the incident, regardless of financial background. This could be achieved if:

- The province gave clear direction on implementing interim measures,
- OHIP and UHIP were extended to cover incidents of sexual violence,
- A new Ontario Drug Support Program specifically for sexual assault survivors were developed,
- OSAP ensured survivors and respondents were not penalized for losing full-time study status, and
- Universities were mandated to develop better academic reporting procedures.

Use Legislation & Regulation Effectively

The province should lead universities through their sexual violence policy implementation and compliance by:

- Amending *Ontario Regulation 131/16* to include essential aspects of survivor-centric policies identified in existing literature, and
- Making clear which government agency is responsible for ensuring compliance.

Collect Accurate Data

Accurate, standardized, and survivor-centric data collection should be considered a top priority. All reports should be easy to access. The province should legislate a neutral organization to aggregate and report information regarding sexual violence in a centralized manner (along with other post-secondary data) while the Ministry of Advanced Education and Skills Development:

- Collects and disseminates Sexual Violence Action Plan report-backs that include rates of disclosure, criminal and institutional reporting, use of on campus resources, and demographic information; and
- Uses the climate survey to address: students' experiences of sexual violence on- or off-campus; their knowledge of provincial law, services, and prevention efforts; perceptions of campus safety and responses to sexual assault; and confidence in leadership.