

POLICY PAPER

Gender-based & Sexual Violence Prevention & Response

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ABOUT OUSA

OUSA represents the interests of 150,000 professional and undergraduate, full-time and part-time university students at eight student associations across Ontario. Our vision is for an accessible, affordable, accountable, and high quality post-secondary education in Ontario. To achieve this vision we've come together to develop solutions to challenges facing higher education, build broad consensus for our policy options, and lobby government to implement them.

The member institutions and home office of the Ontario Undergraduate Student Alliance operate on the ancestral and traditional territories of the Attawandaron (Neutral), Haudenosaunee, Huron-Wendat, Leni-Lunaape, Anishnawbek, and Mississauga peoples.

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EXECUTIVE SUMMARY

The need for a comprehensive framework to prevent and respond to gender-based violence (GBV) on post-secondary campuses is long overdue. Everyone deserves to be able to safely pursue their education. All survivors—regardless of race, gender, sexual orientation, ability, income, or heritage—should be supported in ways that allow them to seek justice and heal in meaningful ways. Students and student associations have played a critical role in prevention and response work, providing programming, training, and support in response to the persistence of GBV in the post-secondary context and have come together to propose the following recommendations to guide a provincial framework that addresses student concerns.

THE PROBLEM

Systemic Challenges

In the classroom, students are concerned that some pedagogical methods or content can reinforce GBV or oppression and that GBV increases in situations where gender inequality exists, and there continues to be gender inequality and underrepresentation in certain faculties and institutions on campuses. They are concerned that women aged 18-24, racialized, Black, and Indigenous students, Two Spirit and LGBTQ+ students, and students with varying accessibility needs experience higher rates of GBV, and that post-secondary institutions and campus culture can promote attitudes and social norms that can lead to GBV. However, post-secondary campuses are under equipped and under resourced to deliver the quantity and quality of prevention programming necessary to be effective and few are evaluated for effectiveness. International students may not be able to access educational resources and programming that meet their existing cultural understandings.

At the K-12 level, sexual health education is often framed in terms of a gender binary, which prioritizes heterosexual and cisgender students and excludes people of various gender identities and expressions, and sexual orientations, and students are often not provided adequate information about sexual health or technology-facilitated violence to make informed and healthy choices. It is known that consent education is most effective when taught regularly to younger audiences, yet many students coming to post-secondary have not received effective consent education, which is concerning as students are most at-risk of experiencing GBV during the first six to eight weeks of their post-secondary education.

Students are further concerned that male athletes are more likely to perpetuate GBV. They are also concerned that Two Spirit and LGBTQ+ athletes continue to experience transphobia and homophobia in sport and that participation in athletics by Two Spirit and LGBTQ+ students is lower in comparison to heterosexual and cisgender peers.

Immediate Barriers

Students are concerned about how the built environment can allow for GBV on campus. For example, the Integrated Accessibility Standards under the *Accessibility for Ontarians with Disabilities Act* do not account for safety from GBV and also allow for exceptions pursuant to the *Ontario Heritage Act*, preventing alterations that improve student safety and accessibility. Additionally, individuals who identify as transgender or gender non-conforming may experience harassment, discrimination, and safety concerns through limitations on the built environment, such as lack of access to gender-neutral washrooms or changerooms.

Students are also concerned about the structure of current investments in GBV prevention efforts that can be costly to develop and implement. For example, the current title of the Campus Safety Grant does not make specific reference to the issue of GBV at post-secondary institutions, and this funding is often not administered by GBV professionals and is split across many different departments within an institution. Unless directed not to, institutions may use Campus Safety Grant funds to replace existing salaries for Sexual Violence Prevention & Response professionals on campus.

Environments where alcohol is consumed are high-risk areas for GBV (both for patrons and staff) and bar staff and security personnel often do not receive extensive training on how to prevent, respond, or intervene in instances of GBV within these unique contexts. Training that is available is primarily delivered through online modules which have inconclusive reviews on effectiveness. This is particularly a concern as bars and restaurants may not have a sexual violence policy.

Legislative and Regulatory Compliance

In attempts to be compliant with new laws, some university sexual violence policies leave out aspects that are important to students and survivors, and collective bargaining agreements can contradict post-secondary institutions' sexual violence policies.

Response to Disclosure and Reporting

Students also have concerns about disclosure and reporting practices at institutions which may not be clearly outlined in their GBV policies. This is concerning for students as institutional hierarchies can make it difficult for survivors to feel comfortable disclosing and/or reporting their experiences and the boundaries of institutional confidentiality policies foster a fearful environment for disclosures or formal reports. Without survivor's control over disclosure and reporting guidelines, there is a potential for retraumatization of survivors, yet universities sometimes decide for survivors whether or not to begin an investigation against the person who has caused harm and there is no metric for assessing "harm to the community".

Campus security and Special Constables receive disclosures and reports from survivors, yet not all receive education and training to respond to GBV specific to their professions. Further, there is a distrustful relationship between campus security personnel or Special Constables and marginalized peoples due to institutional discrimination and implicit bias that can impair survivors' willingness to disclose and/or report experiences of GBV. Indigenous Awareness Training, or other cultural competency courses centered on Indigenous perspectives, is currently not mandatory to all members of police, including Special Constables, which risks creating gaps in knowledge and understanding in response efforts.

Students are also concerned that not all staff, faculty, and student instructors receive education and training on responding to GBV and supporting survivors in a trauma-informed and survivor-centric way. There are also concerns that while optional training can be impacted by selection bias, research on the effectiveness of mandatory training for staff and faculty is inconclusive and collective bargaining agreements may prevent institutions from ensuring all faculty and staff receive mandatory training.

Resolution processes are another concern for students. There are no best practice guidelines regarding consequences following a formal resolution process for GBV nor are there standard guidelines for alternative resolution processes, which often do not utilize a restorative justice approach. Consequences from formal resolution at institutions do not always reflect the gravity of GBV, and institutional liability and perceived harm to the community are sometimes prioritized over a survivor-centric and trauma-informed approach. And, while appeals are available to all parties, appeal procedures, policies, or protocols are often not made clear and the nature and length of appeal procedures and protocols have the potential to re-traumatize survivors.

Accommodations & Support

Students are concerned about barriers to accessing necessary supports and accommodations. Survivors of GBV do not always have the financial means to access legal advice and/or representation to support them in navigating formal reporting processes, making the \$133 million reduction to legal aid funding in 2019 a concern for students. Students are also concerned about the financial barriers to seeking care that extends beyond the medical realm, such as holistic and religious healing practices, and the fact that many post-secondary institutions across the province have a limited number of counsellors who specialize in GBV. Students are also concerned about financial implications as reduced course loads can mean OSAP will be reassessed and students may be asked to pay back a portion of their allotted funding as a result of being put on OSAP academic probation.

Accessing support is also a concern for students as on-campus sexual assault and peer support centres that are run by students may have limited hours of operation and capacity to support other members of the campus community, and for students who experience GBV on or around campus, support or sexual assault centres on campus can be traumatizing and there can be a distrust between the survivor and those offering support. However, community-based sexual assault centres are often underfunded and rely on donations, limiting their ability to offer support and educate the community and the provincial government cancelled a previous investment of \$1 million for the 42 rape crisis centres across the province.

Research & Data

Lack of consistent and appropriately-collected data creates gaps in knowledge that impede effective prevention and response strategies, as policy and procedural decisions regarding GBV prevention are not always grounded in evidence or established best practices. Students are concerned that some post-secondary institutions employ methods of GBV that have not been adequately evaluated, are evidently ineffective, and that could continue to enable rates of GBV to increase.

Students are further concerned that there is limited qualitative and quantitative data available to accurately gauge the climate of attitudes and behaviours related to GBV at post-secondary institutions in the province, or to frame public policy decisions. Without adequate frequency of consistent data collection and opportunities for students to provide feedback, it is difficult to accurately measure changes in the climate of attitudes and behaviours over time.

Missing & Murdered Indigenous Women & Girls

Indigenous women, girls, Two Spirit, and LGBTQ+ individuals are disproportionately affected by GBV and a lack of knowledge and understanding around issues facing Indigenous communities persists. Students are concerned that public education curricula do not adequately include Indigenous history and heritage, which may contribute to further violence against Indigenous women and girls. Without direct leadership from and meaningful consultation with Indigenous women and girls, personal and social education and GBV policy frameworks do not champion Indigenous women and girls and can thus be ineffective in representing their unique needs, histories, and experiences.

Human Trafficking

Post-secondary institutions rarely educate students and other members of the campus community about human trafficking, and misconceptions about human trafficking further isolate victims and negatively impact efforts to educate. Students are concerned that there is a disproportionate number of Indigenous persons who are victims of human trafficking and that comprehensive data to inform programming about human trafficking and services for victims is largely unavailable.

RECOMMENDATIONS

Systemic Prevention

The provincial government should mandate that all post-secondary institutions offer anti-oppression training for faculty, staff, and student instructors that addresses pedagogical and procedural best practices, through staff and faculty centres, for free. They should also develop a post-secondary education equity strategy that aims to increase representation in programs where women, and marginalized groups, are underrepresented and, in collaboration with experts, GBV educators, students, and those with lived experience, create a GBV prevention framework for post-secondary institutions that outlines best practices and identifies toolkits for prevention programs. They should further provide funding to post-secondary institutions to implement promising prevention programs for promoting healthy masculinities, positive sexualities and healthy relationships, bystander intervention programs, and anti-oppression training. Additionally, the provincial government should task the Higher Education Quality Council of

Ontario to complete a review to determine the appropriate number of GBV educators on post-secondary campuses to support effective prevention efforts and amend section 17 of the *Ministry of Training, Colleges and Universities Act* to require post-secondary campuses to employ a proportional number of educators.

The Ontario College of Teachers should develop a comprehensive Additional Qualification Course that incorporates lessons on gender identity and expression, sexual health, sexual orientation, masturbation and sexual pleasure, STIs, pregnancy and contraception, gender norms, toxic masculinity, and technology-facilitated violence that is trauma-informed and utilizes a harm reduction framework in order to ensure educators have all the skills necessary to teach students that is mandatory for those teaching the Health and Physical Education Curriculum. The provincial government should expand the cyberbullying component of the Health and Physical Education Curriculum to discuss technology-facilitated violence; amend the Health and Physical Education Curriculum to include lessons on gender identity, consent, sexual orientation, masturbation and sexual pleasure, STIs, pregnancy and contraception, gender norms, toxic masculinity, and technology-facilitated violence that are introduced in early grades and built upon throughout the course of a student's education; and include education about consent, healthy relationships, respect, autonomy, sexual orientation, gender identity and expression, and other topics outlined by the Human Rights Code under Strand A of the Health and Physical Education Curriculum. The Ministry of Education should invest in a trauma-informed, early-alert system to educate teachers on how they can support students that may be experiencing GBV, trauma, or neglect at home.

The provincial government should mandate that sport organizations, coaches, and coach-teachers verify that they have completed training on gender identity and expression, masculinity, and leadership and that all provincial sport organizations and multi-sport organizations recognized by the Ministry of Tourism, Culture and Sport ensure that coaches receive the "Coaching Boys Into Men" program, or a program with demonstrated equal or increased impact, and disseminate education to their athletes once per year.

Immediate Prevention

The proposed Gender-based & Sexual Violence Knowledge Centre and Council of Ontario Universities should develop a set of mandatory, minimum safety standards for GBV prevention at all post-secondary campuses. The provincial government should mandate that all post-secondary institutions perform regular campus safety audits to identify safety concerns and ensure that the mandatory safety and accessibility standards are being met; make capital project funds available to post-secondary institutions to allow them to address all gaps and areas of concern identified in regular campus safety audits; mandate that all institutions have gender neutral-washrooms and that all new institutions and infrastructural expansions dedicate spaces, including in recreational facilities, for gender-neutral washrooms and change rooms that are easily accessible for all students; and conduct a review of the Integrated Accessibility Standards under the *Accessibility for Ontarians with Disabilities Act* to identify and address gaps pertaining to GBV and remove heritage site exceptions.

The provincial government should change the name of the Campus Safety Grant to the Gender-Based & Sexual Violence Prevention & Response Grant; continue to provide \$6 million a year for the Grant; and mandate that each institution's Sexual Violence Prevention & Response office or equivalent should administer the allocation of the Grant. Additionally, the Ministry of Colleges and Universities should mandate that each post-secondary institution submit a standardized yearly public report indicating all allocations of the Grant and create a yearly report outlining all grant allocations and action plans.

The provincial government should mandate that all establishments with a liquor sales license have a sexual violence policy that includes recourse for how to intervene and respond to situations of GBV between staff, staff-patron, and patron-patron; invest in the development of a best practice bystander intervention program to prevent GBV for staff in bars, restaurants, or establishments with liquor sales licenses; and mandate all personnel at establishments with liquor sale licenses have completed appropriate training as outlined by the best practice bystander intervention program and that the Smart Serve certification be expanded to include GBV prevention and response and bystander intervention principles. The Ministry of the Solicitor General should expand the Security Guard Syllabus to include

trauma-informed and survivor-centric bystander intervention training to help security guards recognize and respond to GBV.

Strengthening Legislative and Regulatory Frameworks

The provincial government should clarify which government agency is responsible for ensuring regulatory compliance when it comes to enforcing section 17 of the *Ministry of Training, Colleges, and Universities Act* and its associated regulation, and amend Ontario Regulation 131/16 to:

- include all essential aspects of survivor-centric sexual violence policies, as identified in existing literature;
- require that post-secondary institutions develop institution-specific processes in consultation with students and local experts to respond to technology-facilitated GBV.
- ensure that post-secondary institutions revise any interacting agreements, such as collective agreements, after the sexual violence policy review process has finished to ensure that policies do not contradict one another.

Consistent Response to Disclosures and Reporting

The Ministry of Colleges and Universities should work in collaboration with the Ministry of the Solicitor General and experts in GBV to develop a standardized risk assessment tool that provides a metric to evaluate the potential risk of harm to the community. The provincial government should create a taskforce composed of students, administrators, and GBV experts from post-secondary institutions and the community to develop best practices for responding to disclosures and reporting processes on university campuses, including the limits and minimum standards of confidentiality. They should also amend Ontario Regulation 131/16 to require all institutions have staff who are available to provide students with information on GBV reporting procedures and disclosures, and with whom students can discuss their options and to ensure that institutions' sexual violence policies take a trauma-informed and survivor-centric approach.

The Ontario Association of College and University Security Administrators should work with the Ministry of Labour, Training and Skills Development to mandate and deliver training for all campus security officials in trauma-informed and survivor-centric responses to disclosures. The Ministry of the Solicitor General should require all Special Constables and local police be trained to provide referrals to campus and community supports in cases of GBV and develop an Indigenous Awareness Training course mandatory for all members of the police, including Special Constables, and adaptable for campus security services. The provincial government should mandate that survivors must be notified in advance of universities' duties to report to the police and obligations of collective agreements.

The Ministry of Colleges and Universities should contract the Institute for Research on Public Policy and collaborate with Quebec's Ministry of Education and Higher Education to conduct a study on the effectiveness of mandatory GBV training for staff and faculty. Until conclusions can be drawn from this study, the provincial government should amend section 17 of the *Ministry of Training, Colleges and Universities Act* to require that all staff and faculty be trained in how to respond to disclosures of GBV in a way that is survivor-centric and trauma-informed and providing funding to post-secondary institutions to do so. They should also amend Ontario Regulation 131/16, section 5, clause 1 to require that GBV response training must be regular and completed every time the policy is renewed, as well as by all incoming members of the institution's governing board or council, and other senior administrators; faculty, staff and other employees and contractors; and students.

The Ministry of Colleges and Universities should outline a best-practice framework for integrating restorative justice into formal and alternative resolution processes and the provincial government should amend Ontario Regulation 131/16 to:

- mandate that institutions include procedural mechanisms that consider a survivor-centric and trauma-informed approach to resolution processes;
- include a section on alternative resolutions;

- mandate that institutions have formal and alternative resolution processes;
- outline potential consequences and accountability measures for GBV on university campuses;
- include a section providing guidance for institutions to delineate the process of appealing a decision made by institutions regarding an experience of GBV;
- require institutions include in their sexual violence policy the right of both the respondent and complainant to appeal a decision; and
- mandate institutions include a requirement for sending written notifications to both the complainant and respondent on the outcome of the appeal in their sexual violence policy.

Access to Accommodations & Support

To ensure survivors can access the support they need, the provincial government should reinvest in provincial legal aid over the next three years, earmarking funding to support student access to legal services; provide increased and continuous funding for community-based sexual assault centres and rape crisis centres; follow through with their previous commitment of a one-time investment of \$1 million into Ontario's rape crisis centres; allocate grant funding that post-secondary institutions and student unions can apply for to create or expand sexual assault support centres and programming on campus; and create grant funding available to post-secondary institutions to hire trauma counsellors or support persons that have training specific to supporting those who have experienced GBV.

Additionally, the Ministry of Health, in partnership with researchers focused on GBV prevention and response, should conduct a review of OHIP coverage to determine whether it meets survivors' medical needs and adequately supports them through their recovery and the Ministry of Colleges and Universities should require that decisions regarding OSAP academic probation and restrictions penalties be made using a trauma-informed lens.

Enhancing Research & Data Collection

The provincial government should establish a Gender-Based & Sexual Violence Knowledge Centre within the Ministry of Children, Community and Social Services to conduct and consolidate both quantitative and qualitative research related GBV. The Knowledge Centre should: be responsible for coordination, data and research, and knowledge mobilization with support from the provincial Office of Women's Issues; and include a post-secondary issues unit with duties to make recommendations to the Ministry of Colleges and Universities regarding the implementation of best practices based on ministerial and institutional data about GBV prevention at post-secondary institutions in the province. Additionally, the provincial government should create a "Gender-Based Violence Prevention Evaluation Grant" to be used to continuously inform best practices through evaluation of the effectiveness of GBV prevention programs at post-secondary institutions.

The provincial government, through the Knowledge Centre, should collaborate with the Council of Ontario Universities to improve the Student Voices on Sexual Violence Climate Survey for future implementation and amend section 17 of the *Ministry of Training, Colleges and Universities Act* to require that post-secondary institutions participate in a GBV campus climate survey that should:

- be administered by the Council of Ontario Universities every three years
- continue to address on- and off-campus experiences of GBV, disclosure and response, and safety; students' confidence in institutional leadership for addressing gender-based and sexual violence; and bystander attitudes and intervention;
- include students' knowledge of provincial law, services, and available gender-based and sexual violence prevention education as well as students' history of Adverse Childhood Experiences; and
- receive oversight by the Knowledge Centre to ensure principles of research ethics are embedded in survey design, especially protection of confidentiality.

The climate survey results should be retained in the Knowledge Centre and analyzed with guidance by the Knowledge Centre's post-secondary issues unit.

Education, Relationship Building and Collaboration to Address the Issue of MMIWG

The provincial government should renew commitments made in the 2017 Long Term Strategy to End Violence Against Indigenous Women with Indigenous leadership and guidance and include additional commitments for personal and social education programs with guidance from Indigenous students. Additionally, the Ministry of Education should develop educational curriculum and programming in partnership with Indigenous peoples, especially Indigenous women, girls, Two Spirit, and LGBTQ+ individuals as per section 11.1 of the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

Preventing and Responding to Human Trafficking

The provincial government should expand the criteria of the Campus Safety Grant to allow for education regarding human trafficking which would aid in dispelling misconceptions, encourage victims to seek support, and offer prevention tools. Additionally, the Ministry of the Attorney General should allocate resources for regional Victim Services departments to collaborate with local post-secondary institutions to train/make educational resources available for staff around identifying and flagging victims as well as building capacity for empathy in a way that is culturally-responsive, survivor-informed and includes Indigenous-specific components. It should also expand its Anti-Human Trafficking Strategy of 2020-2025 to include partnerships with regional Victim Services departments and post-secondary institutions within its “Raising Awareness of the Issue” focus to provide content for university syllabi integration; allocate funds for Victim Services departments responsible for reintegrating victims of human trafficking to collaborate with the Council of Ontario Universities and develop partnerships with universities to create pathways to post-secondary; and expand the Victim Quick Response Program + to include grants or bursaries for victims of human trafficking to pursue post-secondary education, specifically to cover the cost of housing.

GLOSSARY

Alternative resolution – in this context, refers to measures or responses that an institution can take at the request of the survivor or complainant that does not require a formal investigation or adjudication. (For example, alternative resolutions may include, but are not limited to, impact statement/letters, facilitation, education, or restorative justice).¹

Consent – in the context of sexual violence, consent is a voluntary agreement to engage in sexual activity, which must be given actively and willingly; it is never assumed or implied; it is not silence (or the absence of “no”); cannot be given while impaired by drugs or alcohol; cannot be obtained through threatening or coercive behaviour nor by abusing a position of trust, power, or authority; and can be revoked at any time.²

Disclosure – the revelation to any individual other than the police or judicial officials of an experience of sexual violence; intent may be to access accommodations and support services and not necessarily motivated by a desire to make a formal complaint.

Formal resolution – in this context, refers to the institutional response to a disclosure of gender-based or sexual violence that includes a formal investigation, adjudication, and resolution or appeals process.

Gender-based violence (GBV) – violence that is committed against someone based on their gender identity, gender expression or perceived gender.³ Gender-based violence is a broad term and includes the following commonly recognized acts:

Sexual violence – any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.⁴

Sexual assault – coerced sex through threats, intimidation, or physical force, forcing unwanted sexual acts, or forcing sex with others.⁵

Sexual harassment – an expression of perceived power or superiority over another person and includes any unwelcome sexual advance, statement, or request for sexual favours, and other verbal or physical conduct of a sexual nature that is known (or ought reasonably to be known) to be unwelcome.⁶

Intimate partner violence (IPV) – also referred to as “domestic violence” or “dating violence, it is the abuse or aggression that occurs in a close relationship; “intimate partner” refers to both current and former spouses and dating partners.⁷

Human trafficking – involves the recruitment, transportation, harbouring and/or exercising control, direction or influence over the movements of a person in order to exploit that person, typically through sexual exploitation or forced labour.⁸

¹ Ryerson University, *Sexual Violence Policy*, section 3(c), online: <https://www.ryerson.ca/policies/policy-list/sexual-violence-policy/>.

² Ontario Women’s Directorate, *Developing a Response to Sexual Violence: A Resource Guide for Ontario’s Colleges and Universities* (Toronto: Queen’s Printer for Ontario, 2013), 4.

³ “About Gender-Based Violence,” *Status of Women Canada*, accessed March 20, 2020, <https://cfc-swc.gc.ca/violence/knowledge-connaissance/about-apropos-en.html>.

⁴ “Lesbian, Gay, Bisexual, Trans & Queer Identified People and Mental Health,” Canadian Mental Health Association Ontario, accessed October 20, 2016, <http://ontario.cmha.ca/mental-health/lesbian-gay-bisexual-trans-people-and-mental-health/>.

⁵ Jay Harrison and Ginette Lafreniere, *University Campuses Ending Gendered Violence Final Report & Recommendations: Submitted to Wilfrid Laurier University* (Waterloo: The Change Project, 2015) [Harrison & Lafreniere].

⁶ Ibid.

⁷ “Preventing Intimate Partner Violence,” *Centers for Disease Control and Prevention*, online: <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html>.

⁸ Public Safety Canada, “Human Trafficking,” Government of Canada, accessed April 9, 2020, <https://www.publicsafety.gc.ca/cnt/cntrng-crm/hmn-trffckng/index-en.aspx>.

Technology-facilitated sexual violence – a range of behaviors where digital technologies are used to facilitate both virtual and face-to-face sexually based harms.⁹

Harm to the community – harm that extends beyond the individual to have negative impacts on the broader community.

Interim measures – the immediate, time-limited measures that might be taken upon a formal report of gender-based or sexual violence to ensure the safety of the complainant before a finding of misconduct has been made.¹⁰

Involved parties – both the complainant and the respondent to a formal report of gender-based or sexual violence.

Complainant – the party bringing forward a formal report of gender-based or sexual violence.

Respondent – the party responding to a formal report of gender-based or sexual violence.

Person who caused harm – a person who has, or is alleged to have, inflicted gender-based or sexual violence on another person. (This label is used when there has been no report or formal complaint made against them).

Promising practices – “an intervention, program, service, or strategy that shows potential (or “promise”) for developing into a best practice. Promising practices are often in the earlier stages of implementation, and as such, do not show the high level of impact, adaptability, and quality of evidence as best practices. However, their potential is based on a strong theoretical underpinning to the intervention.”¹¹

Rape culture – a systematic belief system that upholds gender-based and sexual violence in society by perpetuating norms of sexual aggression and inequality.¹²

Report or complaint – a disclosure to an institution of an incident of gender-based or sexual violence with the intention of triggering the formal complaint process, including an investigation, possible interim measures, adjudication, and accountability or resolution; or with the intention to pursue alternative resolution.

Survivor – any person who has experienced gender-based or sexual violence. (It is important to recognize that survivor is a very personal term and that there are many other terms a person who has experienced gender-based or sexual violence may choose to identify with. Although the term survivor is used throughout this paper to refer to individuals who have experienced gender-based or sexual violence, it is important that all persons who experience gender-based or sexual violence have the agency to name and label their experience independently. This term was chosen as is commonly used by those working to de-stigmatize experiences of gender-based or sexual violence and to reduce victim blaming.)

Survivor-centric – an approach to gender-based and sexual violence prevention and response that prioritizes the rights, needs, and wishes of those who have experienced gender-based and sexual violence first and foremost; aims to create environments where survivors are treated with dignity and respect, free

⁹ Nicola Henry & Anastasia Powell, “Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research,” *Trauma, Violence & Abuse* 19, no. 2 (2016).

¹⁰ Farrah Khan, C. J. Rowe & Robin Bigood *Courage to Act: Developing a National Framework to Address and Prevent Gender-Based Violence at Post-Secondary Institutions in Canada* (Toronto, ON: Possibility Seeds, 2019), 127 [*Courage to Act*].

¹¹ Public Health Agency of Canada, “Canadian Best Practices Portal: Promising Practices,” *Government of Canada*, accessed May 6, 2020, <https://cbpp-pcpe.phac-aspc.gc.ca/category/intervention-type/promising-practices/>.

¹² Eva Marley, “Crowdsourcing Resilience: Discourses of Rape Culture and Sexual Violence at the University of British Columbia,” M.A. thesis (University of British Columbia, 2019), online: <https://open.library.ubc.ca/cIRcle/collections/ubctheses/24/items/1.0378393>.

of discrimination, given comprehensive information, empowered to make their own decisions, and have their privacy and confidentiality maintained.¹³

Toxic masculinity – a harmful form of masculinity that is rooted in a binary opposition to, and superiority over, femininity and feminine expression by any gender; fostering violence towards and the domination, devaluation, and objectification of women, Two Spirit and LGBTQ+ individuals.¹⁴

Trauma-informed approach – an approach to service provision, policy development, and practice that: understands the widespread impact of trauma and potential paths for recovery; recognizes the signs and symptoms of trauma; fully integrates knowledge about trauma into policies, procedures, and practices; and actively resists re-traumatization.¹⁵

¹³ UN Women, “Survivor-centred approach,” Endvawnow.org, accessed November 2, 2016, <http://www.endvawnow.org/en/articles/652-survivorcentred-approach.html>.

¹⁴ Lily Thacker, “The Danger of ‘No’: Rejection Violence, Toxic Masculinity and Violence Against Women,” M.Sc. thesis (Eastern Kentucky University, 2019), online: <https://encompass.eku.edu/cgi/viewcontent.cgi?article=1599&context=etd>.

¹⁵ “Trauma,” SAMHSA-HRSA Center for Integrated Health Solutions, accessed March 20, 2020, <https://www.integration.samhsa.gov/clinical-practice/trauma-informed>.

INTRODUCTION

In March 2020, the Council of Ontario Universities published the ministerial reports from the 2018 Student Voices on Sexual Violence climate survey which gathered information from 117,148 university students across Ontario. This survey explored student experiences of gender-based violence, including their perceptions, understanding, and response to gender-based violence, as well as their satisfaction with institutional supports and services: 63.2 percent of students disclosed an experience of sexual harassment; 23.7 percent disclosed an experience of stalking; and 23 percent disclosed a non-consensual sexual experience, between September and April 2018.¹⁶

While these results are concerning, they are not surprising to the students who are part of the decades-old movement to end gender-based violence at post-secondary institutions. Students have been advocating to governments and institutions to make effective prevention and survivor-centric responses a priority since the mid-1980s, building a culture of consent on campus through student, staff, and faculty education and training in addition to providing health and protective services for survivors.

More recently, the provincial government and post-secondary institutions across the province have begun to see the eradication of gender-based violence as a priority, making improvements to prevention and response efforts on campuses and implementing stronger regulatory frameworks. In 2016 the provincial government passed Bill 132, the *Sexual Violence and Prevention Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)* as part of “It’s Never Okay: An Action Plan to Stop Sexual Violence and Harassment”. The Act centres the need to support survivors and makes ending sexual violence and harassment a priority for the government. It makes amendments to six pieces of legislation, including the *Ministry of Training, Colleges and Universities Act*, and highlights that all Ontarians have a role to play in stopping sexual violence, sexual harassment, domestic violence and other forms of abuse. The amendments required universities to develop standalone policies and protocols that address sexual violence and harassment on their campuses by January 1, 2017. These policies and protocols are required to comply with the guidelines set out in the associated regulation, Ontario Regulation 131/16. The introduction of the *Sexual Violence and Prevention Action Plan Act* was a positive step, but there is more that needs to be done if the mandated institutional policies are to be effective.

Students know that it is impossible to make meaningful strides towards eradicating gender-based without addressing the root causes of that violence, including gender inequality, racism, colonialism, homophobia, transphobia, and other forms of inequality. Gender-based violence does not exist in a vacuum, but rather in a web of societal and historical privileges and oppressions. The recommendations made in this paper are rooted in this understanding, as is the language used. Often understandings of gender-based violence have a narrow lens which erases the reality of these experiences, both the type of violence and those most impacted.

Gender-based violence is violence that is committed against someone based on their gender identity, gender expression or perceived gender,¹⁷ and is a broad term that includes sexual assault, harassment, stalking, intimate partner or dating violence, technology-facilitated sexual violence, and human trafficking. It is most commonly experienced by women aged 18-24, racialized, Black, and Indigenous students, Two Spirit and LGBTQ+ students, and students with varying accessibility needs.¹⁸ Experiences of gender-based violence are influenced by the social locations of those who are harmed, as well as those who cause harm. Using the language of “gender-based violence” rather than “sexual violence” is important to ensure that these experiences are not erased or forgotten in efforts to keep students safe and provide them with the supports they need to heal. However, this paper uses the language of “gender-based and sexual violence” to keep in line with government and institutional policies.

¹⁶ “Student Voices on Sexual Violence,” *Government of Ontario*, updated October 21, 2019, <https://www.ontario.ca/page/student-voices-sexual-violence>.

¹⁷ “About Gender-Based Violence,” *Status of Women Canada*, accessed March 20, 2020, <https://cfc-swc.gc.ca/violence/knowledge-connaissance/about-apropos-en.html>.

¹⁸ *Courage to Act*, 16-18.

Students also know that effective education efforts at post-secondary institutions must be theory-driven and grounded in evidence or promising practices, reflective of the multiple student experiences and cultural understandings that exist on a university campus. However, there are persistent gaps and barriers to developing, evaluating, and implementing effective gender-based violence prevention and response initiatives, predominately rooted in complexity and cost. To accomplish meaningful change, projects need to have significant cross-campus buy-in and appropriate funding that not only supports efforts that address all elements of gender-based violence, but also support those most impacted.

The provincial government's 2019 announcement of \$3 million in additional funding for the Campus Safety Grant for on-campus safety is a commendable step in the right direction.¹⁹ In the March 2020 Economic and Fiscal Update, the provincial government committed to expanding funding for the Campus Safety Grant. However, this necessary funding will be ineffective if not distributed appropriately within the institution; has limiting or misdirected terms of reference; and continues to obscure the gender-based violence focus. Recent investments illustrate the provincial government's willingness to make addressing gender-based violence at post-secondary institutions a priority. Now it is time ensure that these investments are as comprehensive and effective as possible so that students do not have to advocate for their own safety for decades to come.

The need for a comprehensive framework to prevent and respond to gender-based violence on post-secondary campuses is long overdue. Everyone deserves to be able to safely pursue their education. All survivors—regardless of race, gender, sexual orientation, ability, income, or heritage—should be supported in ways that allow them to seek justice and heal in meaningful ways. Students and student associations have played a critical role in prevention and response work, providing programming, training, and support in response to the persistence of gender-based violence in the post-secondary context and have come together to propose the following recommendations to guide a provincial framework that addresses student concerns.

¹⁹ "Ontario Government Takes Action to Protect Students from Sexual Violence," *Ontario Government Newsroom*, March 19, 2019, online: <https://news.ontario.ca/maesd/en/2019/03/ontario-government-takes-action-to-protect-students-from-sexual-violence.html> ["Ontario Government Takes Action to Protect Students from Sexual Violence"].

SYSTEMIC PREVENTION

Throughout this section, a socio-ecological approach is adopted. A socio-ecological approach is a public health framework that requires consideration of individual, relationship, community, and societal risk and protective factors for gender-based and sexual violence. At the individual level, risk and protective factors might include age, income, gender identity and expression, race, substance use, and sexual orientation. The relationship level considers how close relationships influence risk and protective factors for experiencing gender-based and sexual violence. Positive family dynamics and healthy intimate relationships are both protective factors against experiencing gender-based and sexual violence, and prevention programs at the relationship level might include parenting or family-focused programs or those helping young people to develop positive conflict management and coping strategies. Community-level risk and protective factors identify places and spaces that might impact a person’s likelihood of experiencing gender-based and sexual violence, asking questions about policies and programs, such as whether housing is affordable, or what workplace and school policies and processes look like. Finally, the societal level considers the broader factors in an environment that allow gender-based and sexual violence to exist. These include social and cultural norms that are embedded within institutions, such as the justice system or police, as well as society as a whole. Social and cultural norms linked to gender inequality are a root cause of gender-based and sexual violence,²⁰ and other experiences of inequality also impact which groups are more or less likely to experience gender-based and sexual violence. In Canada, for example, Indigenous women experience disproportionate levels of gender-based and sexual violence that reflect the legacies and continuities of heteropatriarchal colonialism.²¹ The societal level illustrates that in order to eradicate gender-based and sexual violence, measures to address inequality in our society must be adopted at a systems level.

The *STOP SV* approach from the Centers for Disease Control and Prevention uses a socio-ecological framework to illustrate a variety of strategies and approaches that, in combination, help to tackle gender-based and sexual violence:²²

STOP SV		
	Strategy	Approach
S	Promote Social Norms that Protect Against Violence	<ul style="list-style-type: none"> • Bystander approaches • Mobilizing men and boys as allies
T	Teach Skills to Prevent Sexual Violence	<ul style="list-style-type: none"> • Social-emotional learning • Teaching healthy, safe dating and intimate relationship skills to adolescents • Promoting healthy sexuality • Empowerment-based training
O	Provide Opportunities to Empower and Support Girls and Women	<ul style="list-style-type: none"> • Strengthening economic supports for women and families • Strengthening leadership and opportunities for girls
P	Create Protective Environments	<ul style="list-style-type: none"> • Improving safety and monitoring in schools • Establishing and consistently applying workplace policies • Addressing community-level risks through environmental approaches
SV	Support Victims/Survivors to Lessen Harms	<ul style="list-style-type: none"> • Victim-centered services • Treatment for victims of SV • Treatment for at-risk children and families to prevent problem behavior including sex offending

²⁰ “Violence against women,” *World Health Organization*, November 29, 2017, <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>.

²¹ *Reclaiming Power and Place: Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019) [*Reclaiming Power and Place*].

²² Kathleen C. Basile, Sarah DeGue, Kathryn Jones, Kimberley Freire, Jenny Dills, Sharon G. Smith, and Jerris L. Raiford, *STOP SV: A Technical Package to Prevent Sexual Violence* (Atlanta, Georgia: Centers for Disease Control and Prevention, 2016) [*STOP SV*].

The sub-sections following draw on this framework, and the recommendations offered are designed to build on protective factors and eliminate risk factors at the individual, relationship, community, and societal levels to support a comprehensive and effective approach to eliminating gender-based and sexual violence at post-secondary institutions across the province.

PREVENTION THROUGH PEDAGOGY

Principle: Students should have safe and equitable access to education.

Principle: University pedagogy should be trauma-informed and inclusive of diverse lived experiences, identities, and expressions.

Principle: Race, gender identity or expression, sexual orientation, and socioeconomic status should not be barriers to pursuing or obtaining a post-secondary education.

Concern: Some pedagogical methods or content can reinforce gender-based violence or oppression in the classroom.

Concern: Gender-based and sexual violence increases in situations where gender inequality exists, and there continues to be gender inequality and underrepresentation in certain faculties and institutions on campuses.

Recommendation: The provincial government should mandate that all post-secondary institutions offer anti-oppression training for faculty, staff, and student instructors that addresses pedagogical and procedural best practices, through staff and faculty centres, for free.

Recommendation: The provincial government should develop a post-secondary education equity strategy that aims to increase representation in programs where women, and marginalized groups, are underrepresented.

It is impossible to make meaningful strides towards eradicating gender-based and sexual violence without addressing the root causes of that violence, including gender inequality, racism, colonialism, homophobia, transphobia, and other forms of inequality. In the post-secondary context, this is complicated by the fact that the majority of our campuses were founded on colonized land and have prioritized Western epistemologies for decades, favouring research and pedagogical practice rooted in colonialism, racism, and sexism. Post-secondary pedagogies are often rooted in these forms of oppression, which can reinforce systemic inequalities that produce conditions that allow gender-based and sexual violence to persist. If we wish to reduce gender-based and sexual violence, it is essential that all faculty are educated to ensure they are not reinforcing systems of oppression within the classroom, and instead use tools and techniques to help “unlearn violence” and patriarchal norms.²³

Since gender-based and sexual violence is so pervasive in society and is often a traumatic experience, it is essential that educators navigate their perceptions and biases surrounding gender and gender-based and sexual violence, and critically assess their content to ensure it is trauma-informed and adopts an anti-oppressive lens.²⁴ This applies to instructors across all faculties. One example of what can happen if faculty do not approach pedagogy intentionally, recognizing biases and adopting an anti-oppressive, trauma-informed lens, occurred at one of our member institutions in the 2019-2020 academic year: In a professional development module on practices for the workforce in an engineering class, students were encouraged not to raise concerns about sexual harassment as it could “upset the workforce dynamic”.²⁵ This pedagogical approach reinforced dangerous social norms without acknowledging how this might

²³ Elizabeth Lange, “Gender-based violence as difficult knowledge: Pedagogies for rebalancing the masculine and feminine,” *International Journal of Lifelong Education* 38, no. 3 (2019), 318.

²⁴ Ibid.

²⁵ Interview with student.

negatively impact survivors of workplace harassment in the classroom, and contribute to the normalization of silencing those who experience workplace harassment.

Many universities across Canada already offer resources and workshops for instructors on inclusion in the classroom through anti-oppressive teaching frameworks.²⁶ The provincial government should mandate that all post-secondary institutions offer similar workshops for faculty and staff, covering content on gender bias, anti-oppression, and trauma-informed pedagogies to ensure that professors across disciplines are not reinforcing oppressive structures and social norms in their classrooms. These resources should be freely available to all staff and faculty and offered through an institution's staff and faculty centres. Staff and faculty centres include any institutional resource centre or hub to support the work of faculty and staff in their role. For example, the University of Waterloo's Centre for Teaching Excellence²⁷ or Wilfrid Laurier's Teaching & Learning.²⁸ These workshops should draw on anti-oppression teaching frameworks, inclusive pedagogy, and universal design for learning (UDL).

Anti-oppression teaching frameworks "address the social and institutional inequalities that are constructed in our society,"²⁹ by acknowledging the structural forces at play.³⁰ It requires that educators both examine their own social location, power, privilege, and biases,³¹ as well as make explicit "the continuing and painful legacy of colonialism and other forms of oppression"³² that exist at the root of gender-based and sexual violence. Workshops should therefore prepare faculty to: "(1) explicitly identify demeaning, exclusionary language, behavior, and policy as a form of oppression; and (2) model challenging taken-for-granted systemic violence, understanding privilege, and creating alliances across difference."³³

Inclusive pedagogy "seeks to embed equitable access and opportunity for success within the classroom and curriculum".³⁴ Belonging is at the core of inclusive pedagogy. In the context of gender-based and sexual violence, belonging in the classroom requires a trauma-informed approach to course content and delivery. A trauma-informed classroom recognizes both that many students begin post-secondary education with a history of trauma, and that many have experienced the trauma of gender-based or sexual violence during their post-secondary trajectory. To ensure all students feel included, it is necessary that faculty and staff be educated and trained to both avoid exposing "students with a history of trauma to uncomfortable or distressing situations" and to respond appropriately when a student does become uncomfortable or distressed.³⁵

UDL "encourages educators to plan their curriculum and pedagogy to anticipate broad diversity in student learning needs and proclivities."³⁶ UDL supports instructors to intentionally design curricula while thinking about diverse learning needs with respect to: delivery methods, physical spaces, information resources, technology, personal interactions, assessments, etc. While UDL was initially designed to support students with diverse learning disabilities, it can also apply to students from diverse

²⁶ "Workshops, courses and training," *University of Victoria*, accessed March 25, 2020,

<https://www.uvic.ca/equity/education/workshops/index.php>; "Inclusivity in the Classroom," *University of Saskatchewan, Teaching and Learning*, accessed March 25, 2020, <https://teaching.usask.ca/strategies/inclusivity.php>.

²⁷ "Centre for Teaching Excellence," *University of Waterloo*, accessed May 7, 2020, <https://uwaterloo.ca/centre-for-teaching-excellence/support-faculty-and-staff>.

²⁸ "Teaching & Learning," *Laurier*, accessed May 7, 2020, <https://www.wlu.ca/academics/teaching-and-learning/index.html>.

²⁹ *Training for Change: An Integrated Anti-Oppression Framework* (Rainbow Health Ontario, 2009), online: <http://www.oaith.ca/assets/files/Publications/Intersectionality/FrameworkARAO-Training.pdf> [*Training for Change*].

³⁰ Deidre Kelly, "Teaching for Social Justice: Translating an Anti-Oppression Approach into Practice," *Our Schools/Our Selves* (Winter 2012) [Kelly, "Teaching Social Justice"].

³¹ *Training for Change*.

³² Kelly, "Teaching Social Justice".

³³ *Ibid.*

³⁴ Catherine Shea Sanger, "Inclusive Pedagogy and Universal Design Approaches for Diverse Learning Environments," in Catherine Shea Sanger & Nancy W. Gleason (eds), *Diversity and Inclusion in Global Higher Education* (Singapore: Palgrave Macmillan, 2020) [Sanger, "Inclusive Pedagogy"].

³⁵ Shannon Davidson, *Trauma-Informed Practices for Postsecondary Education: A Guide* (Education Northwest, n.d.), online: <https://educationnorthwest.org/sites/default/files/resources/trauma-informed-practices-postsecondary-508.pdf>.

³⁶ Sanger, "Inclusive Pedagogy".

cultural backgrounds and with diverse language proficiencies. It is important that workshops for faculty and staff provide the tools necessary to apply UDL principles to instruction and content delivery.

When these three approaches are combined in the classroom, faculty are better able to ensure their content and delivery does not reinforce oppressive social norms that contribute to gender-based and sexual violence.

While these components should be addressed in education, it is also essential that we deconstruct the systemic barriers that produce the conditions necessary for gender-based and sexual violence to exist on our campuses - namely gender inequality. Women continue to be under-represented in STEM fields. In fact, they comprise only 32 percent of graduates in mathematics, computer, and information sciences; and just 20 percent of graduates in architecture, engineering, and related technologies.³⁷ Therefore, the provincial government should invest in a sector-wide strategy to increase representation from underrepresented groups, including women, within student, faculty, and university administration composition in order to deconstruct systemic barriers. This strategy should be developed in consultation with equity, diversity and inclusion professionals, and should recognize the specific barriers BIPOC, Two Spirit and LGBTQ+ individuals, and those from varying socioeconomic backgrounds face.

By incorporating anti-oppressive pedagogies and increasing inclusive representation of diverse groups, we can help to reduce dangerous social norms and inequalities in society that allow gender-based and sexual violence to prevail. This strategy is a systems level preventative approach that can help to implement long-term sustainable change.

To incentivize performance in these areas, the provincial government could create a strategic mandate metric that provides funding to institutions based on their performance in encouraging equity, diversity and inclusion in the classroom.

STUDENT EDUCATION

Principle: Education should be socio-culturally relevant.

Principle: Prevention efforts should be theory-driven and grounded in evidence or promising practices.

Principle: Students should be equipped with the necessary skills and information to engage in healthy sexuality.

Principle: All students have a right to a post-secondary education where they do not fear for their safety.

Concern: Women aged 18-24, racialized, Black, and Indigenous students, Two Spirit and LGBTQ+ students, and students with varying accessibility needs experience higher rates of gender-based and sexual violence.

Concern: Post-secondary institutions and campus culture can promote attitudes and social norms that can lead to gender-based and sexual violence.

Concern: Post-secondary campuses are under equipped and under resourced to deliver the quantity and quality of prevention programming necessary to be effective.

Concern: Few gender-based and sexual violence prevention programs are evaluated for effectiveness.

³⁷ Conference Board of Canada, "Gender inequities persist in Canadian post-secondary education and the workforce," *CISION*, April 19, 2018, online: <https://www.newswire.ca/news-releases/gender-inequities-persist-in-canadian-post-secondary-education-and-the-workforce-680243293.html>.

Concern: International students may not be able to access educational resources and programming that meet their existing cultural understandings.

Recommendation: The provincial government should, in collaboration with experts, gender-based violence educators, students, and those with lived experience, create a gender-based violence prevention framework for post-secondary institutions that outlines best practices and identifies toolkits for prevention programs.

Recommendation: The provincial government should provide funding to post-secondary institutions to implement promising prevention programs for promoting healthy masculinities, positive sexualities and healthy relationships, bystander intervention programs, and anti-oppression training.

Recommendation: The provincial government should task the Higher Education Quality Council of Ontario to complete a review to determine the appropriate number of gender-based violence educators on post-secondary campuses to support effective prevention efforts.

Recommendation: The provincial government should amend section 17 of the *Ministry of Training, Colleges and Universities Act* to require post-secondary campuses to employ an appropriate and proportional number of gender-based violence educators.

Effective education efforts at post-secondary institutions must be theory-driven and grounded in evidence or promising practices, reflective of the multiple student experiences and cultural understandings that exist on a university campus. Education also must be socio-culturally relevant, meaning that cultural beliefs and community norms about gender bias and gender-based and sexual violence are addressed so that prevention efforts are relevant to community members and can be understood in their existing social framework.³⁸ Traditionally, the majority of prevention programming on university campuses in Canada is encompassed by one-time interventions with repetitive content, a lack of rigorous assessment of programs, and is mainly incorporated in first-year transition programming. However, best practices for education on gender-based and sexual violence prevention outline that in order to be effective, education should:

- be comprehensive and address multiple intervention components that foster positive relationships with peers;
- address varied environmental settings and scenarios;
- address a range of protective and risk factors;
- be socio-culturally relevant and reflect community norms and cultural beliefs;
- be appropriately timed;
- be implemented by well-trained staff;
- utilize varied teaching methods, such as online training, workshops, peer-to-peer training, and be embedded in curriculum, among others; and
- be repeated over time to reinforce teachings from previous education.³⁹

Some research also suggests that education is more effective in single-gender audiences,⁴⁰ however caution should be taken while utilizing this approach as to not exclude non-binary and trans students.

In order to develop and identify best practices, it is thus essential that the provincial government invest in the development of a gender-based violence prevention framework for post-secondary institutions that outlines best practices and creates toolkits for prevention programs. The provincial government should fund the development of the framework and these toolkits and contract out the creation of a framework to experts in gender-based violence prevention and response, including researchers, educators, activists and

³⁸ *Courage to Act*, 87.

³⁹ *Ibid*, 92.

⁴⁰ Beverly A. McPhail, "A Question of Consent: Engaging Men in Making Responsible Sexual Decisions," in *Preventing Sexual Violence on Campus: Challenging Traditional Approaches through Program Innovation*, eds. Sara Carrigan Wooten & Roland W. Mitchell (New York: Routledge, 2017), 50.

those with diverse lived experience, student groups, and relevant university administrators. This framework should encompass prevention programs that incorporate healthy relationships, healthy masculinity, bystander intervention, anti-oppression, and trauma-informed frameworks as these approaches are known to support the deconstruction of individual, relationship, community, and societal risk factors. An effective framework would be utilized by post-secondary institutions as a roadmap to implement programming, policies and other changes to addressing gender-based and sexual violence.

This framework should draw from promising best practices that already exist at Ontario universities, or that have been outlined and evaluated as effective across North America. Some promising prevention programs that already exist include:

- 1) The Safe Dates program helps adolescents build the necessary skills to have safe and healthy intimate relationships.⁴¹ Youth exposed to Safe Dates reported between 56 percent to 92 percent less dating violence victimization and perpetration compared to controls at follow-up.⁴² This program could be adapted for students at post-secondary institutions to ensure students have the tools necessary to have healthy and safe relationships.
- 2) The ManMade program developed by Anova (a sexual assault centre in London) is a four-week discussion group program that helps men “find their voice and create change for themselves and their community.”⁴³ This program helps to shift relationship and societal factors influencing gender-based and sexual violence as it explores a range of topics including what healthy masculinity can look like, how to engage in healthy relationships, how to navigate intimacy as well as understanding consent. This ensures that more men are equipped to practice healthy relationships and shift attitudes within their peer groups surrounding gender-based and sexual violence prevention.
- 3) A variety of bystander intervention programs have been developed such as Upstander and Bring in the Bystander.⁴⁴ These programs help educate participants on what constitutes gender-based and sexual violence, recognize it as a problem, and help participants learn strategies to intervene if they witness gender-based or sexual violence. These programs are rooted in a psychological understanding of the bystander effect, which examines the factors that determine whether a bystander will intervene in an emergency.⁴⁵ A framework should evaluate the multitude of bystander intervention programs and help to determine best practices for the diverse experiences on post-secondary campuses.
- 4) Enhanced Assess, Acknowledge, Act program is a 12-hour prevention program for first-year university or college female students that provides education and skills training with the goal of being able to assess risk from acquaintances, overcome emotional barriers in acknowledging danger, and use verbal and physical strategies to reduce risk for violence.⁴⁶ This can enable students at a higher risk of experiencing gender-based and sexual violence to keep themselves safe. In a Canadian clinical study of the program, participants were 50.4 percent less likely to have experienced a rape and/or attempted rape at a one-year follow-up compared to a control

⁴¹ “Safe Dates,” Public Health Agency of Canada: Canadian Best Practices Portal, modified August 19, 2016, <https://cbpp-pcpe.phac-aspc.gc.ca/pppractice/safe-dates/>.

⁴² Vangie A. Foshee, Karl E. Bauman, Susan T. Ennett, G. Fletcher Linder, Thad Benefield & Chirayath Suchindran, “Assessing the Long-term Effects of the Safe dates Program and Booster in Preventing and Reducing Adolescent Dating Violence Victimization and Perpetration,” *American Journal of Public Health* 94, no. 4 (2004): 619-624.

⁴³ “Man Made,” *Western University: Health and Wellness*, accessed February 4, 2020, <https://www.uwo.ca/health/manmade.html>.

⁴⁴ “About Upstander Training,” *Upstander Program*, accessed February 4, 2020, <https://www.upstanderprogram.com/about>;
“Home,” *The Bystander Initiative*, accessed February 4, 2020, <https://www.bystanderinitiative.ca/home>.

⁴⁵ “The Bystander Effect,” *Upstander Program*, accessed March 25, 2020, <https://www.upstanderprogram.com/bystander-effect>.

⁴⁶ “Enhanced Assess, Acknowledge, Act (EAAA) Sexual Assault Resistance Program,” *Social Programs that Work*, updated January 12, 2018, <https://evidencebasedprograms.org/programs/enhanced-assess-acknowledge-act-eaaa-sexual-assault-resistance-program/>.

group.⁴⁷ More research should be done to identify best practices for programming, identify gaps, and complete research to develop prevention programming to fill the gaps, with particular attention to those most likely to experience gender-based and sexual violence, including racialized, Black, and Indigenous students, Two Spirit and LGBTQ+ students, and students with disabilities.

- 5) Coaching Boys Into Men is a program that engages boys through high school athletics by providing coaches with training tools to model and promote respectful, non-violent, healthy relationships with their male athletes.⁴⁸ Coaching Boys into Men has been shown to decrease negative bystander behavior (e.g., laughing at sexist jokes) and to decrease dating violence perpetration, including physical, sexual, and emotional abuse, among male high school athletes.⁴⁹ One study by Tredinnick and McMahon illustrated that college age student-athletes who discussed sexual violence prevention with their coaches were more likely to take action to prevent sexual violence than those that did not.⁵⁰

This framework should also outline how post-secondary institutions can combine programming offerings to offer comprehensive training on their campuses for a variety of audiences. If we strive to do effective prevention work, it is essential that post-secondary institutions are able to engage effectively with high-risk groups for both survivors⁵¹ and those at-risk of causing harm.

Another gap in prevention programming for gender-based and sexual violence is for culturally relevant training for international students. International students may have different experiences and diverse teachings about relationships and sexuality before coming to Canada. Programming to meet their diverse needs should be developed, as well as distinct supports for international students who may be survivors of gender-based or sexual violence. It is essential that the proposed gender-based violence framework accounts for these nuances and provides post-secondary institutions with the tools necessary to deliver all-encompassing programming.

Finally, it is clear that this is demanding work that is often draining and precarious. Given the significant unique needs that are required in order to educate an entire campus community, it is essential that campuses are appropriately staffed in proportion to their campus population. Full-time, permanent gender-based violence educators are needed on campus communities to support effective prevention efforts. The provincial government should outline in their framework the number of educators needed per thousand students on a campus. On many campuses, only one or two educators exist for the entire campus community. This is startling when we consider the size and demand for prevention-based education. The provincial government must outline a standard to ensure our campuses have sufficient resources to complete effective work and should task the Higher Education Quality Council of Ontario with completing a review to determine the appropriate number. The provincial government should then amend section 17 of the *Ministry of Training, Colleges and Universities Act* to mandate universities employ the appropriate number of educators for their campus community.

PREPARING FOR POST-SECONDARY (K-12 EDUCATION)

Principle: All students should begin post-secondary with sufficient information on relationships, sexuality, and consent.

⁴⁷ Charlene Y. Senn, Misha Eliasziw, Paula C. Barata, Wilfreda E. Thurston, Ian R. Newby-Clark, Lorraine Radtke & Karen L. Hobden, K. L. "Efficacy of a sexual assault resistance program for university women," *New England Journal of Medicine* 372, no. 24 (2015): 2326-2335.

⁴⁸ "Coaching Boys into Men Impact," *Coaches Corner*, accessed February 4, 2020, <https://www.coachescorner.org/impact/>.

⁴⁹ Kathleen C Basile, Sarah DeGue, Kathryn Jones, Kimberley Freire, Jenny Dills, Sharon G. Smith & Jerris L. Raiford, *STOP SV: A Technical Package to Prevent Sexual Violence* (Atlanta, Georgia: Division of Violence Prevention, National Center for injury Prevention and Control, Centers for Disease Control and Prevention, 2016), 17 [STOP SV].

⁵⁰ Lorin Tredinnick & Sarah McMahon, "College coaches' influence on student-athlete engagement in sexual violence prevention: promoting readiness to help and awareness of campus resources," *Sport in Society: Cultures, Commerce, Media, Politics* (2019).

⁵¹ Women aged 18-24, racialized, Black, and Indigenous students, Two Spirit and LGBTQ+ students, and students with varying accessibility needs are among those most at-risk of experiencing gender-based violence, see: *Courage to Act*, 16-18.

Principle: Gender-based and sexual violence prevention must begin with a focus on healthy sexuality and healthy relationships.

Principle: Education should be comprehensive, and recognize diverse sexualities, genders, and socio-cultural understandings.

Concern: Sexual health education is often framed in terms of a gender binary, which prioritizes heterosexual and cisgender students and excludes people of various gender identities and expressions, and sexual orientations.

Concern: Students are often not provided adequate information about sexual health to make informed and healthy choices.

Concern: Consent education is most effective when taught regularly to younger audiences, yet many students coming to post-secondary have not received effective consent education.

Concern: Students are most at-risk of experiencing sexual violence during the first six to eight weeks of their post-secondary education, yet education efforts often occur during or after this period.

Concern: Not all prevention programs are effective, evidence-informed, and survivor-centric.

Concern: Students experience technology-facilitated violence from K-12 and beyond but are under equipped to protect themselves and access support.

Recommendation: The Ontario College of Teachers should develop a comprehensive Additional Qualification Course that incorporates lessons on gender identity and expression, sexual health, sexual orientation, masturbation and sexual pleasure, STIs, pregnancy and contraception, gender norms, toxic masculinity, and technology-facilitated violence that is trauma-informed and utilizes a harm reduction framework in order to ensure educators have all the skills necessary to teach students.

Recommendation: The provincial government should mandate that teachers teaching the Health and Physical Education Curriculum take the aforementioned Additional Qualification.

Recommendation: The provincial government should expand the cyberbullying component of the Health and Physical Education Curriculum to discuss technology-facilitated violence.

Recommendation: The Ministry of Education should amend the Health and Physical Education Curriculum to include lessons on gender identity, consent, sexual orientation, masturbation and sexual pleasure, STIs, pregnancy and contraception, gender norms, toxic masculinity, and technology-facilitated violence that are introduced in early grades, consistent with recommendations from experts on student development and health and the Canadian Guidelines on Sexual Health Education and the International Technical Guidance on Sexuality Education, and built upon throughout the course of a student's education.

Recommendation: The Ministry of Education should include education about consent, healthy relationships, respect, autonomy, sexual orientation, gender identity and expression, and other topics outlined by the Human Rights Code under Strand A of the Health and Physical Education Curriculum.

Recommendation: The Ministry of Education should invest in a trauma-informed, early-alert system to educate teachers on how they can support students that may be experiencing gender-based violence, trauma, or neglect at home.

Students are most at-risk of experiencing sexual violence during the first six to eight weeks⁵² of their post-secondary education, making it important to ensure students are educated on prevention prior to entrance into post-secondary. The gender-based and sexual violence response and prevention sector has been clear that in order to implement a sustainable attitude shift that can help our society understand consent culture and have healthy and safe relationships, young people must be taught about consent, sexuality and identity, respect, and conflict management from an early age.⁵³ However, young people's experiences of receiving education in these areas vary. While recent iterations of provincial health and physical education curriculums have made essential steps in the right direction by incorporating consent, pleasure, sexual orientation, gender identity, and healthy relationships, there continue to be some gaps both in the curriculum and how this information is disseminated. One gap identified in the health and physical education curriculums is education on technology-facilitated violence.

While health and physical education curriculums discuss gender-based violence and cyber-bullying, it is essential that the curriculums incorporate how technology can be used as a form of violence. Technology-facilitated violence includes: revenge porn, surveillance and stalking, exploitation, human trafficking, and harassment.⁵⁴ In a digital age, there are new opportunities for technology-facilitated violence, and this has far-reaching impacts. For instance, in October 2012, a 15-year-old girl died by suicide after being manipulated into exposing her breasts via webcam by an online predator and enduring months of torment and blackmail.⁵⁵ Students require education on victim-blaming, prevention, and how to access support as technology-facilitated violence becomes an increasingly common phenomenon.

Another gap in the existing curriculum is the tendency to frame content in terms of a gender binary, which prioritizes heterosexual and cisgender students and excludes people of various gender identities and expressions, and sexual orientations.

To address these gaps, OUSA recommends that the Ministry of Education amend the Health and Physical Education Curriculum to include lessons on gender identity, consent, sexual orientation, masturbation and sexual pleasure, STIs, pregnancy and contraception, gender norms, toxic masculinity, and technology-facilitated violence that are introduced in early grades, consistent with recommendations from experts on student development and health and the Canadian Guidelines on Sexual Health Education and the International Technical Guidance on Sexuality Education, and built upon throughout the course of a student's education.

Students cite significant differences in the quality of sexual education depending on their teacher and their school board. To ensure that there is consistency in content and quality of education, the Ministry of Education should include education about consent, healthy relationships, respect, autonomy, sexual orientation, gender identity and expression, and other topics outlined by the Human Rights Code under Strand A of the Health and Physical Education Curriculum. Mandating that this information be disseminated under Strand A of the curriculum (which cannot be opted-out of) will help ensure that all students, across all school boards, receive comprehensive education on healthy relationships, gender identity and expression, and sexual orientation. Currently, the majority of education on healthy relationships falls under Section D, which parents can opt their students out of. It is essential, in order to eradicate gender-based violence, that all students have understandings of consent, healthy relationships, gender identity and expression, and sexual orientation.⁵⁶ This also ensures students have a comprehensive understanding of their rights in relation to gender, development, and sexuality outlined by the Ontario

⁵² *Campus Sexual Violence: Guidelines for a Comprehensive Response* (Vancouver, BC: Ending Violence Association of BC, 2016).

⁵³ Kathy Bickmore, "How might social education resist (hetero)sexism? Facing the impact of gender and sexual ideology on citizenship," *Theory and Research in Social Education* 30, no. 2 (Spring 2002).

⁵⁴ "Technology-Facilitated Abuse," *VAWnet*, accessed February 4, 2020, <https://vawnet.org/sc/technology-assisted-abuse>.

⁵⁵ "5 years after the death of Amanda Todd, her story still resonates," *CBC News*, October 10, 2017, online: <https://www.cbc.ca/news/canada/british-columbia/amanda-todd-anniversary-harassment-1.4347163>.

⁵⁶ *The Ontario Curriculum, Grades 1-8: Health and Physical Education* (Government of Ontario, 2019); Ministry of Education, "Exemption from Instruction related to the Human Development and Sexual Health Expectations in *The Ontario Curriculum: Health and Physical Education, Grades 1-8, 2019*," (Government of Ontario, Policy/Program Memorandum No. 162, August 21, 2019).

Human Rights Code, and that teachers and educators can comprehensively teach these topics without fear of repercussions.

In addition to a comprehensive curriculum, it is equally important that all teachers teaching the curriculum are equipped with the necessary tools and information to ensure they are able to teach the curriculum content effectively and accurately. To prepare teachers, the Ontario College of Teachers (OCT) should develop a comprehensive Additional Qualification (AQ) Course to feature a survivor-centric, trauma-informed, and anti-oppressive frameworks that prepares teachers to meaningfully engage with topics on sexual health, gender identity and expression, gender norms, and gender-based violence. The regulated system of Additional Basic Qualifications (ABQs) and AQs is the primary form of professional learning for teachers in the province. ABQs/AQs are set out in legislation, accredited by the College, offered by providers approved by the College and, when successfully completed, recorded on the member's Certificate of Qualification and Registration.⁵⁷ A new AQ developed by OCT should incorporate lessons on gender identity and expression, sexual health, sexual orientation, masturbation and sexual pleasure, STIs, pregnancy and contraception, gender norms, toxic masculinity, and technology-facilitated violence that is trauma-informed and utilizes a harm reduction framework in order to ensure educators have all the skills necessary to teach students. Once developed, the provincial government should make this AQ a mandatory professional development course for any teacher teaching provincial health and physical education curriculums, similar to the math proficiency requirements announced in August 2019.⁵⁸

Finally, it is essential that we recognize that the most significant risk factors for victimization and perpetration of gender-based and sexual violence typically occur in childhood or adolescence and include: a history of child physical abuse, exposure to parental violence, involvement in delinquent behavior, acceptance of violence, hyper-masculinity, excessive alcohol use, and association with sexually-aggressive peer groups. In order to help children who may be experiencing violence at home, and to work towards societal prevention, the Ministry of Education should invest in the development of a trauma-informed early-alert program to educate teachers on how they can help students who may be experiencing these risk factors. Many early alert systems exist across the United States for K-12 education, and these are becoming increasingly common for post-secondary institutions to adopt as well. Early intervention systems utilize indicators such as absences, and behavioural and academic changes to identify students at risk of dropping out or youth that may be experiencing mental health challenges.⁵⁹ These indicators can also signal if a student may be experiencing gender-based or sexual violence, abuse, or neglect at home,⁶⁰ and thus the Ministry of Education should invest in the development of an early intervention system that helps educators identify early alerts and graduated interventions depending on students' needs.

ATHLETICS

Principle: Participation in athletics and extracurricular activities can help prepare young people to become leaders.

Principle: Extracurricular activities should not reinforce harmful gender stereotypes.

Principle: All students should be able to participate in athletics without experiencing discrimination.

Concern: Male athletes are more likely to perpetuate gender-based and sexual violence.

⁵⁷ "Additional Qualifications," *Ontario College of Teachers*, accessed March 25, 2020, <https://www.oct.ca/members/additional-qualifications>.

⁵⁸ "First Year Investment of Ontario's Four-Year Math Strategy Announced," *Ontario Newsroom*, August 28, 2019, online: https://news.ontario.ca/edu/en/2019/08/first-year-investment-of-ontarios-four-year-math-strategy-announced.html?_ga=2.243080066.1270326523.1587991359-1555824960.1585166779.

⁵⁹ Sarag Frazelle & Aisling Nagel, *A practitioner's guide to implementing early warning systems* (Education Northwest, January 2015).

⁶⁰ Michele Lloyd, "Domestic Violence and Education: Examining the Impact of Domestic Violence on Young Children, Children, and Young People and the Potential Role of Schools," *Frontiers in Psychology* 9, (2018).

Concern: Two Spirit and LGBTQ+ athletes continue to experience transphobia and homophobia in sport.

Concern: Participation in athletics by Two Spirit and LGBTQ+ students is lower in comparison to heterosexual and cisgender peers.⁶¹

Recommendation: The provincial government should mandate that sport organizations, coaches, and coach-teachers verify that they have completed training on gender identity and expression, masculinity, and leadership.

Recommendation: The provincial government should mandate that all provincial sport organizations and multi-sport organizations recognized by the Ministry of Tourism, Culture and Sport ensure that coaches receive the “Coaching Boys Into Men” program, or a program with demonstrated equal or increased impact, and disseminate education to their athletes once per year.

Athletics is a transformative experience that can prepare young people to become hard working and resilient leaders as they move from high school to university. However, research on student athletes found that men on intercollegiate athletic teams disproportionately commit campus sexual assault.⁶² Moreover, despite progress, some young athletes continue to cite experiences of homophobia and transphobia in sport, including bullying and hearing derogatory slurs made by peers and coaches.⁶³ In fact, the largest study ever conducted on homophobia in sport reported that 81 percent of Canadian participants had witnessed or experienced homophobia, which included verbal threats of harm and physical assault, being bullied, and verbal slurs used against them (such as “dyke” or “faggot”). Not only does this contribute to lower participation in athletics by Two Spirit and LGBTQ+ students compared to heterosexual and cisgender students,⁶⁴ but this type of gender-policing and bigotry is shown to contribute to a culture of hypermasculinity that can increase rates of sexual assault.⁶⁵ Hypermasculinity, hyper-competitiveness, and “locker room” culture are risk factors for perpetuating gender-based violence and are sometimes developed by norms in sport.⁶⁶ Education programs on gender-based violence must speak to healthy masculinities and address the specific socio-cultural experience of male athletes. Investments must be made in gender-based violence prevention specific to athletics.⁶⁷

Coaches play a critical role in creating a sport environment that is safe and respectful for all, regardless of ethnicity, religion, sexual orientation, gender identity or expression.⁶⁸ Ensuring coaches are fostering positive, healthy, and safe environment is an important factor in addressing gender-based violence and reframing attitudes that contribute to gender-based violence in sport. To this end, the provincial government should mandate that sport organizations, coaches, and coach-teachers confirm that they have completed training on gender identity and expression, masculinity, and leadership. This could be legislated similarly to *Rowan’s Law*, passed by the Ontario Legislature in 2018, that makes it mandatory for sports organizations to: ensure that athletes under 26 years of age, parents of athletes under 18, coaches, team trainers and officials confirm every year that they have reviewed Ontario’s Concussion Awareness Resources.⁶⁹ A similar law should be introduced that would govern training for individuals

⁶¹ Allison Daniel Anders & James M. DeVita, “Coaches, gender non-conforming youth and athletics: Examining male identity and masculine expression,” *International Journal of Qualitative Studies in Education* (November 2019).

⁶² K. L. McCray, “Intercollegiate Athletes and Sexual Violence: A Review of Literature and Recommendations for Future Study,” *Trauma Violence Abuse* 16, no. 4 (2015): 438-443 [McCray, “Intercollegiate Athletes”].

⁶³ ‘Seeing the Invisible, Speaking About the Unspoken’: A Position Paper on Homophobia in Sport (Canadian Women & Sport, 2012).

⁶⁴ Allison Daniel Anders & James M. DeVita, “Coaches, gender non-conforming youth and athletics: Examining male identity and masculine expression,” *International Journal of Qualitative Studies in Education* (November 2019).

⁶⁵ Michael Kimmel, “Bros before Hoes’: The Guy Code,” in *Guyland: The Perilous World Where Boys Become Men* (New York: HarperCollins, 2008), 44-69.

⁶⁶ McCray, “Intercollegiate Athletes”.

⁶⁷ Craig Takeuchi, “Homophobia in sport study: Canada’s sports culture most progressive of six nations,” *Straight*, May 11, 2015, online: <https://www.straight.com/news/448441/homophobia-sport-study-canadas-sports-culture-most-progressive-six-nations>.

⁶⁸ Jennifer Birch-Jones, *Leading the Way: Working with LGBT Athletes and Coaches* (CAAWS, 2014).

⁶⁹ *Rowan’s Law (Concussion Safety)*, 2018, S.O. 2018, c.1 – Bill 193.

involved in sport organizations with a goal of preventing gender-based violence. The sport organizations encapsulated under the new legislation could mirror the definition used for Rowan's Law: "a person or entity that carries out, for profit or otherwise, a prescribed activity in connection with an amateur competitive sport and that satisfies such other criteria as may be prescribed."⁷⁰ This includes, but is not limited to:

- a person or entity that carries out, for profit or otherwise, a prescribed activity;
- municipalities;
- universities;
- colleges of applied arts and technology; and
- other post-secondary institutions.⁷¹

Organizations such as Ontario University Athletics and the Ontario Federation of School Athletic Associations (OFSAA) would fall within this scope. OFSAA could easily fulfil this requirement by amending their Coaching Ontario Schools program to include gender norms, gender identities, and healthy masculinities, and ensure that young athletes are prepared to enter post-secondary. Other sports organizations already require similar training for leadership. For instance, Football Ontario ensures all coaches complete the NCCP certified: Making Headway, Multi-Sport, Making Ethical Decisions, Safe Contact, and Flag Football training.

Given that education is more effective when students are younger, and many post-secondary aged athletes begin as grade school athletes, it is equally important that there be programming in place targeting athletes from an early age. One way to do this is by mandating that all provincial sport organizations and multi-sport organizations recognized by the Ministry of Tourism, Culture and Sport ensure that coaches are knowledgeable in the "Coaching Boys Into Men" program and disseminate this education to their athletes once per year. A study by Tredinnick and McMahon found that post-secondary aged student-athletes who discussed sexual violence prevention with their coaches were more likely to take action to prevent sexual violence than those that did not.⁷² "Coaching Boys Into Men" is a program that engages boys through high school athletics by providing coaches with training tools to model and promote respectful, non-violent, healthy relationships with their male athletes.⁷³ Coaching Boys into Men has been clinically evaluated, and was shown to decrease negative bystander behavior (e.g., laughing at sexist jokes) and decrease dating violence perpetration, including physical, sexual, and emotional abuse, among male high school athletes.⁷⁴ Currently, "Coaching Boys Into Men" is the most demonstrably effective program for this purpose, however should another program with demonstrated equal or greater efficacy be found, that program should be allowed under the mandate.

⁷⁰ Ibid.

⁷¹ "Rowan's Law: Information for sports organizations and schools," Government of Ontario, updated April 27, 2020, <https://www.ontario.ca/page/rowans-law-information-sports-organizations-and-schools>.

⁷² Lorin Tredinnick & Sarah McMahon, "College coaches' influence on student-athlete engagement in sexual violence prevention: promoting readiness to help and awareness of campus resources," *Sport in Society: Cultures, Commerce, Media, Politics* (2019).

⁷³ "Coaching Boys into Men Impact," *Coaches Corner*, accessed February 4, 2020, <https://www.coachescorner.org/impact/>.

⁷⁴ *STOP SV*, 17.

IMMEDIATE PREVENTION

ENVIRONMENTAL DESIGN

Principle: Universities are responsible for ensuring all students feel safe and welcome on their university campuses.

Principle: Campus infrastructure should be designed with a focus on student safety with regard to gender-based and sexual violence prevention.

Principle: All campus infrastructure projects should account for matters of accessibility and inclusion.

Concern: Current campus infrastructure does not support a safe environment for students that is conducive to the prevention of gender-based and sexual violence.

Concern: The Integrated Accessibility Standards under the *Accessibility for Ontarians with Disabilities Act* do not account for safety from gender-based and sexual violence.

Concern: The Integrated Accessibility Standards under the *Accessibility for Ontarians with Disabilities Act* allow for exceptions pursuant to the *Ontario Heritage Act*, preventing alterations that improve student safety and accessibility.

Concern: Individuals who identify as transgender or gender non-conforming may experience harassment, discrimination, and safety concerns through limitations on the built environment, such as lack of access to gender-neutral washrooms or changerooms.

Recommendation: The proposed Gender-based & Sexual Violence Knowledge Centre* and Council of Ontario Universities should develop a set of mandatory, minimum safety standards for gender-based and sexual violence prevention at all post-secondary campuses.

Recommendation: The provincial government should mandate that all post-secondary institutions perform regular campus safety audits to identify safety concerns and ensure that the mandatory safety and accessibility standards are being met.

Recommendation: The provincial government should remove heritage site exceptions from the Integrated Accessibility standards under the *Accessibility for Ontarians with Disabilities Act*, to allow for modifications to be made to buildings that improve campus safety and accessibility.

Recommendation: The provincial government should make capital project funds available to post-secondary institutions to allow them to address all gaps and areas of concern identified in regular campus safety audits.

Recommendation: The provincial government should mandate that all institutions have gender neutral-washrooms and that all new institutions and infrastructural expansions dedicate spaces, including in recreational facilities, for gender-neutral washrooms and change rooms that are easily accessible for all students.

Recommendation: The provincial government should conduct a review of the Integrated Accessibility Standards under the *Accessibility for Ontarians with Disabilities Act* to identify and address gaps pertaining to gender-based and sexual violence.

* See "Research & Data" section, below.

Environmental design refers to the process of planning and executing infrastructural developments in a given place or space. In attempting to design a physical space, developers aim to improve outcomes by factoring in natural, social, cultural, and physical implications.⁷⁵ Within the context of gender-based and sexual violence, building an inclusive and accessible environment is important in influencing individual behaviour and ultimately creating a space that protects against instances of violence.⁷⁶

One of the impacts of the built environment on university campuses is the real and/or perceived feelings of safety that facilitate mobility on campuses and within surrounding student districts. Multiple studies have found that women are less likely to access certain spaces, including student centres, parking lots, and libraries, especially during evening hours due to increased fears of violence.⁷⁷ This is something that has to be addressed through proper identification and better planning.

In a qualitative study conducted at Wilfrid Laurier University, it was found that certain campus features, such as locked buildings after certain hours, contributed to making students feel less safe.⁷⁸ Other students cited the presence of foot patrols, safety poles, and security cameras as promoting physical safety, but also reinforcing the sense of fear associated with mobility on campus. The study also found that although feelings of safety for men and women are comparable during the day, women feel significantly less safe at night compared to men.⁷⁹ Although there is a general perception that student life is equally accessible to all, this evidence demonstrates that built environments can have gendered impacts that disproportionately restrict mobility for women, thus inhibiting their educational and social experience.

In *Violence and Accessibility: Increasing Safety for Women with Disabilities On Campus*, Terri-Lynn Langdon's research highlights the need to address the built environment through an intersectional lens that takes accessibility and gender into consideration.⁸⁰ Langdon demonstrates evidence that women aged 16-29 who attend post-secondary institutions and have a disability are at a compounded high-risk to instances of sexual assault and violence.⁸¹ To address alterations to the built environment it is vitally important to take this consideration into account. Recommendation 10 of Langdon's report states that greater emphasis needs to be placed on improving accessibility of escape routes, improving lighting and signage, and developing alternatively formatted maps that highlight accessible routes, high lit areas, and where emergency poles can be located.⁸² Ontario currently has legislation intended to support accessibility for all Ontarians, yet this legislation and associated regulations do not account for safety from gender-based and sexual violence and allow for exceptions that do not support student safety or accessibility. It is therefore necessary that the provincial government conduct a review of existing legislation that specifically addresses concerns at the intersection of gender-based violence and disability, including removing exceptions that prevent needed modifications to be made.

The bifurcation of the built environment also creates a greater risk of gender-based violence towards people who are transgender or gender non-conforming. Public washrooms at post-secondary institutions are an example of how physical spaces can create negative experiences. Although washrooms can be perceived as a relatively mundane permanent fixture, only providing them on the basis of strict binary labelling presents harm and increases instances of gender-based violence directed at transgender and gender non-conforming students. In the *National Transgender Discrimination Survey* (NTDS) of transgender individuals in the United States, respondents specifically pointed to washrooms and change rooms as presenting challenges within post-secondary institutions.⁸³ These respondents mentioned

⁷⁵ Roger W. Caves, *Encyclopedia of the City* (New York, NY: Routledge, 2013).

⁷⁶ "A Safe Place to Call Home: Transforming the Physical/ Built Environment for Sexual and Domestic Violence Prevention," (*Toward Community Health and Justice*, 2017 Prevent Connect Web Conference), 34-37 ["A Safe Place to Call Home"].

⁷⁷ Jay Harrison & Ginette Lafreniere, *University Campuses Ending Gendered Violence: Final Report & Recommendations* (The Change Project, 2015), 37-38.

⁷⁸ Ibid.

⁷⁹ Ibid, 41-42.

⁸⁰ Terri-Lynn Langdon, *Violence and Accessibility: Increasing Safety for Women with Disabilities On Campus* (Springtide Resources, 2012), 4-32.

⁸¹ Ibid, 4-5.

⁸² Ibid, 23.

⁸³ Kristie L. Seelman (2016) Transgender Adults' Access to College Bathrooms and Housing and the Relationship to Suicidality, *Journal of Homosexuality*, 63:10, 1381.

experiences of being questioned, being stared at, and being denied entry when trying to use a washroom. Furthermore, respondents who identified as transgender and a person of colour, person with a disability, or person who lives in a rural area were more likely to have these negative experiences.⁸⁴ These experiences are directly correlated to a post-secondary institution's built environment. Institutions' facilities should be safe and accessible, but they should also be created with proper consideration for all individuals' needs. Before constructing or implementing a safety audit, developers should draw from the experiences of all groups whose experiences of gender-based violence may be exacerbated by the built environment. To ensure that attention is paid to inclusive design and construction, the provincial government should mandate that all institutions have gender neutral-washrooms and that all new institutions and infrastructural expansions dedicate spaces, including in recreational facilities, for gender-neutral washrooms and change rooms that are easily accessible for all students.

To address real and perceived threats of violence on post-secondary campuses, infrastructure projects should aim to address accessibility, surveillance, and maintenance gaps. These gaps can be identified through the implementation of systematic safety audits that rely on the experiences of those who are disproportionately dealing with the dangers of inadequate built environments. Women in Cities International identify seven principles in designing gender-inclusive and safe cities:

- 1) Know where you are: signage, signals, orientation.
- 2) See and be seen: visibility, lighting, hiding places.
- 3) Hear and be heard: rush hour, peak circulation, social use of space.
- 4) Be able to get away: formal/informal surveillance, access to emergency services.
- 5) Live in a clean and welcoming environment: design, access and maintenance.
- 6) Work together: community participation by the appropriation of public space.
- 7) Accessibility and inclusion: consider breadth of intersecting issues.⁸⁵

Additionally, METRAC has created a campus safety audit using best practices and a gender-based violence analysis to identify gaps and provide recommendations.⁸⁶ METRAC's approach:

We combine best practices of Crime Prevention Through Environmental Design (CPTED) with a gender-based violence analysis, social ecological model, community development approaches and other proven methodologies. We also start with a "High Risk First" approach, considering needs of those statistically at highest risk of violence. We attend to violence often missed in other assessments and incorporate exclusion factors as barriers to safety and belonging.⁸⁷

By implementing uniform regular campus safety audits that are evidence-informed and include principles from both gender-based and accessibility analysis, post-secondary institutions will be able to identify and mitigate risks in the built environment. These audits will be instrumental in pointing out areas in which capital project funding should be invested to prevent instances of gender-based and sexual violence due to campus infrastructural inadequacies. Data collected from these safety audits and their subsequent risk-mitigating projects can be shared across the sector to ensure uniform safety in Ontario post-secondary institutions. To ensure that safety audits are effective and result in adequate response, a set of minimum standards should be developed that institutions must adhere to. These standards should be developed by the proposed Gender-based & Sexual Violence Knowledge Centre* and Council of Ontario Universities. Additionally, the provincial government should make capital project funds available to post-secondary institutions to allow them to address all gaps and areas of concern identified in their regular campus safety audits.

⁸⁴ Ibid.

⁸⁵ "A Safe Place to Call Home".

⁸⁶ "Campus," METRAC, accessed February 7, 2020, https://www.metrac.org/what-we-do/safety/campus/?doing_wp_cron=1580485262.0546619892120361328125.

⁸⁷ Ibid.

* See "Research & Data" section, below.

It is important to recognize that although it is an essential element that must be factored in, the built environment is not the most effective solution in combating the large proportion of instances of gender-based and sexual violence. If over-emphasized, focusing on the built environment without also addressing the root causes of gender-based and sexual violence can actually be harmful, particularly when analyzing the statistics on gender-based and sexual violence.⁸⁸ Many prevention efforts centered on removing risks in the built environment are designed from the premise that gender-based and sexual violence occurs most commonly through random attacks by strangers in public settings, yet the evidence shows that over 85 percent of survivors know their attacker and attacks are more likely to occur in private spaces and homes; places where the built environment of a campus has little influence.⁸⁹ Ultimately, ensuring that the built environment is safe is an important consideration, but the evidence shows that underlying causes of sexual violence, such as gender inequality, toxic masculinity, power, and patriarchy must receive the largest emphasis in the efforts to fight against violence.

INVESTING IN PREVENTION

Principle: Investment in prevention should recognize and acknowledge all aspects of gender-based and sexual violence, including those most impacted.

Principle: Institutions should have the funding and support to deliver gender-based and sexual violence prevention programming that is grounded in evidence and promising practices.

Principle: The Campus Safety Grant should be expanded to acknowledge all elements of gender-based violence, including issues related to human trafficking, technology-facilitated violence, stalking, and intimate partner violence.

Concern: The current title of the Campus Safety Grant does not make specific reference to the issue of gender-based and sexual violence at post-secondary institutions.

Concern: Quality gender-based and sexual violence prevention training and education programs can be costly to develop and implement.

Concern: Funding from the Campus Safety Grant is often not administered by gender-based violence professionals and typically is split across many different departments within an institution.

Concern: Unless directed not to, institutions may use Campus Safety Grant funds to replace existing salaries for Sexual Violence Prevention & Response professionals on campus.

Recommendation: The provincial government should change the name of the Campus Safety Grant to the Gender-Based & Sexual Violence Prevention & Response Grant.

Recommendation: The provincial government should continue to provide \$6 million a year for the Campus Safety Grant.

Recommendation: The provincial government should mandate that each institution's Sexual Violence Prevention & Response office or equivalent should administer the allocation of the Campus Safety Grant.

Recommendation: The Ministry of Colleges and Universities should mandate that each post-secondary institution submit a standardized yearly public report indicating all allocations of the Campus Safety Grant.

⁸⁸ Katelyn Graham, "Accommodating Public Space to Uphold Rape Myths: The Danger of Using Environmental Design to Prevent Sexual Violence," (University of Washington Libraries, 2018), <https://digital.lib.washington.edu/researchworks/handle/1773/41901?show=full>.

⁸⁹ "Most Victims Know Their Attacker," *National Institute of Justice*, September 30, 2008, www.nij.gov/topics/crime/rape-sexual-violence/campus/Pages/know-attacker.aspx.

Recommendation: The Ministry of Colleges and Universities should create a yearly report outlining all grant allocations and action plans to improve transparency and ensure stronger provincial best-practice sharing.

Instituting gender-based and sexual violence prevention initiatives is neither simple, nor inexpensive. To accomplish meaningful change, projects need to have significant cross-campus buy-in and appropriate funding that not only supports efforts that address all elements of gender-based violence, but also support those most impacted. These initiatives are costly to implement and run, requiring both resource funding associated with prevention efforts, as well as salary and incidental funds that can be expensive and often prohibitive for post-secondary institutions and the groups leading prevention efforts on campus.

However, when considering the social and economic costs imposed on society by violent crime, it is clear that greater investments will benefit our province in the long-run. Violent crime in Canada alone costs \$13 billion for taxpayers in 2009, with the largest proportion of costs the result of sexual assault and other sexual offences at \$4.9 billion.⁹⁰ These statistics demonstrate that aside from the social benefit of addressing gender-based and sexual violence, there is also a significant economic benefit.

Currently the provincial government provides financial support for institutions to engage in gender-based violence prevention efforts through the Campus Safety Grant. The Campus Safety Grant (then the Women's Campus Safety Grant) was established by the Ministry of Colleges and Universities in 1991 as an effort to empower post-secondary institutions in their attempts combat gender-based and sexual violence by developing and improving infrastructure, programs, and services.

The provincial government's 2019 announcement of \$3 million in additional funding for the Campus Safety Grant for on-campus safety is a commendable step in the right direction.⁹¹ Now, the province's 45 publicly-funded universities may share \$6 million from the Campus Safety Grant to conduct safety audits, hold workshops, or purchase safety equipment, among other initiatives.⁹² This additional funding translates to approximately \$8 in additional funding per student across Ontario universities.⁹³ In the March 2020 Economic and Fiscal Update, the provincial government committed to expanding funding for the Campus Safety Grant. This is needed funding that should continue to be provided.

However, this funding will be ineffective if not distributed appropriately within the institution. Currently, funding for the Campus Safety Grant is provided to the institution who then becomes the administrator of the Grant. This results in funding being split across many different departments, with gender-based violence offices sometimes never receiving any of the funds. When they do, there is concern that this Grant funding will be used to replace existing salaries for gender-based violence professionals, rather than to supplement institutional funding. Replacing salaries with Grant funding not only signals that these roles are not a permanent priority for the institution, but also means that Grant funding cannot be used by these professionals to engage in prevention and response efforts on campus, hindering their ability to offer the needed education and support to address gender-based violence. For the recent funding increases to be most effective, it is crucial that the Sexual Violence Prevention & Response office, or equivalent, at each institution receive Grant funding directly and administer the allocation of the funds.

It is equally important that the Campus Safety Grant's terms of reference reflect the need to use funding for education, training, and program evaluations that are likely to or have been proven to decrease

⁹⁰ Josh Hoddenbagh, Ting Zhang & Susan McDonald, *An Estimation of the Economic Impact of Violent Victimization in Canada, 2009* (Research and Statistics Division, Department of Justice, Government of Canada, 2014).

⁹¹ "Ontario Government Takes Action to Protect Students from Sexual Violence," *Ontario Government Newsroom*, March 19, 2019, online: <https://news.ontario.ca/maesd/en/2019/03/ontario-government-takes-action-to-protect-students-from-sexual-violence.html> ["Ontario Government Takes Action to Protect Students from Sexual Violence"].

⁹² Kristin Rushowy, "Province adds \$3M in funding for on-campus safety," *Toronto Star*, March 19, 2019, online: <https://www.thestar.com/politics/provincial/2019/03/19/province-adds-funding-for-on-campus-sexual-violence-services.html>.

⁹³ "Press Release - March 19, 2019 USC Responds to provincial Announcement on Sexual Violence Survey," *University Students' Council*, March 19, 2019, online: <http://westernusc.ca/blog/2019/03/press-release-march-19-2019-usc-responds-to-provincial-announcement-on-sexual-violence-survey/>.

instances of sexual violence and support survivors. Additionally, the terms of reference should allow for salaries *not already provided through the institution* to be covered, as effective bystander intervention programs require a significant amount of funding to run on post-secondary campuses. Lastly, many programs have been created and implemented across the province, but little work has been done to evaluate their level of effectiveness. In expanding the terms of reference, allowable funding should also include research and evaluation efforts to determine the efficacy of programs that are currently being funded and run. In doing so, implementation will be evidence-informed and allow for the growth and sharing of best practices.

Proposed Terms of Reference:

The funding should go towards initiatives directly related to gender-based violence prevention and supports. This requires that the terms of reference include a definition of gender-based violence that includes all elements of gender-based violence and is attentive to root causes and those most impacted. Funds should only go to general safety or equipment in the case of insufficient project applications that directly help to decrease gender-based violence.

Awareness/Education

- Topics should include: consent and building a culture of consent; healthy boundaries and making friends; comprehensive sexual health; gender identity and expression; men, masculinity and gender role socialization; safer partying.
- Campus safety websites and resource centres including the production of flyers, videos and digital products for online distribution;
- Supplies and promotional materials for specific campus awareness campaigns and social media campaigns on safety issues such as combating sexual violence and building consent awareness;
- Hosting or co-hosting awareness programs, safety and/or sexual violence conferences, courses and speaker honoraria.

Services/Supports

- Sexual Violence Prevention Training, including bystander intervention training
- Campus “Walk Safe” programs;
- Sexual assault prevention training, including self-defence workshops, peer support worker training and violence prevention training and related equipment;
- Universities are encouraged to use their capital budgets to pay for lighting, security cameras and phone systems whenever possible. If there are sufficient funds in the Women’s Campus Safety Grant that are not absorbed by other initiatives for reducing gender-based violence, post-secondary institutions can continue to utilize this funding for capital investments that go towards creating environmental design that are directly related to creating a better environmental design to reduce gender-based violence.

Universities and community organizations are not the only ones doing great work to prevent sexual violence. Students have been creating grassroots organizations for social change for decades. They continue to be leaders in front-line support for people who have experienced sexual violence on campus and champions for prevention. Student-run organizations like the University of Waterloo Women’s Centre create programming, campaigns, and events about sexual violence prevention.⁹⁴ Each year, students are developing new prevention and support programs that aim to bring about significant social change. For example, at Western University, the University Students’ Council developed a program for local bars to engage in gender-based violence prevention efforts based on promising practices. At the University of British Columbia, the student association has run a Sexual Assault Support Centre since 2002, providing free and confidential services to the university community through “education, support, and empowerment of people of all genders who are survivors of sexual violence as well as their friends and family.”⁹⁵ These programs need to be recognized as important contributions towards addressing gender-

⁹⁴ “The Women’s Centre,” *University of Waterloo*, accessed March 25, 2020, <https://uwaterloo.ca/campus-wellness/services/womens-centre>.

⁹⁵ “AMS Sexual Assault Support Centre,” *AMS*, accessed May 8, 2020, <https://www.ams.ubc.ca/student-services/sasc/>.

based and sexual violence and should be able to receive financial support from the provincial government. In doing so, there will be greater potential to change campus culture and bring about positive results.

As the government increasingly prioritizes addressing gender-based and sexual violence on campus, it is important that we are applying what we have learned over the last three decades to improve the Grant's effectiveness. We know that gender-based and sexual violence is two times more likely to impact transgender people, 2.7 times more likely to impact Indigenous women, and 60 percent more likely to impact women with disabilities.⁹⁶ Under its previous title, the Campus Safety Grant did not account for those most impacted by gender-based violence and OUSA has advocated for a name change to recognize that gender-based violence has disproportionate impacts on women, but also on trans and gender non-conforming people. In April 2020, the provincial government took heed of this concern by removing "Women" from the name, leaving simply the "Campus Safety Grant". However, because the new title does not reflect the primary focus of the Grant, namely to prevent gender-based violence on campuses, students are concerned that this will obscure this focus and open up the potential for funding to be used for projects that are not specific to gender-based violence prevention. This concern stems from past uses of the Grant to fund general campus safety measures with no connection to gender-based violence prevention. Therefore, the provincial government should amend the title of the Campus Safety Grant to the "Gender-Based Violence Prevention & Response Grant"; this is both an inclusive title that is gender-neutral, recognizing those most impacted by gender-based violence, and one that reflects the purpose of the Grant to protect all students from gender-based violence.

Finally, transparency and the ability to evaluate the Grant's effectiveness are important if this funding is to be used efficiently and meet the needs of gender-based violence prevention and response efforts on campuses across the province. To this end, the Ministry of Colleges and Universities should require all post-secondary institutions to submit a standardized yearly public report indicating all allocation of the Grant and use this information to create a yearly report outlining all Grant allocations. To develop the standardized reporting tool, the Ministry of Colleges and Universities should consult with post-secondary gender-based violence experts, including Sexual Violence Prevention & Response offices and student advocates, so that the information shared can be used to ensure stronger provincial best-practice sharing and most accurately reflect the work being done on campuses to end gender-based violence.

BARS AND RESTAURANTS

Principle: All people who may interact with a survivor of gender-based or sexual violence should be equipped to respond in an effective, trauma-informed, and survivor-centric manner.

Principle: Gender-based and sexual violence prevention training should be tailored to the unique needs and responsibilities of persons working in bar environments.

Principle: Sexual violence policies can and should help ensure all employees are held accountable to help prevent gender-based and sexual violence.

Concern: Environments where alcohol is consumed are high-risk areas for gender-based and sexual violence and bar staff often do not receive extensive training on how to prevent, respond, or intervene in instances of gender-based or sexual violence within these unique contexts.

Concern: Security personnel are often the individuals most likely to intervene, yet they are not required to undergo gender-based and sexual violence prevention training.

⁹⁶ Mary Allen & Samuel Perreault, "Police-reported crime in Canada's Provincial North and Territories, 2013," *Statistics Canada*, no. 85-002-x, Juristat, 2015, online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2015001/article/14165-eng.htm>; "Study; Women in Canada: Women and the Criminal Justice System," *Statistics Canada*, the Daily, June 6, 2017, online: <https://www150.statcan.gc.ca/n1/daily-quotidien/170606/dq170606a-eng.htm?CMP=mstatcan>; *Factsheet: Women with Disabilities and Violence* (Disabled Women's Network of Canada, January 2014), online: <https://www.dawncanada.net/main/wp-content/uploads/2014/03/English-Violence-January-2014.pdf>.

Concern: Staff training is primarily delivered through online modules which have inconclusive reviews on effectiveness.

Concern: Students working in restaurants and bars are at higher risk of experiencing gender-based and sexual violence.

Concern: Bars and restaurants may not have a sexual violence policy.

Recommendation: The provincial government should mandate that all establishments with a liquor sales license have a sexual violence policy that includes recourse for how to intervene and respond to situations of gender-based and sexual violence between staff, staff-patron, and patron-patron.

Recommendation: The Ministry of the Solicitor General should expand the Security Guard Syllabus to include trauma-informed and survivor-centric bystander intervention training to help security guards recognize and respond to gender-based and sexual violence.

Recommendation: The provincial government should invest in the development of a best practice bystander intervention program to prevent gender-based and sexual violence for staff in bars, restaurants, or establishments with liquor sales licenses.

Recommendation: The provincial government should mandate all personnel at establishments with liquor sale licenses have completed appropriate training as outlined by the best practice bystander intervention program.

Recommendation: The provincial government should mandate that the Smart Serve certification be expanded to include gender-based and sexual violence prevention and response and bystander intervention principles in settings where alcohol is served.

Sexual aggression in bars is a phenomenon that many students experience throughout their undergraduate degrees. In fact, in approximately half of all sexual assaults involving university-aged women, the survivor or person who caused harm had consumed alcohol.⁹⁷ Bar environments create the perfect storm for sexual violence: alcohol is shown to increase both perpetration and victimization risk;⁹⁸ bars are often highly sexualized environments; and many people frequenting bars are at a higher risk for sexual violence (e.g., women aged 18-24 are at an elevated risk of sexual violence).⁹⁹ Such violence is also increasingly common due to situational violence; persons committing violence because of social pressures to act masculine and engage in sexual competition; and weak policies and prohibitions against violence, and cues that prompt criminal behaviour, such as highly sexualized images present in some bars.¹⁰⁰

However, while patron-patron gender-based and sexual violence is common in bars, it is integral that we recognize that students are at-risk as servers in bar and restaurant settings as these workers are at a higher risk of experiencing abuse.¹⁰¹ One in five Canadians between the ages of 15 and 24 work in the restaurant industry,¹⁰² and in Ontario over a third of hosts, bartenders, and servers are women under the

⁹⁷ *Interpersonal violence and alcohol* (World Health Organization, 2006), online: https://www.who.int/violence_injury_prevention/violence/world_report/factsheets/pb_violencealcohol.pdf [*Interpersonal violence and alcohol*].

⁹⁸ *Ibid.*

⁹⁹ "Campus Sexual Violence: Statistics," *RAINN*, accessed February 18, 2020, <https://www.rainn.org/statistics/campus-sexual-violence>.

¹⁰⁰ Kathryn Graham, "They fight because we let them! Applying a situational crime prevention model for barroom violence," *Drug and Alcohol Review*, 28 (2009), 104-105.

¹⁰¹ Marek Korczynski & Claire Evans, "Customer abuse to service workers: An analysis of its social creation within the service economy," *Work, Employment and Society* (July 2013); Stefanie K. Johnson & Juan M. Madera, "Sexual harassment is pervasive in the restaurant industry. Here's what needs to change." *Harvard Business Review*, January 28, 2018, online: <https://hbr.org/2018/01/sexual-harassment-is-pervasive-in-the-restaurant-industry-heres-what-needs-to-change>.

¹⁰² *Not on the Menu: Inquiry report on sexualized and gender-based dress codes in Ontario's restaurants* (Ontario Human Rights Commission, March 2017), online: <http://www.ohrc.on.ca/sites/default/files/Not%20on%20the%20menu%20>

age of 24.¹⁰³ Many workers in the industry are students - and in some cases, our on-campus pubs and restaurants only employ students. Many employees in bars and restaurants across the province cite experiences of gender-based harassment or discrimination, discriminatory dress codes, and the fact that discrimination-based complaints are not appropriately addressed: age; uncertain employment; recent immigration; and prevalence of gender-based and sexual harassment and discrimination in the industry are all factors in this harassment.¹⁰⁴

Thus, in order to do effective prevention work, it is essential that prevention programs are implemented in spaces where these behaviours are most commonly exhibited - in spaces where alcohol is served and consumed. One of the most promising prevention programs include bystander intervention programs. These programs equip participants with the skills needed to safely intervene and how to support survivors. There is a need to have bar-specific bystander intervention due to a variety of factors: there is a cognitive tension around what is and is not a crime; there are liability considerations for bars; motivations vary for helping patrons versus friends; and there exist unique opportunities as barriers to intervention, such as losing social capital or tips. Many studies illustrate that bystander intervention programs specific to bars decrease rape myths, decrease barriers to intervention, and increases bartenders' willingness to intervene.¹⁰⁵ This training should also recognize that staff may receive disclosures, and thus training must utilize a trauma-informed lens in order to ensure that survivors are not retraumatized when accessing help.

In order to ensure that all bar staff are equipped with the skills and knowledge to help end sexual violence, the provincial government should work with experts and advocates to develop a best practice bystander intervention training program for gender-based violence prevention in bar and restaurant settings. Currently, there exist many promising practices, such as the It's Your Shift training module,¹⁰⁶ the Dandelion Initiative bystander intervention training,¹⁰⁷ and a variety of separate ad hoc interventions bars and restaurants are individually adopting, such as the "Ask for Angel Shot" program. A best practice model should incorporate how to prevent and respond to gender-based violence between co-workers, between patrons and staff, and between patrons. This program should be developed in collaboration with advocates and experts in the sector to combine promising practices and create a holistic bystander intervention program that equips bar and restaurant staff with the tools necessary to intervene in a variety of situations and to respond in a trauma-informed manner. Best practice research illustrates that in-person training is the most effective approach to sensitive topics and to practice the skills learned. They also have higher completion rates than online training. Therefore, this training should be developed by experts and must incorporate an in-person training session. In the interim, Smart Serve could be adapted to incorporate key principles in order to ensure that all staff have a foundation in how to respond to incidents of sexual and gender-based violence when beginning employment. The provincial government should mandate that all bar and restaurant staff receive this training.

Mandatory bystander intervention training should include security guards and could be done efficiently by being integrated into the Security Guard Syllabus outlined by the Solicitor General, in order to ensure that gender-based and sexual violence is taken seriously, those expected to intervene in dangerous situations will intervene and can do so in a trauma-informed way, and that there are strong accountability mechanisms in place.

[%20OHRC%20inquiry%20report%20on%20sexualized%20and%20gender-based%20dress%20codes%20in%20Ontario%27s%20restaurants.pdf](#) [*Not on the Menu*].

¹⁰³ Data from the 2011 National Household Survey indicates that almost 75 percent of food and beverage servers, restaurant hosts, and bartenders in Ontario are women, and 36.8 percent are women between the ages of 15 and 24: *2011 National Household Survey: Data Tables* (Statistics Canada, Catalogue no. 99-012-X2011033), last modified January 7, 2016, online: <https://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/dt-td/Index-eng.cfm>.

¹⁰⁴ *Not on the Menu*.

¹⁰⁵ R.A. Powers & J. Leili, "Bar Training for Active Bystanders: Evaluation of a Community-Based Bystander Intervention Program," *Violence Against Women* 24, no. 13 (2018): 1614-1634.

¹⁰⁶ "It's your shift," *Ontario Tourism Education Corporation*, accessed March 25, 2020, <https://www.otec.org/Training-Solutions-Overview/Its-Your-Shift.aspx>.

¹⁰⁷ "Home," *Dandelion Initiative*, accessed March 25, 2020, <https://www.dandelioninitiative.ca/>.

Furthermore, while the “Its Never Okay” action plan ensures all employers implemented a sexual harassment policy, the provincial government should amend this to ensure that restaurants and bar settings recognize that harassment can occur patron-patron, patron-employee, and employee-employee to accurately capture the lived experiences of staff and to develop appropriate procedures on how employees can respond to these incidents.

LEGISLATIVE & REGULATORY COMPLIANCE

Principle: The desire to protect all students and support all people who have experienced gender-based and sexual violence should be at the centre of university sexual violence policy development processes.

Principle: The provincial government should regulate the content of universities’ sexual violence policies and ensure compliance with provincial regulations.

Principle: All provincial government regulations should prioritize the agency and consent of survivors.

Concern: In attempts to be compliant with new laws, some university sexual violence policies leave out aspects that are important to students and survivors.

Concern: Collective bargaining agreements can contradict post-secondary institutions’ sexual violence policies.

Recommendation: The provincial government should amend Ontario Regulation 131/16 to include all essential aspects of survivor-centric sexual violence policies, as identified in existing literature.

Recommendation: The provincial government should amend Ontario Regulation 131/16 to require that post-secondary institutions develop institution-specific processes in consultation with students and local experts to respond to technology-facilitated gender-based and sexual violence.

Recommendation: The provincial government should amend Ontario Regulation 131/16 to ensure that post-secondary institutions revise any interacting agreements, such as collective agreements, after the sexual violence policy review process has finished to ensure that policies do not contradict one another.

Recommendation: The provincial government should clarify which government agency is responsible for ensuring regulatory compliance when it comes to enforcing section 17 of the *Ministry of Training, Colleges, and Universities Act* and its associated regulation.

In 2016 the provincial government passed Bill 132, the *Sexual Violence and Prevention Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)* as part of “It’s Never Okay: An Action Plan to Stop Sexual Violence and Harassment”. The Act centres the need to support survivors and makes ending sexual violence and harassment a priority for the government. It makes amendments to six pieces of legislation, including the *Ministry of Training, Colleges and Universities Act*, and highlights that all Ontarians have a role to play in stopping sexual violence, sexual harassment, domestic violence and other forms of abuse.

To this end, Schedule 3 of the Act and its associated regulations guide post-secondary institutions in their policy development and processes related to sexual violence and harassment in campus communities. One amendment implemented under Schedule 3 of the *Sexual Violence and Harassment Action Plan Act* requires all publicly-funded post-secondary institutions to have a sexual violence policy that complies with the requirements set out in the associated regulation, Ontario Regulation 131/16. This regulation provides some guidance as to what is expected to be included in an institutional sexual violence policy, although many important elements identified by experts in the field through research and practice are missing.

While the absence of elements in Ontario Regulation 131/16 does not preclude an institution from incorporating additional pieces into their own policies, a survey conducted by OUSA's Research and Policy Analysts found that the sexual violence policies at OUSA's eight member schools did not incorporate many important components beyond what is required under Ontario Regulation 131/16. This is not surprising if institutions are developing policies with a goal of being compliant with relevant legislation; not including essential components of a survivor-centric sexual violence policy in guiding regulations means that many of these components will be missed. If protecting all Ontarians from the negative impacts of sexual violence and harassment is a government priority, it is essential that the government provide strong leadership in this area. This means providing institutions with a comprehensive toolbox to ensure their sexual violence policies and protocols are as effective as possible.

To strengthen the effectiveness of the *Sexual Violence and Harassment Action Plan Act*, OUSA recommends the following amendments be made to Ontario Regulation 131/16 so that all publicly-funded post-secondary institutions can develop strong policies.

First, Ontario Regulation 131/16 should be amended to include all essential aspects of survivor-centric sexual violence policies, as identified in existing literature and experts in the field. The following is a comprehensive list of essential components for an effective, survivor-centric sexual violence policy as identified in the literature and by experts practicing in the field:

1. Inclusion of comprehensive definitions of sexual assault and sexual violence;
2. Statement on the importance of and commitment to educating campus community;
3. Clear outline of policy scope, indicating who, where and when the policy applies;
4. Provision embedding a coordinated response team;
5. Recognition and reconciliation of conflicts of interest;
6. Provision clearly outlining the rights and responsibilities of staff to respond to disclosures;
7. Statement that there are no time limits attached to reporting;¹⁰⁸
8. Stipulations for maintaining privacy and confidentiality;¹⁰⁹
9. Explanations of complainants' rights, including the right to academic considerations;
10. Outline of potential interim measures and statement that interim measures are non-disciplinary;
11. Stipulations for sexual violence-specific, trauma-informed training for investigators and adjudicators;
12. Explanation of complainants' and respondents' rights to representation, support persons, or advocates;
13. Statement that complainants' and respondents' rights to access supports and services;
14. Statement that complainants' lesser violations of school policies will be excused (e.g. alcohol policies);
15. Statement that complainants' sexual history will be excluded from investigations and hearings;
16. Commitment to resolve complaints in a timely fashion and regularly update parties on the progress of a case;
17. Inclusion of expectations surrounding the burden of proof;
18. Explanation of rules governing adjudicative processes and hearings;
19. Inclusions of examples of potential sanctions against respondents; and a
20. Statement of complaint and respondents' rights to appeal adjudicative decisions.¹¹⁰

¹⁰⁸ *Courage to Act*: "Time limits on reporting an incident of GBV is a common area of concern for complainants. This parameter fails to consider the reasons why a survivor may not immediately make a report. Others experience additional barriers to reporting, such as a previous or ongoing personal relationship with the respondent, lack of a support system, social dynamics at the PSI, and family dynamics just to name a few...If time limits were eliminated, PSI policies would mirror civil and criminal law as there is no statute of limitations on when a complainant can bring forward allegations of sexual assault. No limits on timelines also provides the PSI with an opportunity to hold those who have caused harm and who have remained or returned to campus accountable regardless of how much time has passed."

¹⁰⁹ *Courage to Act*: "The lack of clear guidance and understanding about confidentiality was consistently raised in the Listening and Learning sessions. Frontline workers shared that, across campuses, there were often different interpretations of the policy and provincial legislation regarding the difference between disclosure and reporting. This makes it challenging for the community to know if, when, and how they should share information about incidences of GBV."

¹¹⁰ Andrea Gunraj, *Sexual Assault Policies on Campus: A Discussion Paper* (Toronto: METRAC, October 30, 2014), 5; Elizabeth Sheehy & Daphne Gilbert, *Responding to Sexual Assault on Campus: What Can Canadian Universities Learn from US Law and Policy?* (Ottawa: University of Ottawa Faculty of Law, 2015), 16; *Courage to Act*.

Currently, only six of the above components are included in Ontario Regulation 131/16, leaving many student concerns unaddressed, and weakening institutional policies that were developed in strict adherence with this Regulation. Amending Ontario Regulation 131/16 to include the additional components identified above would provide additional guidance for institutions when they are required to review and update their sexual violence policies three years from September 2019.

Institutions would also benefit from guidance around the issue of technology-facilitated gender-based and sexual violence. Technology-facilitated violence is a pervasive and growing concern: a study conducted by Snaychuk and O’Neill found that 84.3 percent of Canadian undergraduate students self-identified as victims.¹¹¹ To support these survivors and victims, the provincial government should make an additional amendment to Ontario Regulation 131/16 to require that post-secondary institutions develop institution-specific processes to respond to technology-facilitated gender-based and sexual violence.

Finally, the provincial government should make clear which government agency is responsible for ensuring regulatory compliance when it comes to enforcing section 17 of the *Ministry of Training, Colleges, and Universities Act* and its associated regulation. Centering the agency and consent of survivors not only requires a survivor-centric institutional policy, but it also requires that students have a clear and accessible pathway to hold their institution to account. Current pathways - including complaints to the institution itself, the Ontario Human Rights Tribunal, or the provincial Ombuds office¹¹² - are burdensome, require considerable self-advocacy, and are often inaccessible or simply unknown to students. Making clear which government agency is responsible for ensuring compliance is long overdue and a necessary step for effective and meaningful survivor-centric gender-based violence response and prevention efforts.

RESPONSE TO DISCLOSURES AND REPORTING

Principle: The choice to pursue a criminal investigation should be wholly that of the survivor.

Principle: Imbalances of power within university communities should not act as a barrier to an individual’s path to healing.

Principle: Survivors should have the choice of whether they will disclose or formally report their experience and should understand the processes and potential outcomes of each action from the outset.

Principle: University policies should be survivor-centric, and survivors should have agency in disclosure and reporting processes in order to avoid retraumatization.

Principle: Disclosure policies and procedures should take a trauma-informed lens.

Principle: If there is no harm to the community, survivors should have the right to decide who they disclose to; their information must not be shared with others without explicit consent.

Concern: Institutions may not clearly outline their sexual and gender-based violence policies with an emphasis on disclosure practices.

¹¹¹ Lindsey A. Snaychuk & Melanie L. O’Neill, “Technology-facilitated Sexual Violence: Prevalence, Risk, and Resiliency in Undergraduate Students,” *Journal of Aggression, Maltreatment & Trauma* (January 28, 2020).

¹¹² In Ontario, the Ombuds Office only received jurisdiction over universities January 1, 2016, and students are largely unfamiliar with this option. For example, only 12 percent of undergraduate students at Queen’s University were aware that they could contact their Ombuds office for impartial and confidential advice on complaint, discipline, and appeal policies and procedures: “The Push for MUSH,” *Ombudsman Ontario*, accessed October 20, 2016, <https://www.ombudsman.on.ca/aboutus/who-we-oversee/mush-sector.aspx>; Arig al Shaibah, *Sexual Assault Prevention and Response Report and Recommendations* (Kingston: Queen’s University, 2015).

Concern: Hierarchies that give institutions power over their students can make it difficult for survivors to feel comfortable disclosing and/or reporting their experiences.

Concern: The boundaries of institutional confidentiality policies foster a fearful environment for disclosures or formal reports of sexual violence, which can prohibit the healing process for survivors.

Concern: In their lawful or contractual responsibilities and duties to report, universities sometimes decide for survivors whether or not to begin an investigation against the person who has caused harm.

Concern: Without survivor's control over disclosure and reporting guidelines, there is a potential for retraumatization of survivors.

Concern: Harm to the community specifications in institutional sexual violence policies do not provide a metric for assessment.

Recommendation: The Ministry of Colleges and Universities should work in collaboration with the Ministry of the Solicitor General and experts in gender-based and sexual violence to develop a standardized risk assessment tool that provides a metric to evaluate the potential risk of harm to the community.

Recommendation: The provincial government must create a taskforce composed of students, administrators, and sexual violence experts from post-secondary institutions and the community to develop best practices for responding to disclosures and reporting processes on university campuses, including the limits and minimum standards of confidentiality.

Recommendation: The province should mandate in Ontario Regulation 131/16 that all institutions have staff who are available to provide students with information on sexual violence reporting procedures and disclosures, and with whom students can discuss their options.

Recommendation: The provincial government should amend Ontario Regulation 131/16 to ensure that institutions' sexual violence policies take a trauma-informed and survivor-centric approach.

It is important to distinguish between disclosures of gender-based and sexual violence and reporting an experience of gender-based or sexual violence. Disclosure, in the context of gender-based and sexual violence, is the act of a survivor sharing their experience; it is an informal process. Reporting is a formal process that can include filing a complaint of sexual harassment or misconduct at an institution or filing a police report.

Reporting rates of gender-based and sexual violence remain low: the 2014 General Social Survey (GSS) revealed that 83 percent of sexual assaults are not reported to the police;¹¹³ and the 2018 Student Voices on Sexual Violence survey revealed that only 9.4 percent of university respondents told an institutional source.¹¹⁴ Since the #MeToo movement, there has been a surge in both disclosure and reports of gender-based and sexual violence. For example, Statistics Canada found a 13 percent increase in police reports of sexual violence from 2016 to 2017. This increase has been attributed to the significant public discussion on sexual violence and misconduct and the widespread media attention of personal accounts of abuse and harassment.¹¹⁵ However, while there has been an increase in reporting experiences of gender-based and sexual violence, there continue to be barriers and challenges that can be harmful for survivors.

¹¹³ Shana Conroy & Adam Cotter, "Self-reported sexual assault in Canada, 2014," (Statistics Canada, July 11, 2017), online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2017001/article/14842-eng.htm>.

¹¹⁴ *Student Voices on Sexual Violence: Sector Breakdown Report* (CCI Research, March 2019).

¹¹⁵ Cristine Rotenberg & Adam Cotter, "Police-reported Sexual Assaults in Canada before and after #MeToo, 2016 and 2017," (Statistics Canada, November 8, 2018), online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54979-eng.htm>.

There are many reasons why an individual may choose not to report an experience of gender-based or sexual violence. The most frequently cited reasons for not reporting gender-based or sexual violence include: feelings of guilt, shame, or embarrassment; lack of family support; and fear of not being believed. In the majority of cases, people are assaulted by someone they know,¹¹⁶ which can add a barrier to reporting if they are concerned about potential repercussions for that person. Reporting also raises concerns for those who are concerned about confidentiality and believe that reporting will publicize their private life. Survivors can also worry about “losing control” over the process once they make a complaint or report; they do not want to be forced to take actions dictated by anyone other than themselves.

Lack of knowledge on the reporting process, including how to make a report, is also a significant barrier. For instance, a student at Wilfrid Laurier University shared: “I am not sure where I would go for help.”¹¹⁷ Similarly, a survey at McMaster University found 78 percent of first-year participants said they would not know where to go for help if a friend disclosed a sexually violent experience.¹¹⁸

Reporting rates are also influenced by perceptions of accountability. According to a report by Statistics Canada, about 1 in 10 (~12%) sexual assaults reported to police result in a conviction.¹¹⁹ An investigation conducted by the Globe and Mail that compiled and reviewed national police data found that 1 in 5 cases of sexual violence allegations in Canada are deemed unfounded.¹²⁰ True unfounded cases are rare; thus the Globe’s data suggests that police in Canada are closing a disproportionate number of rape cases, leading to inaccurate unfounded rates. This finding indicates that there are flaws in the investigative process that allow rape cases to be dismissed without proper justification and investigative efforts. Moreover, by deeming a case unfounded, survivors do not get the justice they need. The article sites that inadequate training, dated interview techniques, and persistence of damaging rape myths that blame women or label women as liars are significant contributors to the unfounded issue.¹²¹

In the post-secondary context there is a similar pattern. For example, the University of Toronto received 137 formal complaints of sexual assault, yet the institution reported zero disciplinary consequences.¹²² At Concordia University, no disciplinary hearing was pursued by the institution in response to a student being assaulted twice by her partner on campus, despite the survivor making a formal report to the university seeking a formal resolution.¹²³ Low disciplinary rates, compounded by persistent victim blaming and disbelief deter survivors from sharing their experience and create more barriers to reporting.¹²⁴

Understanding these barriers to reporting, it is also important that survivors be able to disclose an incident of gender-based or sexual violence without experiencing pressure to formally report. The process of disclosure is not predictable. Survivors disclose on their own time; they may disclose their experience immediately after the incident, or weeks, months, or even years later. Survivors may disclose for many reasons including: to find emotional support or assistance; to raise awareness about sexual violence in the community; and/or to seek justice by holding the person who caused harm accountable. The decision to report an incident of gender-based or sexual violence should solely be that of the survivor. Consequently,

¹¹⁶ “Of sexual assaults where a charge was laid by police, the majority (87%) of victims knew their assailant; most commonly as a casual acquaintance, a family member, or an intimate partner.”: “Let’s stop sexual harassment and violence,” *Government of Ontario*, accessed February 7, 2020, <https://www.ontario.ca/page/lets-stop-sexual-harassment-and-violence>.

¹¹⁷ Jay Harrison & Ginette Lafreniere, *University Campuses Ending Gendered Violence: Final Report & Recommendations* (The Change Project, 2015).

¹¹⁸ Unpublished results from the Welcome Week 2016 Orientation Student Feedback Survey administered by the McMaster Welcome Week Advisory Committee.

¹¹⁹ Cristine Rotenberg, “From arrest to conviction: Court case outcomes of police-reported sexual assaults in Canada, 2009 to 2014,” (Statistics Canada, October 26, 2017), online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2017001/article/54870-eng.htm>.

¹²⁰ Robyn Doolittle, “Unfounded: Why police dismiss 1 in 5 sexual assault claims as baseless,” *The Globe and Mail*, February 3, 2017, online: <https://www.theglobeandmail.com/news/investigations/unfounded-sexual-assault-canada-main/article33891309/>.

¹²¹ *Ibid.*

¹²² Saima Desai, “How Canadian universities are failing sexual assault survivors,” *Now Toronto*, August 9, 2016, online: <https://nowtoronto.com/news/how-canadian-universities-are-failing-sexual-assault-survivors/>.

¹²³ Zane Schwartz, “Canadian universities are failing students on sexual assault,” *Macleans*, March 1, 2018, online: <https://www.macleans.ca/education/university/canadian-universities-are-failing-students-on-sexual-assault/>.

¹²⁴ Anuradha Dugal, “Stop the victim-blaming,” *Canadian Women’s Foundation* (blog), September 5, 2013, online: <https://canadianwomen.org/blog/stop-victim-blaming/>.

any action beyond disclosure requires the explicit consent of the survivor. If a student does not wish to report, their decision must be respected. If they are willing, consent can be obtained from the survivor to record their case in a database to help capture accurate patterns and trends of sexual violence at the institution. This data can be used to advise future policy and program efforts related to sexual violence prevention.

Some institutional sexual violence policies state that the institution may begin an investigation into an incident of gender-based violence without the survivor's consent if there is a potential risk of harm to the community. For instance, Ryerson University's *Sexual Violence Policy* outlines "additional circumstances" in which a staff member may have to report information about a sexual violence experience disclosed to them including where there is risk of potential harm to others or risk to community safety.¹²⁵ University staff may also have coinciding duties to report where they are also governed by a professional body. For example, Western University's Policy on Gender-based and Sexual Violence states: "In accordance with their professional obligations, University health care providers shall convey any Disclosure to CCPS, the police or another person as they deem necessary for the purpose of eliminating or reducing significant risk of bodily harm to the Survivor or others, in accordance with the health care providers' applicable statutory and professional obligations and restrictions."¹²⁶ Although institutions recognize a duty to report where there is potential harm to self, others, and/or the community, institutional policies do not provide criteria to ascertain risk, and there are no standard guidelines that institutions can turn to. Institutional policies must include a standardized risk assessment that serves as a metric to determine what the risk is and the severity of the risk.

Standardized risk assessments provide a consistent metric that increases the validity and reliability of risk assessment procedures at post-secondary institutions. Most importantly, they increase transparency providing survivors information on when confidentiality might be broken. To address this gap, the Ministry of Colleges and Universities should collaborate with the Ministry of the Solicitor General and experts in gender-based and sexual violence to develop a standardized risk assessment that institutions can incorporate into their sexual violence policies for clarity on when they may be required to report an incident of gender-based or sexual violence. The Ministry of the Solicitor General is an important collaborator because of the office's role in public safety and oversight of correctional and policing services. Alternatively, the Ministry of the Solicitor General and the Ministry of Colleges and Universities could implement a grant program to fund research on, and development of, risk assessments specific to gender-based violence at post-secondary institutions.

The provincial government should also develop guidelines based on smart practices to ascertain when a break in confidentiality is warranted so that institutions can clearly outline the limits and minimum standards of confidentiality in their sexual violence policies. This can be achieved through a government-created and funded task force composed of students, administrators, and gender-based and sexual violence experts responsible for synthesizing relevant laws, policies, and practices into a framework to provide clarity and define when a disclosure may be communicated without consent.

The provincial government could provide further leadership in the area of institutional response to sexual violence disclosures and reports by amending Ontario Regulation 131/16 under the Sexual Violence and Harassment Action Plan Act to require institutions to create a central response team comprised of staff on campus that are responsible for providing information on reporting procedures and options following disclosure to students. The centralized response team would be a primary point of contact for survivors and respondents and would provide students with a consistent resource to access information on institutional policies, the disclosing and/or reporting process, and disciplinary procedures and consequences. This would help address ambiguity surrounding confidentiality agreements, providing a place where students could ask for clarity on the limitations of confidentiality agreements and how, when, and why information is shared. The overall purpose would be to help eliminate barriers to reporting; this

¹²⁵ "Sexual Violence Policy," *Ryerson University, University Administrative Policies*, accessed February 7, 2020, <https://www.ryerson.ca/policies/policy-list/sexual-violence-policy/>.

¹²⁶ "Western's New Policy on Gender-Based & Sexual Violence," *Western University Student Experience*, accessed February 7, 2020, https://studentexperience.uwo.ca/student_experience/policy_review/index.html.

is achieved by creating a more transparent reporting process that helps ease survivors' reluctance when reporting. It is important to note that this team should be present on all institutional campuses, both main and satellite. Moreover, they must be located in a central area such that all students can easily access them.

In addition to providing centralized resources, institutions should ensure that their policies and procedures for responding to disclosures and reports of gender-based and sexual violence incorporate trauma- and violence-informed principles. The provincial government can support institutions in this work by developing guidelines on trauma- and violence-informed approach. A trauma- and violence-informed approach integrates an understanding of trauma and violence into policy and programming. The goal is to provide emotional, physical, and cultural safety and aid in healing and justice. It requires an understanding of the impact of violence and trauma on people's health and behaviours and recognizes that a person's environment influences their exposure to violence and their willingness to access supportive services. In the context of gender-based and sexual violence, trauma- and violence-informed approaches should: work to minimize the potential of service systems to cause harm by triggering and re-traumatizing survivors; provide a culturally safe and empathetic environment; and create educational opportunities to understand the impact of trauma. Specifically, this includes understanding involved parties' personal and cultural histories. For instance, it is important to understand the impacts of multigenerational violence and colonization on Indigenous communities. This understanding should inform the development of culturally competent response procedures. Most importantly, these policies must be survivor-centric. The purpose is to create an environment in which survivors' rights are respected and in which survivors are treated with dignity and respect.

CAMPUS SECURITY & SPECIAL CONSTABLES

Principle: There must be a clear indication of which security figures or bodies on campus have the authority to report, follow-up, and investigate gender-based and sexual violence.

Principle: There must be a transparency of power between campus security, Special Constables, and local police boards.

Principle: Indigenous students who are women, girls, Two Spirit, or LGBTQ+ should be able to enjoy all rights, protections, and freedoms guaranteed to Canadians.

Principle: Indigenous students who are women, girls, Two Spirit, or LGBTQ+ should experience consistent, equitable, and non-discriminatory treatment by campus security and Special Constables.

Concern: Not all campus security personnel or Special Constables at universities receive education and training in responding to and preventing gender-based and sexual violence specific to their professions.

Concern: There is a distrustful relationship between campus security personnel or Special Constables and marginalized peoples due to institutional discrimination and implicit bias that can impair survivors' willingness to disclose and/or report experiences of gender-based or sexual violence.

Concern: Indigenous Awareness Training, or other cultural competency courses centered on Indigenous perspectives, is currently not mandatory to all members of police, including Special Constables, which risks creating gaps in knowledge and understanding in response efforts.

Recommendation: The Ontario Association of College and University Security Administrators should work with the Ministry of Labour, Training and Skills Development to mandate and deliver training for all campus security officials in trauma-informed and survivor-centric responses to disclosures to create safer, more supportive reporting structures.

Recommendation: The Ministry of the Solicitor General should require all Special Constables and local police be trained to provide referrals to campus and community supports in cases of gender-based and

sexual violence.

Recommendation: The provincial government should mandate that survivors must be notified in advance of universities' duties to report to the police and obligations of collective agreements.

Recommendation: The Ministry of the Solicitor General should develop an Indigenous Awareness Training course mandatory for all members of the police, including Special Constables, and adaptable for campus security services.

Coming forward about an experience of sexual violence can be terrifying. Often students are unsure of who to approach when disclosing their experience. Students need to know who has the authority to report, investigate, and follow-up on incidents of gender-based and sexual violence. This can be particularly confusing when campus security or police are involved as it is not always clear what authority or jurisdiction these forces have. Moreover, some institutions have private security while others have Special Constables,¹²⁷ further contributing to the confusion.

Special Constables act under the authority of the *Ontario Police Services Act* to enforce provincial and federal law on the campus. These powers are granted to campus security officials via the agreement between the post-secondary institution and local police services board. For example, at the University of Toronto Scarborough campus this agreement is between the University of Toronto Governing Council and the Toronto Police Services Board.¹²⁸ Similarly, in accordance with the agreement signed by the Waterloo Regional Police Service Board, the University of Waterloo police have the authority to perform law enforcement duties of Special Constables on campus.¹²⁹ The University of Windsor also uses Special Constables who are approved by the Ontario Ministry of Community Safety and Correctional Services (MCSCS) and receive their official appointment on behalf of the Windsor Police Services Board.¹³⁰ These officers have the authority to investigate incidents, arrest persons, use reasonable force where necessary and bring offenders before the courts. The University of Guelph also has Special Constables who are sworn in by the MCSCS.¹³¹ These constables have similar powers and authorities as municipal officers; however, their authority is limited within the boundaries of the institution. Ultimately, institutions often sign agreements with regional police boards to grant campus security officials authority on campus. This provides campus security with the jurisdiction to enforce federal and provincial law within the geographic bounds of the institution.

There must be a clear indication of which security figures or bodies on campus have the authority to report, follow-up, and investigate gender-based and sexual violence, including transparency of power between campus security, Special Constables, and local police boards. This is necessary to support survivor-centric processes that give autonomy to persons who have experienced gender-based violence regarding the resolution pathway that best meets their needs. Where there are existing contractual agreements between university administration and regional police services that mandate institutions make a formal report to police of all incidents of sexual violence, survivors should be made aware of such duties prior to disclosing or reporting to campus security or institutional personnel.

Regardless of where they get their authority, campus security officials need to be trained to respond appropriately to disclosures and reports of gender-based and sexual violence. This is because students who have experienced sexual violence may reach out to campus security as the first avenue where they

¹²⁷ It is important to note that while Special Constables are technically "police", the term "campus police" should not be used as this term has negative connotations and comes with histories of trauma for some marginalized communities, which can create an additional barrier to reporting instances of gender-based and sexual violence. However, it is also necessary to be clear about the relationship of Special Constables to municipal police services.

¹²⁸ "About Us," *Campus Community Police, University of Toronto Scarborough*, accessed February 7, 2020, <https://www.uts.utoronto.ca/police/about-us>.

¹²⁹ "Campus Safety & Security," *WatSAFE, University of Waterloo*, accessed February 7, 2020, <https://uwaterloo.ca/watsafe/campus-safety-security>.

¹³⁰ "Campus Community Police," *University of Windsor*, accessed February 7, 2020, <http://www.uwindsor.ca/campuspolice/>.

¹³¹ "About Us," *University of Guelph Campus Community Police*, accessed February 7, 2020, <https://www.uoguelph.ca/police/about-us>.

wish to make a formal report. Given the position of authority campus security has over the community, it is important they follow a trauma-informed framework that is safe for all students and does not create additional barriers to reporting. Campus security is often undertrained to respond to reports of gender-based and sexual violence. They can lack an understanding of the psychological and physical consequences of gender-based and sexual violence, thereby increasing the risk of retraumatization and stigmatization of survivors. To ensure that campus security officials who are often responsible for taking reports of sexual violence are able to respond in a productive manner, adequate training must be provided. Adequate training incorporates trauma-informed practice, cultural safety, equity, inclusion and a survivor-centric approach.

It is important to note that there are significant barriers to those who choose to report, especially among marginalized demographics. For example, racialized women are hesitant to report due to fear of not being believed, racism, and a history of negative experiences with security. As a result, OUSA believes that it is essential that campus security training include survivor-centric approaches to receiving disclosures. The Ontario Association of College and University Security Administrators, in collaboration with the Ministry of Labour, Training and Skills Development must mandate and deliver training for all campus security officials. This training must prepare campus security to respond to disclosures and reports of gender-based violence in trauma-informed and survivor-centric ways. Additionally, the Ministry of the Solicitor General should require all Special Constables and local police be trained to provide referrals to campus and community supports in cases of gender-based and sexual violence. This will help to create safer, more supportive reporting structures and improve campus security and Special Constables' response to disclosures and reporting.

In Ontario, the proportion of murdered Indigenous women and girls is considerably higher than the national average and women aged 19-30 comprise 30 percent of Ontario cases.¹³² Cases like these require special attention to cultural sensitivity and understanding. As the issue of MMIW is pressing in nature and widespread, all members of the police, including Special Constables and campus security services, should ensure that all of its members are adequately equipped to respond to it.

Section C of the Final Written Submissions of the Government of Ontario for the National Inquiry into Missing and Murdered Indigenous Women and Girls states that the Ontario Provincial Police (OPP) offers a five-day, in-person experiential Indigenous Awareness Training course which is mandatory for all supervisors and specialists, but not all OPP members.¹³³ All OPP members should be required to complete anti-bias training particular to Indigenous awareness. The current available Indigenous Awareness Training course could be condensed into a one- or two-day course or an online module but should be made mandatory for all OPP members. The same, or similar, course should be made mandatory for other police services as 38 percent of Ontario cases of MMIWG were handled by municipal police.¹³⁴ The OPP-wide training should not replace the 5-day course for supervisors and specialists, but rather ensure that other OPP members have the necessary knowledge and tools to respond appropriately. This training course should be made widely available to different branches of police, and the provincial government should mandate that all members of the police, including Special Constables, complete the course.

This training course should comprise comprehensive and foundational knowledge reflecting courses offered by the Canada School of Public Service, including “Cultural Self-Reflection: What I know and What I Don’t Know”; “The Uncomfortable Truth”; and “Cultural Competency - Indigenous Perspectives”.¹³⁵ The Canada School of Public Service is currently developing a course titled “Missing and Murdered Indigenous Women and Girls” that may be modified to develop training for police service

¹³² Missing and Murdered Aboriginal Women: Fact Sheet (Ontario Native Women’s Association, September 24, 2009), online: <http://www.onwa.ca/upload/documents/missing-and-murdered-fact-sheet.pdf> [ONWA, Fact Sheet]; Missing and Murdered Aboriginal Women and Girls: Fact Sheet (Native Women’s Association of Canada, 2015), online: https://www.nwac.ca/wp-content/uploads/2015/05/Fact_Sheet_Missing_and_Murdered_Aboriginal_Women_and_Girls.pdf.

¹³³ Julian Roy & Kate Forget, National Inquiry into Missing and Murdered Indigenous Women and Girls: Final Written Submissions of the Government of Ontario (Ministry of the Attorney General, Ontario, December 10, 2018), online: <https://www.mmiwg-ffada.ca/wp-content/uploads/2019/03/Govt-Ontario-Final-Written-Submission.pdf> [MAG, Final Written Submissions].

¹³⁴ ONWA, Fact Sheet.

¹³⁵ “Indigenous Learning Series,” *Government of Canada*, modified March 13, 2020, <https://www.cspc-efpc.gc.ca/ils-eng.aspx>.

members.¹³⁶ Mandating Indigenous Awareness training for all police service members will not only equip them to contribute to MMIW cases, but provide necessary anti-bias training highlighting unique experiences of Indigenous people. Mandatory training will help members of police, including Special Constables and campus security personnel, maintain consistency in principles of equity when addressing matters of gender-based violence in Indigenous communities at post-secondary institutions and in Ontario at large.

PREPARING STAFF & FACULTY TO RESPOND TO DISCLOSURES

Principle: All staff, student-staff and faculty at universities should have appropriate training to equip them with the skills needed to respond to gender-based and sexual violence in an effective, trauma-informed and survivor-centric manner.

Concern: Not all staff, faculty, and student instructors receive education and training on responding to gender-based and sexual violence and supporting survivors in a trauma-informed and survivor-centric way.

Concern: Optional training can be impacted by selection bias.

Concern: Research on the effectiveness of mandatory training for staff and faculty is inconclusive.

Concern: Collective bargaining agreements may prevent institutions from ensuring all faculty and staff receive mandatory training.

Concern: Without training, faculty, staff, and student instructors' responses to disclosures may not be survivor-centric or trauma-informed, and faculty, staff, and student instructors may not have knowledge of relevant policies and procedures.

Recommendation: The Ministry of Colleges and Universities should contract the Institute for Research on Public Policy and collaborate with Quebec's Ministry of Education and Higher Education to conduct a study on the effectiveness of mandatory gender-based violence training for staff and faculty.

Recommendation: The provincial government should amend section 17 of the *Ministry of Training, Colleges and Universities Act* to require that all staff and faculty be trained in how to respond to disclosures of gender-based and sexual violence in a way that is survivor-centric and trauma-informed.

Recommendation: The provincial government should amend Ontario Regulation 131/16, section 5, clause 1 to require that sexual violence response training must be regular and completed every time the policy is renewed, as well as by all incoming members of the institution's governing board or council, and other senior administrators; faculty, staff and other employees and contractors; and students.

Recommendation: The provincial government should provide funding to post-secondary institutions to provide training to all staff and faculty in how to respond to disclosures of gender-based and sexual violence in a way that is survivor-centric and trauma-informed.

It is essential that all staff and faculty understand university policy and best practices in disclosure responses to effectively support students. Given the persistent barriers to disclosing and reporting gender-based and sexual violence, it is vital that students have access to safe spaces in which, and personnel to whom, they can comfortably share their experiences. Many survivors experience embarrassment and shame, as our society teaches people that those who experience gender-based and sexual violence are to

¹³⁶ Ibid.

blame for what has happened to them.¹³⁷ As a result, they do not report incidents of gender-based or sexual violence because they: fear the recipient will not believe them or will think their experiences are invalid; fear the respondent; do not have a support system; or because they have had previous bad experiences when disclosing.¹³⁸ With so many barriers to disclosing and reporting crimes of gender-based and sexual violence, it is important that all students have safe spaces to disclose their experiences.

Significant research illustrates that how someone responds to a disclosure can have a critical impact on trauma, healing and what the survivor will decide to do next.¹³⁹ If someone responds unproductively this can contribute to retraumatization in which survivors' feelings of guilt and shame are perpetuated. In order to ensure faculty and staff are best equipped to support survivors, it is essential that universities make training in survivor-centric and trauma-informed responses accessible for all. Given faculty and staff often have relationships with students, they may be the first place students go to in order to receive help or access to resources. While union representatives have noted that training will only be effective if it is applicable to their roles,¹⁴⁰ at a bare minimum faculty and staff must understand how to respond to disclosures and have foundational knowledge in gender-based and sexual violence and its implications in the post-secondary context.¹⁴¹

Although training exists for some staff and faculty, it is integral that all are trained to understand gender-based and sexual violence due to the existence of power dynamics at post-secondary institutions. The lines between teaching assistant, student, professor, and staff member are not always clear. It is essential that all faculty and staff understand that consent cannot be given in the context of unequal power dynamics and supervisory relationships, and that they receive training to understand the scope of gender-based and sexual violence and the nature of (in)appropriate relationships with students.¹⁴²

Currently, there is mixed research on the effectiveness of mandatory training. While some advocate that all staff and faculty must be trained, some unions have raised concern that mandatory training can have the opposite effect as people are not engaged and may resent training.¹⁴³ The provincial government should invest in a study and collaborate with Quebec's Ministry of PSE to understand the impact and effectiveness of Bill 151, *An Act to prevent and fight sexual violence in higher education institutions*¹⁴⁴ which explicitly requires all institutional policies to include "mandatory training activities for officers, personnel members and student association representatives"¹⁴⁵ to develop best practices. This study should be completed by a third-party research organization, such as the Institute for Research on Public Policy, in collaboration with the two provinces. In the interim, the provincial government should update the *Ministry of Training, Colleges and Universities Act* to require all staff and faculty receive training on gender-based and sexual violence, as well as survivor-centric and trauma-informed responses to disclosures. At the same time, the provincial government should provide funding to post-secondary institutions to provide training to all staff and faculty in how to respond to disclosures of gender-based and sexual violence in a way that is survivor-centric and trauma-informed. This will ensure that, even where training is not mandatory, all staff and faculty have access to such training to support them in their roles.

¹³⁷ Criminal Justice Division, *Best Practices For Investigating and Prosecuting Sexual Assault* (Edmonton: Government of Alberta, 2013), 113- 116.

¹³⁸ Melissa Lindsay, *A Survey of Survivors of Sexual Violence in Three Canadian Cities* (Ottawa: Her Majesty the Queen in Right of Canada, Minister of Justice and Attorney General of Canada, 2014).

¹³⁹ "Responding," *Responding to Disclosures on Campus.com*, accessed February 4, 2020, <http://respondingtodisclosuresoncampus.com/responding/>.

¹⁴⁰ *Courage to Act*, 92.

¹⁴¹ *Ibid*, 90.

¹⁴² "A Conflict of Interest policy fails to explicitly address the inherent institutional power imbalance in the teacher-student relationship, including the significant barriers to students resisting and expressing their lack of consent.": Joanna Birenbaum, cited in Alex Nguyen & Zak Vescera, "UBC declines to change student-faculty relationship policy or release full Galloway report to main complainant, following open letter," *The Ubyyssey*, August 3, 2018, online: <https://www.ubyssey.ca/news/ubc-response-to-MC-open-letter/>.

¹⁴³ *Courage to Act*, 92.

¹⁴⁴ *An Act to prevent and fight sexual violence in higher education institutions*, First Session, Forty-First legislature (Quebec Official Publisher, 2017), online: <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-151-41-1.html?appellant=MC> [Bill 151].

¹⁴⁵ *Ibid*.

Research on sexual violence training indicates that these programs should be in-person as it helps to increase retention. They should not encourage trainees to consider themselves experts upon completion, but rather should give staff and faculty the tools to effectively respond to gender-based and sexual violence in tangible ways. In addition to general training for all staff and faculty, training should also be relevant to the role a person plays in the university community. Information needed by one staff member may not be the same for another staff member as there may be unique contexts in which they would be required to respond to a disclosure or report of sexual violence. Individuals with extensive contact with more vulnerable student groups must have additional training.

Effective training adopts a trauma-informed and survivor-centric approach. It is socio-culturally relevant, addresses a variety of risk factors, increases participants' sexual violence literacy, and informs trainees of institutional and provincial policy on sexual violence. Training should also prioritize response to receiving disclosures. Response to disclosures is a priority because those who respond to disclosures can significantly impact the psychological health and safety of the survivor. It is important to note that one-time training is not enough; multiple-session training is more effective and likely to change behaviour. Furthermore, given that education programming is based on relevant research, programs must update their content and delivery methods.¹⁴⁶

In order to effectively respond to disclosures of gender-based and sexual violence, staff and faculty must have a strong understanding of their institutional sexual violence policy and procedures. Section 5 of Ontario Regulation 131/16: Sexual Violence at Colleges and Universities currently states that:

5. (1) Every college or university described in subsection 17 (2) of the Act shall provide or make available training on its sexual violence policy to the following persons:
 1. Members of the college's or university's governing board or council, and other senior administrators.
 2. Faculty, staff and other employees and contractors of the college or university.
 3. Students enrolled at the college or university.
- (2) The training shall include training on the college's or university's process for responding to and addressing incidents and complaints of sexual violence, including the elements set out in subsection 2 (2).

To ensure that all staff and faculty are knowledgeable in their institutional policies and procedures, the provincial government should amend this section to make training mandatory, and require that those covered under section 5(1) complete this training when they assume a new position and upon any sexual violence policy review cycles the university partakes in.

RESOLUTION & ACCOUNTABILITY

Principle: Survivors deserve the agency to decide how to resolve their experience of gender-based or sexual violence.

Principle: All resolution processes should prioritize the healing and safety of the survivor and utilize a trauma-informed approach.

Principle: Restorative justice and education should be central to any resolution process, recognizing that these approaches can reduce repeat perpetration and acknowledge that those who have caused harm may also be victims of harm.

Principle: All resolution processes should adhere to principles of procedural fairness.

Principle: Respondents must be made aware of their rights.

¹⁴⁶ See, "Systemic Prevention", above.

Principle: Persons who cause harm should be held accountable, and consequences must reflect the serious impact of gender-based and sexual violence.

Concern: Institutional liability and perceived harm to the community are sometimes prioritized over a survivor-centric and trauma-informed approach.

Concern: Collective agreements can be barriers to fair and survivor-centric resolution processes.

Concern: Resolution processes often do not utilize a restorative justice approach.

Concern: There are no best practice guidelines regarding consequences following a formal resolution process for gender-based and sexual violence.

Concern: Consequences from formal resolution at institutions do not always reflect the gravity of gender-based and sexual violence.

Concern: There are no standard guidelines for alternative resolution processes.

Recommendation: The provincial government should amend Ontario Regulation 131/16 to mandate that institutions include procedural mechanisms that consider a survivor-centric and trauma-informed approach to resolution processes.

Recommendation: The provincial government should amend Ontario Regulation 131/16 to include a section on alternative resolutions.

Recommendation: The provincial government should amend Ontario Regulation 131/16 to mandate that institutions have formal and alternative resolution processes.

Recommendation: The provincial government should amend Ontario Regulation 131/16 to outline potential consequences and accountability measures for gender-based and sexual violence on university campuses.

Recommendation: The Ministry of Colleges and Universities should outline a best-practice framework for integrating restorative justice into formal and alternative resolution processes.

Once a case has been investigated and a respondent has been found to have violated an institution's sexual violence policy/student code of conduct/harmed another student, there must be clear and just consequences. When determining appropriate consequences, in addition to survivors and respondents' rights, institutions must take into consideration the overall safety of all students on campus. It is challenging to balance the overall safety of students on campus with the rights of the survivor and respondent. Notably, it is challenging to determine when the overall safety of students on campus supersedes the rights of the respondent and survivor.

Campus disciplinary processes can unfairly favour respondents where the focus is on mitigating institutional liability by discounting an incident of gender-based violence rather than balancing the rights of complainants and respondents. However, this can result in institutions discounting credible instances of gender-based violence which is harmful to both the survivor and to the campus community. In response, students and gender-based violence prevention leaders have been advocating for survivor-centric and equitable responses to gender-based and sexual violence. A survivor-centric approach includes asking survivors about their expectations from the reporting and/or disclosure process, the consequences or accountability measures they expect the person who caused harm to receive, and what the institution can do best support their healing. It is important to clarify that a survivor-centric approach does not infringe upon the rights of the respondent. The rights of the respondent are respected as institutions are legally required to adhere to principles of procedural fairness.

Sexual violence policies at institutions must outline the consequences for committing violent acts. Institutional sexual violence policies must also present a clear outline of the consequences of perpetrating sexual violence, including specific examples. While it can be assumed that most universities intend to take complaints of gender-based and sexual violence seriously, existing policies do not always clearly lay out what the consequences will be. This may deter people who have experienced gender-based or sexual violence from coming forward and the lack of clarity does not support a procedurally fair process for respondents. For instance, feedback provided by students at Queen's University on the importance of clearly outlining consequences for committing sexual violence suggests that the lack of unequivocal consequences sets a soft tone to policy. Students question the strength of sexual violence policies that do not provide clear expectations for consequences.

Brock University determines consequences for sexual violence via a decision maker depending on the "rank" of the individual. For instance, if the claimant is a student, the decision will be made by the Director of Student Life. This individual reviews the investigation report, the recommendation from the investigation review committee, and the respondent's response to the claim to decide if the sexual violence policy was breached and the appropriate consequences. For employees, discipline ranges from a note in their file to termination; for students, discipline ranges from community service to expulsion. If no breach of policy is found, non-disciplinary measures, such as awareness education or meditation may be implemented. The University of Waterloo decides penalties via *Policy 42- Prevention of and Response to Sexual Violence* and *Policy 71- Student Discipline Policy*. The Associate Dean, upon review of both the complainant's and the respondent's impact statements, determines the appropriate sanctions. At Queen's University the Vice Provost and Dean of Student Affairs will serve as the decision-maker. The case can be referred to an unbiased and trained member of the university community. At McMaster University, the case is reviewed by the Provost and Vice-President (Academic), with the final decision of consequences being made by the Provost. It is evident that penalties for sexual violence can vary and the level of discipline is not based on any specific guidelines; however, it is also important to recognize that disciplinary decisions are often made by an individual and do not include procedural mechanisms to consider the needs of the survivor in these decisions.

Without an explicit requirement to consider the needs of the survivor in a decision on gender-based violence, institutional sanctions cannot be survivor-centric. Further, focusing solely on punitive consequences for respondents can be harmful to both the survivor and the respondent, and is not always conducive to healing and accountability. Institutions must therefore have procedural mechanisms that take into consideration the needs and expectations of the survivor. Ontario Regulation 131/6 must mandate the creation of these procedural mechanisms to ensure that sexual violence resolution processes apply a survivor-centric approach. This will help give some agency to the survivor while promoting accountability for the respondent. To provide institutions with direction on how to approach the accountability process the provincial government should amend Ontario Regulation 131/6 to outline potential consequences and accountability measures for gender-based and sexual violence on campus.

The resolution process can have a significant impact on the physical, psychological, and academic well-being of people who have experienced sexual violence. It is therefore important that in addition to being clear about expectations for consequences and accountability, the process itself must be survivor-centric; survivors must be given the agency to decide which, if any, response avenue to pursue. This can vary from a decision to file a criminal report, pursue an institutional investigation and complaints process, or seek alternative measures, which can include reasonable accommodations, collaborative resolution, or restorative or transformative practices. The power to choose is integral to the healing process for survivors. This requires, however, that survivors be informed of all the options available to them. Survivors may not always choose to pursue a formal institutional process or file a criminal report. These processes are often punitive and focus on the consequences for the respondent. Moreover, these processes are often recognized as impersonal; the voice of a survivor can be easily lost. On the other hand, alternative measures are often considered a means to prioritize survivor healing and address survivors needs and expectations. Many of these practices represent a shift from punitive consequences to accountability and healing.

Alternative measures can be used to support survivor safety without a formal complaint or finding of misconduct. For example, a survivor may seek reasonable accommodations, such as ensuring they do not have class or share a residence building with the person who has harmed them.

In other cases, a person who has experienced gender-based violence may seek a more restorative or transformative avenue to hold the person who caused harm accountable, such as through restorative justice (RJ). A study conducted in the United States found that the majority of people who experience sexual violence are interested in RJ. Similarly, a Statistics Canada report found that 51 percent of survivors are very or somewhat interested in non-traditional police-court processes. Analysis of RJ programs reveals that RJ may be beneficial for survivors' physical and psychological well-being as it helps to reduce symptoms of Post-Traumatic Stress Disorder (PTSD) and stress. For instance, upon evaluation of RESTORE, a program in Arizona that offers victim-offender mediation to individuals who experience sexual violence, survivors experienced a 16 percent decrease in PTSD symptoms from intake. Other benefits of RJ include empowering survivors; survivors recognize this process as a form of "taking the power back" and restoring their voice. Survivors also gain acknowledgement of the harm done, aiding in their healing process.

Restorative justice practices are rooted in both Western and non-Western traditions. In a Canadian context, the form of restorative justice recognized most widely (particularly in an international context) is rooted in traditions and practices of Indigenous people. The fundamental principles and goals of RJ include the restoration of social relationships by establishing, or re-establishing, social equality, dignity, mutual concern, and respect by looking at discrete wrongdoing as well as the context and causes for it. For students, outcomes from RJ procedures can include resolutions such as educational sanctions, a letter of apology, community service, and much more. In addition to amending Ontario Regulation 131/6 to outline potential consequences for gender-based and sexual violence on campus, the amendment must also include accountability responses for alternative resolution processes.

While there is evidence that RJ is a meaningful option for survivors of sexual violence, there are significant challenges associated with RJ that underscore the need for sexual violence policies to clearly outline the purposes goals, and processes for alternative resolutions. A publication on RJ programs by the United Nations found that power imbalances between the survivor and person who caused harm can hinder the success of RJ procedures. The publication highlights the need for facilitators to be aware of subtle manipulation and intimidation in order to avoid re-victimization and support the needs of the complainer. The context in which the experience of sexual violence takes place and the relationship between the survivor and person who caused harm must inform the RJ process. This is especially important in the context of post-secondary education if the person who caused harm is in a position of power such as a teaching assistant or professor and the claimant is a student. Moreover, the principles of RJ are not applicable to all experiences of sexual violence, and RJ may fail to accommodate the needs of the survivor and produce counterproductive results. For instance, in cases where there is a power imbalance between the survivor and person who caused harm, RJ can be used as a diversionary tool for the person who caused harm to avoid formal sanctions. In such cases, the person who caused harm can also have a coercive effect on the survivor. RJ is an important component towards achieving survivor-centric and trauma-informed resolution processes. RJ must be incorporated into both formal and informal resolution processes. To ensure consistency and proper implementation of RJ principles the Ministry of Colleges and Universities should outline a best-practice framework for integrating RJ into both informal and formal resolution processes.

Institutional sexual violence policies must therefore not only allow for alternative resolutions to support survivor agency and accountability, they must do so with clear guidelines for such processes. There is a clear need for guidance in this area, as post-secondary institutions are recognizing the importance of survivor-centric resolution processes, they do not incorporate alternative resolution processes in their sexual violence policies. For example, Western University's sexual violence policy does not include an alternative resolution or restorative justice procedures. In addition to gaps in policy, institutions also vary in their implementation of alternative measures which can infringe on procedural fairness and result in additional harm to both the survivor and the person who has caused harm.

To address these gaps, there needs to be clear guidelines that identify what alternative resolution processes look like in a post-secondary context, how they can be implemented, and when they are a feasible option. This can be achieved through modifying Ontario Regulation 131/6 to include a section on alternative resolution processes that outlines the guidelines for such processes. Guidelines must address the logistics of an alternative resolution procedure, highlighting the need for a neutral facilitator, and procedural protections for both the survivor and the person who has caused harm. These guidelines will help to address gaps in the alternative resolution process by providing clarity to post-secondary institutions on how to implement alternative resolution processes and what they are expected to achieve.

APPEALS & RECOURSE

Principle: All appeals or complaints against universities must be handled in an accessible and timely manner.

Principle: All appeals must be kept confidential.

Concern: Appeal procedures, policies, or protocols are often not made clear to all involved parties.

Concern: The nature and length of appeal procedures and protocols have the potential to re-traumatize survivors.

Recommendation: The provincial government should amend Ontario Regulation 131/16 to include a section providing guidance for institutions to delineate the process of appealing a decision made by institutions regarding an experience of gender-based or sexual violence.

Recommendation: The provincial government should amend Ontario Regulation 131/16 to require institutions include in their sexual violence policy the right of both the respondent and complainant to appeal a decision.

Recommendation: The provincial government should amend Ontario Regulation 131/16 to mandate institutions include a requirement for sending written notifications to both the complainant and respondent on the outcome of the appeal in their sexual violence policy.

It is important that the right to appeal is extended to all parties involved—complainants as well as respondents. The rights of both the respondent and complainant must be respected; they both must be given the autonomy to determine if an institutional decision on a complaint of gender-based or sexual violence is satisfactory for them. However, there are many barriers that prevent students from both being aware of their right to appeal and understanding what that means and the process for doing so.

University complaint processes can be unnecessarily difficult for students to navigate and students may be further discouraged when appeals are not addressed in a timely and transparent manner. Lengthy and confusing appeal processes have the potential to retraumatize survivors by perpetuating feelings of lack of control, guilt, and shame. Complainants and respondents can also face impediments to their academic and employment pathways, access to financial supports, and other barriers to their post-secondary education as a result of lengthy and confusing appeals processes. However, this harm is mitigated when students are given the right to know all the details of the case, including documentation outlining the reasons for the decision, as well as access to a timely and transparent appeal process. According to a student from Queen’s University, “the procedure around determining...an appeals procedure, must be clearly defined.”¹⁴⁷ Unfortunately, appeals processes are confusing by nature and are often not made clear to all involved parties. For example, in the context of a student-student experience of gender-based or sexual violence, an appeal of a decision is made by through the institution’s complaints process, which varies across institutions. Brock University’s sexual violence policy allows both the respondents and

¹⁴⁷ Arig al Shaibah, *Sexual Assault Prevention and Response Report and Recommendations* (Kingston: Queen’s University, 2015).

complainants to apply for a review within 10 business days of the decision. The policy also clearly outlines the grounds for which an appeal can be made.¹⁴⁸ Similarly, the University of Waterloo allows either party to file for a review, which, if accepted, is sent to the University Committee on Student Appeals.¹⁴⁹ In the context of a student-faculty gender-based and sexual violence experience, appeals occur through the Labour Review Board using arbitration, which adds an additional layer of complexity to an already confusing process.

The provincial government can mitigate barriers that make it unnecessarily difficult for a student to access the appeals process by ensuring institutions are providing their students with a clear understanding and access to the appeals process. This can be done by amending Ontario Regulation 131/16 to include a section providing guidance for institutions to delineate the appeals process; requirements for an institutional appeals process, including that it be made accessible to both the complainant and the respondent as well as a clause that requires both parties receive written notification on the outcome of an appeal and a thorough explanation of the decision.

ACCOMMODATIONS & SUPPORT

Post-secondary institutions across the province have made great strides in recent years to increase accommodations and support provided to survivors. The recent mandate for universities to update their sexual violence prevention and response protocol has prompted changes to various university policies including those related to academic accommodations and other methods of support. Though there is an attempt to move towards more survivor-centric accommodation and support processes for students, there are still several improvements to be made to ensure a survivor's post-secondary path is not entirely disrupted as a result of an experience of gender-based or sexual violence. The following recommendations are intended to help guide these improvements to existing accommodation and support structures.

LEGAL

Principle: All students should have access to adequate legal information, advice, and/or representation on how to navigate gender-based and sexual violence reporting systems.

Concern: As a result of the \$133 million reduction to legal aid funding in 2019, a community-based resource survivors can access for legal advice and support, the program does not have sufficient funds to aid students and survivors in need.

Concern: Survivors of gender-based and sexual violence do not always have the financial means to access legal advice and/or representation to support them in navigating formal reporting processes.

Recommendation: The provincial government should reinvest in provincial legal aid over the next three years, earmarking funding to support student access to legal services.

Following an instance of gender-based or sexual violence, a survivor has a number of options if they are seeking a formal resolution either through the courts or their institutional response mechanisms. The three main avenues a survivor may choose to take that require legal support include pursuing: criminal charges, a civil lawsuit, or institutional response. Making an informed decision about which avenue(s) to pursue or not pursue requires an in-depth understanding of the processes and likely outcomes of each, an understanding that a survivor is unlikely to have when they are making this decision. This is further complicated if they are considering taking a legal route, as legal jargon is difficult to understand on one's

¹⁴⁸ Brock University, *Sexual Assault and Harassment Policy*, December 2016.

¹⁴⁹ University of Waterloo, *Sexual Violence Response Protocol and Procedures re: University of Waterloo Policy 42, Prevention of and Response to Sexual Violence*, January 2017, revised June 2019.

own and expecting a survivor who recently went through a traumatic experience to look for information online does not make the complaint process easier or more accessible for survivors to navigate. Access to legal advice in these situations can make a significant difference by giving survivors the tools needed to make an informed choice based on their desired outcome, and to ensure they are approaching the process with clear expectations about what the likely outcomes might be.

Statistics show that 53 percent of assaults reported on the day of the incident went to court, whereas the longer the gap in-between, there begins to be a significant drop in the likelihood of the person who caused harm going to court or even being charged.¹⁵⁰ Knowing there that respondents rarely get prosecuted, it can be daunting and discouraging for survivors to come forward and formally report their assault, if they choose. Survivors are further discouraged from pursuing a legal response or formal institutional response. As those under the age of 25, especially young women and girls, have the highest rates of police reported sexual assaults, it is crucial that all students be granted free access to legal advice/information on what the process would be if they were to formally report their sexual or gender-based violence experience.¹⁵¹

In the 2019 Ontario budget, *Protecting What Matters Most*, the provincial government announced that it was cutting funding to Legal Aid Ontario (LAO) by nearly 30 percent, roughly \$130 million.¹⁵² LAO is a publicly-funded service that offers low-income Ontarians legal advice and legal representation on a variety of legal matters, including those related to gender-based violence. The rationale for the cut was to streamline services to save money and explore moving services online. However, this puts LAO in a precarious position assuming that fewer resources are required to offer online services and that online services can meet the needs of those looking for legal support in response to an experience of gender-based violence. To ensure survivors, and the many other Ontarians who utilize legal aid, have adequate representation when navigating the criminal justice system, the provincial government should re-invest the \$133 million cut over the next 3 years. Additionally, the provincial government should provide LAO with dedicated funding to support student access to legal services.

HEALTH CARE

Principle: Survivors of gender-based or sexual violence should have access to a variety of avenues to aid them in their recovery.

Principle: As gender-based and sexual violence can be traumatic, all survivors should have access to trauma counsellors.

Concern: Many post-secondary institutions across the province have a limited number of counsellors who specialize in gender-based and sexual violence.

Concern: Survivors experience financial barriers when seeking care that extends beyond the medical realm, such as holistic and religious healing practices.

Recommendation: The provincial government should create grant funding available to post-secondary institutions to hire trauma counsellors or support persons that have training specific to supporting those who have experienced gender-based and sexual violence.

¹⁵⁰ Cristine Rotenberg, "From arrest to conviction: Court case outcomes of police-reported sexual assaults in Canada, 2009 to 2014," (Statistics Canada, October 26, 2017), online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2017001/article/54870-eng.htm>.

¹⁵¹ Cristine Rotenberg & Adam Cotter, "Police-reported Sexual Assaults in Canada before and after #MeToo, 2016 and 2017," (Statistics Canada, November 8, 2018), online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54979-eng.htm> [Rotenberg & Cotter, "Police-reported Sexual Assaults before and after #MeToo"].

¹⁵² Ryan Tumilty, "Legal Aid Funding Cut Nearly 30% in Ontario Budget," *CBC News*, April 12, 2019, online: <https://www.cbc.ca/news/canada/ottawa/ontario-legal-aid-funding-cut-1.5095058>; Rotenberg & Cotter, "Police-reported Sexual Assaults before and after #MeToo".

Recommendation: The Ministry of Health, in partnership with researchers focused on gender-based and sexual violence prevention and response, should conduct a review of OHIP coverage to determine whether it meets survivors' medical needs and adequately supports them through their recovery.

All students should have access to adequate health care, especially following an incident of gender-based or sexual violence. Given the traumatic nature of gender-based and sexual violence, trauma counsellors are uniquely qualified to offer support as they are trained responses to traumatic events and incidents, as well as in PTSD symptoms.¹⁵³ However, trauma counsellors can be costly, and universities that do provide this type of support for their students typically only hire one or two counsellors, making scheduling regular appointments a barrier for survivors. To supplement the support universities should be offering to combat the high rates of gender-based and sexual violence on campus, the provincial government should dedicate funding for universities to hire trauma counsellors who have completed training specific to supporting persons who have experienced gender-based and sexual violence.

When it comes to the health care, survivors should have access to the physical and mental support that they need. Currently, the Ontario Health Insurance Plan (OHIP) offers either full or partial coverage for a number of resources that a survivor of gender-based violence may need access to, including abortions, psychiatry services, and medications prescribed in a hospital.¹⁵⁴ However, the services and resources covered by OHIP do not cover many of the resources survivors may rely on following an experience of gender-based or sexual violence. For example, therapy not conducted by a doctor or within a medical facility is not covered by OHIP. It can be expensive for students who require access to resources or support following an incident of gender-based or sexual violence that fall outside of the scope of current OHIP coverage which assumes that survivors' only health care needs are limited to abortions and medications. Survivors have much broader health care needs, some of which include cultural practices. To ensure survivors are able to access affordable supports following an experience of gender-based violence, the Ministry of Health should conduct a review of OHIP coverage to ensure it meets the needs of survivors of gender-based violence. In conducting this review, it is essential that the Ministry partner with researchers focused on gender-based and sexual violence prevention and response, and that they work closely with relevant stakeholders throughout the process. Specifically, the Ministry should work with the Ontario Coalition of Rape Crisis Centres (OCRCC). The OCRCC is a coalition of roughly 40 centres across the province that seek political action to address sexual violence, offer support to survivors, and run educational programming for broader awareness. The Ministry should also include young people between the ages of 18-25 years of age. Statistics illustrate a higher prevalence of assault within this age range and this is also the time frame in which many young adults are living away from home and paying for their own insurance independently. It is important for this group to be consulted, as they are at a higher risk of experiencing the negative impacts of any gaps that currently exist within the OHIP system.

¹⁵³ "Trauma Counselling Counsellors," *Counselling BC*, accessed January 28, 2020, <https://counsellingbc.com/counsellors/practice/trauma-counselling-173>.

¹⁵⁴ "What OHIP Covers," *Government of Ontario*, accessed February 7, 2020, <https://www.ontario.ca/page/what-ohip-covers>.

FINANCIAL

Principle: All willing and qualified students, who have been affected by gender-based and sexual violence, should be provided with the financial assistance needed to continue their post-secondary education without disruption.

Concern: Survivors on OSAP who reduce their course load to less than sixty percent will be reassessed and may be asked to pay back a portion of their allotted funding as a result of being put on OSAP academic probation.

Recommendation: The Ministry of Colleges and Universities should require that decisions regarding OSAP academic probation and restrictions penalties be made using a trauma-informed lens.

Gender-based violence is often a traumatic experience for those who are harmed by it and the healing process is non-linear and can take months or years. This can impact any area of a survivor's life, including their ability to keep up with academic obligations. The results of the 2018 Student Voices on Sexual Violence revealed some of these academic impacts of gender-based violence on university students in the province, particularly for marginalized students. For example, 11.6 percent of respondents (20.6 percent of students who identify with a gender other than male or female; 18.5 percent of Indigenous students; and 20.0 percent of students with disabilities) indicated that they had missed class; 12.7 percent of respondents (22.0 percent of students who identify with a gender other than male or female; 19.3 percent of Indigenous students; and 22.2 percent of students with disabilities) indicated that they struggled to keep up with school work; 6.8 percent of respondents (16.3 percent of students who identify with a gender other than male or female; 12.9 percent of Indigenous students; and 13.1 percent of students with disabilities) indicated that they thought about or did drop one or more course; and 6.4 percent of respondents (14.9 percent of students who identify with a gender other than male or female; 11.2 percent of Indigenous students; and 13.1 percent of students with disabilities) indicated that they had thought about quitting school as a result of an experience of gender-based or sexual violence.¹⁵⁵ Importantly, these numbers do not capture students who did leave school.

For students who rely on financial assistance to access post-secondary education, impediments to academic success and persistence can have financial consequences as well. For example, students receiving support through the Ontario Student Assistance Program (OSAP) can be put on "OSAP academic probation" by the Ministry of Colleges and Universities for repeatedly dropping a course, frequently withdrawing from courses, or having too many incomplete courses which impacts eligibility for funding or access to funding where eligibility is not affected.¹⁵⁶ Once on OSAP academic probation, a student can be placed on OSAP academic restriction should they not meet the academic requirements delineated by the Ministry.

Unfortunately, the impact of trauma or harm as a result of gender-based violence means that it may be difficult for many survivors to demonstrate consistency in their academic standing or persistence. Dropping or withdrawing from courses is common for many survivors and they should not be penalized for this occurrence. When the Ministry of Colleges and Universities places a student on academic probation they are still eligible to receive funding and will be required to submit an academic response letter to their Awards and Financial Aid Office.¹⁵⁷ Students are also allowed to appeal the decision by directly writing to the Ministry outlining their personal circumstances and barriers they faced during the term. When reviewing student letters, it is integral that the Ministry adopt a trauma-informed lens and take into account the lived experience of those who have experienced gender based and sexual violence when making a final decision on students' restriction penalties. This requires that those reviewing and

¹⁵⁵ *Student Voices on Sexual Violence: Sector Breakdown Report* (CCI Research, March 2019).

¹⁵⁶ "OSAP Appeal Forms," University of Waterloo, Student Awards & Financial Aid, accessed February 7, 2020, <https://uwaterloo.ca/student-awards-financial-aid/forms/osap-appeal-and-review-forms>.

¹⁵⁷ "Academic Probation," *Awards and Financial Aid*, accessed April 15, 2020, <https://carleton.ca/awards/osap/academic-probation/>.

making these decisions be trained and be able to apply a trauma-informed lens to their decisions so that they are not contributing to financial burdens that penalize survivors and create additional barriers to completing their post-secondary pathway.

SEXUAL ASSAULT CENTRES

Principle: All students who have been affected by gender-based or sexual violence should have access to resource and support centers.

Concern: Community-based sexual assault centres are often underfunded and rely on donations, limiting their ability to offer support and educate the community on gender-based and sexual violence prevention and response.

Concern: On-campus sexual assault and peer support centres that are run by students may have limited hours of operation and capacity to support other members of the campus community.

Concern: The provincial government cancelled a previous investment of \$1 million for the 42 rape crisis centres across the province.¹⁵⁸

Concern: For students who experience gender-based or sexual violence on or around campus, support or sexual assault centres on campus can be traumatizing.

Concern: As on-campus sexual assault centres are run by the institution or student associations, there can be a distrust between the survivor and those offering support.

Recommendation: The provincial government should provide increased and continuous funding for community-based sexual assault centres and rape crisis centres.

Recommendation: The provincial government should follow through with their previous commitment of a one-time investment of \$1 million into Ontario's rape crisis centres.

Recommendation: The provincial government should allocate grant funding that post-secondary institutions and student unions can apply for to create or expand sexual assault support centres and programming on campus.

Gender-based and sexual violence is unfortunately common within post-secondary communities: roughly 63 percent of students have experienced some form of assault during their time at university.¹⁵⁹ However, the support available to post-secondary students does not meet the needs that come with such high rates of gender-based and sexual violence. Ensuring all students can access centralized supports is necessary to support their healing, and this gap can be filled by sexual assault centres. There are two main sexual assault centres: those offered by an institution or student association and those who are based within the surrounding community. The services offered by both provide students with support following an experience of gender-based violence as well as educate the campus community to reduce rates of gender-based and sexual violence.

A service many students use for support are those offered by their institution or student union. Many post-secondary institutions offer either a formal sexual assault centre on campus or a peer-support centre run by their student association. However, these needed resources struggle with budgetary and personnel

¹⁵⁸ Shanifa Nasser, "Ontario cancels \$1M for rape crisis centres, prompting concerns wait times will spike," *CBC News*, March 4, 2020, online: <https://www.cbc.ca/news/canada/toronto/ontario-rape-centres-funding-1.5485479>.

¹⁵⁹ *Summary Report Of The Student Voices On Sexual Violence Survey* (CCI Research, March 19, 2019), online: <https://files.ontario.ca/tcu-summary-report-student-voices-on-sexual-violence-survey-en-2019-03.pdf>.

constraints. Often, there isn't enough money to run a service at full capacity, leaving gaps in the availability and support offered. To better support the initiatives on-campus, the provincial government should allocate a pool of funds for both post-secondary institutions and student associations to create and expand sexual assault centres on campus. This would allow on-campus resources to operate at full capacity and meet the needs of student survivors.

In addition to ensuring that students have access to needed on-campus supports, it is equally important that they also have access to community-based supports. Community-based sexual assault centres are important to support students who have experienced gender-based violence on campus and as a result may not feel safe coming to campus and access on-campus support centres. Other students may not feel comfortable receiving support from their student association or institution due to feelings of distrust or discomfort, which can impede their ability to benefit from the support provided. These students should not be limited in the support they can access. Community-based sexual assault centres are also an important educational resource for the community and on post-secondary campuses. For example, at McMaster University, the Sexual Assault Centre of Hamilton and Area (SACHA) attends orientation week, providing hundreds of student volunteers training to prevent and respond to gender-based and sexual violence, as well as Bystander Intervention Training.

Unfortunately, community-based sexual assault centres are also constrained by their budget, which often does not cover the costs needed to provide support and run programming initiatives. In March 2019, the provincial government made a significant announcement that it would be investing \$1 million in rape crisis centres across the province.¹⁶⁰ This investment was a positive step, as there are nearly forty such crisis centres across the province, this investment was not sufficient for needed increases to support persons or educational programming.¹⁶¹ SACHA responded to the announcement, not only asking the provincial government for an increase in funding, but also by asking the general public asking for needed donations to fill gaps in service.¹⁶² Despite clear response that this investment would not meet the needs of community-based sexual assault centres, the provincial government revoked its promised investment in March 2020,¹⁶³ leaving these necessary supports and services scrambling to maintain their programming.

The high prevalence of gender-based violence experienced by post-secondary students requires a proportional increase investment in services and supports. It is therefore necessary for the provincial to both reverse its decision to cancel the \$1 million investment in community-based sexual assault centres, but also that they recognize that this is only a fraction of the support needs and should therefore provide increased and continuous funding so that these services can meet the needs of gender-based violence survivors across the province.

¹⁶⁰ Natalie Paddon, "Local Sexual Assault Centre "Disappointed" With Recent Funding Announcement," *The Hamilton Spectator*, March 11, 2019, online: <https://www.thespec.com/news-story/9215254-local-sexual-assault-centre-disappointed-with-recent-funding-announcement/> [Paddon, "Local Sexual Assault Centre Disappointed"].

¹⁶¹ Lauren McKeon, "Why Rape Crisis Centres Need Funding Now More Than Ever," *TVO News*, February 5, 2019, <https://www.tvo.org/article/why-rape-crisis-centres-need-funding-now-more-than-ever>.

¹⁶² Paddon, "Local Sexual Assault Centre Disappointed".

¹⁶³ Shanifa Nasser, "Ontario cancels \$1M for rape crisis centres, prompting concerns wait times will spike," *CBC News*, March 4, 2020, online: <https://www.cbc.ca/news/canada/toronto/ontario-rape-centres-funding-1.5485479>.

RESEARCH & DATA

GENDER-BASED & SEXUAL VIOLENCE KNOWLEDGE CENTRE

Principle: Gender-based and sexual violence education, prevention, and response strategies for post-secondary campuses should be comprehensive and evidence-informed.

Principle: Programs and initiatives should be based on a rigorous, survivor-centric, and relevant evaluation of gender-based violence.

Concern: Lack of consistent and appropriately-collected data creates gaps in knowledge that impede effective prevention and response strategies.

Concern: Policy and procedural decisions regarding gender-based and sexual violence prevention are not always grounded in evidence or established best practices.

Concern: Some post-secondary institutions employ methods of preventing gender-based and sexual violence that have not been adequately evaluated, are evidently ineffective, and that could continue to enable rates of gender-based and sexual violence to increase.

Recommendation: The provincial government should establish a Gender-Based & Sexual Violence Knowledge Centre within the Ministry of Children, Community and Social Services to conduct and consolidate both quantitative and qualitative research related to gender-based and sexual violence.

Recommendation: With support from the provincial Office of Women's Issues, the proposed Gender-Based & Sexual Violence Knowledge Centre should be responsible for coordination, data and research, and knowledge mobilization.

Recommendation: The Gender-Based & Sexual Violence Knowledge Centre should include a post-secondary issues unit with duties to make recommendations to the Ministry of Colleges and Universities regarding the implementation of best practices based on ministerial and institutional data about gender-based and sexual violence prevention at post-secondary institutions in the province.

Recommendation: The provincial government should create a "Gender-Based Violence Prevention Evaluation Grant" to be used to continuously inform best practices through evaluation of the effectiveness of gender-based and sexual violence prevention programs at post-secondary institutions.

While many universities look to the *Sexual Violence and Harassment Action Plan* as an opportunity to foster positive change in their campus cultures, such change has not been uniform across the sector. Regardless of where a student goes to school, they should feel confident that their institution utilizes best or promising practices, grounded in evidence, to keep them safe and prevent gender-based and sexual violence. However, institutions' failure to implement best or promising practices that are grounded in evidence is associated with lack of research and consistent data collection efforts across the province. This gap is compounded by limitations in internal data-sharing between individual institutions as well as with the provincial government. Very few primary prevention strategies are demonstrated to have significant effects on gender-based or sexually violent behaviour.¹⁶⁴ Further, evidence regarding effective interventions to change gender-based and sexual violence perpetration behaviour is generally absent from the literature and rigorous evaluation and implementation of existing programming presents significant

¹⁶⁴ Sarah DeGue, Linda Anne Valle, Melissa K. Holt, Greta M. Massetti, Jennifer L. Matjasko & Andra Teten Tharp, "A systematic review of primary prevention strategies for sexual violence perpetration," *Aggression and Violent Behavior* 19, no. 4 (2014): 346-362, 352 [DeGue, et al., "A systematic review of primary prevention strategies for sexual violence perpetration"]

fiscal challenge.¹⁶⁵ As a result, “most campuses use programs that have never been formally evaluated or have not proved to be effective in reducing the incidence of sexual assault.”¹⁶⁶

It is important that the provincial government and post-secondary institutions make policy and procedural decisions that are informed by evidence. Unfortunately, some prevention programs have been found to produce potentially harmful effects, for example, increasing rape myth acceptance or sexually violent behaviour.¹⁶⁷ Proven programs must be implemented to prevent such a phenomenon. There is much more value in implementing programming that is proven to be effective and will have a positive impact on the lives of students than implementing programs that have not been evaluated and could therefore have unintended negative impacts that cause additional harm. This requires not only rigorous evaluation, but also attentiveness to whose experiences are counted. It is imperative, if prevention programs are to be effective, that they be evaluated with an understanding of who disproportionately experiences gender-based violence, as well as who disproportionately causes harm. This means collecting data that accounts for race, disability, age, gender, sexual orientation, Indigenous identity, and all other identity-based characteristics that factor into the likelihood of experiencing or inflicting gender-based violence. It also requires an understanding of the context in which gender-based violence is normalized and perpetuated, including the colonial structures embedded and defining post-secondary education.

The provincial government should take on a strong leadership role in the development of prevention, education, and awareness programs and how they are operationalized using relevant data analysis and subject matter expertise. This has been done at the federal level through the Department of Women and Gender Equality Canada, which created the Gender-Based Violence Knowledge Centre in 2018 as a focal point of the national Gender-Based Violence Strategy. The federal Knowledge Centre provides access to timely, relevant information, resources, and evidence compiled in a single platform.¹⁶⁸ The Ontario Ministry of Children, Community and Social Services should develop a similar Knowledge Centre, populated by experts in the field of gender-based and sexual violence, crime prevention, and post-secondary education who work with stakeholders to develop provincial strategies for ending gender-based sexual violence. The provincial Knowledge Centre should consolidate resources, including the province’s four primary resources relating to addressing gender-based and sexual violence:¹⁶⁹

- Ontario’s Strategy to End Human Trafficking;¹⁷⁰
- The Indigenous Healing and Wellness Strategy;¹⁷¹
- Walking Together - Ontario’s Long-Term Strategy to End Violence Against Indigenous Women;¹⁷² and
- The Office of Women’s Issues.¹⁷³

To address specific issues at the post-secondary level, a unit should be developed within the Knowledge Centre that focuses on post-secondary institutions in the province. Federally, Women and Gender Equality Canada has an Advisory Committee on the Framework to Prevent and Address Gender-Based Violence at Post-Secondary Institutions made up of a diverse group of stakeholders who inform the development of “consistent, comprehensive and sustainable approaches to preventing and addressing

¹⁶⁵ Ibid.

¹⁶⁶ Charlene Y. Senn, Misha Eliasziw, Paula C. Barata, Wilfreda E. Thurston, Ian R. Newby-Clark, H. Lorraine Radtke, and Karen L. Hobden, “Efficacy of a Sexual Assault Resistance Program for University Women,” *The New England Journal of Medicine* 372, no. 24 (2015): 2326-2335, 2327.

¹⁶⁷ DeGue, et al., “A systematic review of primary prevention strategies for sexual violence perpetration”.

¹⁶⁸ “Gender-Based Violence Knowledge Centre,” *Status of Women Canada*, modified March 11, 2020, <https://cfc-swc.gc.ca/violence/knowledge-connaissance/index-en.html>.

¹⁶⁹ “Provincial and territorial resources,” *Status of Women Canada*, accessed February 7, 2020, <https://cfc-swc.gc.ca/violence/knowledge-connaissance/canada-en.html#on>.

¹⁷⁰ “Ontario Strategy to End Human Trafficking,” *Ontario Ministry of Children, Community and Social Services*, accessed February 7, 2020, <https://www.mcscs.gov.on.ca/en/mcss/programs/humantrafficking/index.aspx>.

¹⁷¹ “Goal of the Indigenous Healing and Wellness Strategy,” *Ontario Ministry of Children, Community and Social Services*, accessed February 7, 2020, https://mcss.gov.on.ca/en/mcss/programs/community/ihws/goal_strategy.aspx.

¹⁷² “Walking Together: Ontario’s Long-Term Strategy to End Violence Against Women,” *Government of Ontario*, accessed February 7, 2020, <https://www.ontario.ca/page/walking-together-ontarios-long-term-strategy-end-violence-against-indigenous-women>.

¹⁷³ “Women’s Issues,” *Government of Ontario*, accessed February 7, 2020, <https://www.ontario.ca/page/womens-issues>.

gender-based violence at post-secondary institutions.”¹⁷⁴ However, this Advisory Committee is not a permanent unit in the Department for Women and Gender Equality. Without a permanent unit, there is a lack of predictability that both hinders the work that is able to be accomplished, particularly program evaluation work that can be costly and occurs over longer periods of time. To support the efficacy of such a unit, it is therefore prudent to designate it as permanent. To establish a strong post-secondary issues unit in the Knowledge Centre, the Ministry of Children, Community and Social Services should hire faculty and experts from across the province with demonstrated knowledge in the following fields:

- Research methodology;
- Data collection and analysis;
- Survey administration;
- Sexual violence and gender studies; and
- Program Evaluators with the Credentialed Evaluator (CE) designation.

Credentialed program evaluators (with a CE designation) provide “requisite skills, knowledge, and practical experience...necessary to be a competent evaluator.”¹⁷⁵ Their reliance on “empirical evidence and on social research methods” would prove to be invaluable to the Knowledge Centre.¹⁷⁶ For the post-secondary issues unit within the Knowledge Centre, faculty researchers from across the province are best able to understand the problem of gender-based and sexual violence on their campuses and in post-secondary environments.¹⁷⁷ The main responsibilities of the post-secondary issues unit should include:

- Identifying effective, prevention programs grounded in evidence or promising practices;
- Identifying best-practice models for post-secondary institutions;
- Forming, administering, interpreting, and reporting on Climate Survey findings; and
- Identifying and eliminating barriers to individual paths to healing at post-secondary institutions.

The provincial Gender-Based & Sexual Violence Knowledge Centre should function as a permanent operation of the Ministry of Children, Community and Social Services, as should the post-secondary issues unit within it. The post-secondary issues unit should engage with stakeholders, including people who have experienced gender-based and sexual violence, educators, students, administration, and disciplinary experts, to understand the needs of post-secondary institutions and all those who would be affected by intervention programs. Through consultation and qualitative research, including interviews by telephone, email, or in-person, the Knowledge Centre can build depth in responses and information. Additionally, the Knowledge Centre would have the capacity to centralize anonymized and appropriately-collected data from different institutions and organizations. As a starting point, the post-secondary issues unit could focus their research on identifying existing programs, or components of programs, that are characterized by the following nine principles of prevention that are strongly associated with positive intervention effects:

- Comprehensiveness;
- Appropriate timing;
- Use of varied teaching methods;
- Delivery of sufficient dosage (i.e., ensuring the total exposure to the program is appropriate given the type of program, and the need and risk level of participants);
- Administration by well-trained staff;
- Opportunity for building positive relationships with family, peers, and other adult mentors;
- Socio-cultural relevance;
- Social-psychological and behavioural theoretical foundations; and
- Inclusion of outcome evaluation.¹⁷⁸

¹⁷⁴ “The Advisory Committee on the Framework to Prevent and Address Gender-Based Violence at Post-Secondary Institutions,” *Government of Canada*, modified January 1, 2019, <https://www.canada.ca/en/status-women/news/2019/01/the-advisory-committee-on-the-framework-to-prevent-and-address-gender-based-violence-at-post-secondary-institutions.html>.

¹⁷⁵ “About the CE Designation,” *Canadian Evaluation Society*, accessed February 7, 2020, <http://evaluationcanada.ca/ce>.

¹⁷⁶ “What is Evaluation?” *Canadian Evaluation Society*, accessed February 7, 2020, <http://evaluationcanada.ca/what-isevaluation>.

¹⁷⁷ Sarah McMahan, Kate Stepleton & Julia Cusano, *Understanding and Responding to Campus Sexual Assault: A Guide for Colleges and Universities* (New Jersey, Rutgers, 2016) [*Understanding and Responding to Campus Sexual Assault*].

¹⁷⁸ DeGue, et al., “A systematic review of primary prevention strategies for sexual violence perpetration”.

Finally, outcome and program evaluation are critical for ensuring interventions are effective and efficient. In order to ensure that program investments are appropriately allocated, the government should invest in the creation of a “Gender-Based Violence Prevention Grant” that can be used on an ongoing basis to evaluate programs and inform best practices. This would allow post-secondary institutions to continue developing prevention programs and ensure that all programs developed are grounded in evidence and assessed for their effectiveness. This grant should be used by researchers and experts in the field to evaluate specific programs using rigorous scientific methodology and should be housed by Ontario Research Funding.¹⁷⁹

CLIMATE SURVEY

Principle: Post-secondary institutions and communities should have the information and tools to identify factors that normalize or enable behaviours of gender-based and sexual violence on and off campuses.

Principle: Qualitative and quantitative data analysis should be used to support and guide the development of gender-based and sexual violence prevention strategies.

Concern: There is limited qualitative and quantitative data available to accurately gauge the climate of attitudes and behaviours related to gender-based and sexual violence at post-secondary institutions in the province, or to frame public policy decisions.

Concern: Without adequate frequency of consistent data collection and opportunities for students to provide feedback, it is difficult to accurately measure changes in the climate of attitudes and behaviours over time.

Recommendation: The provincial government, through the Gender-based & Sexual Violence Knowledge Centre, should collaborate with the Council of Ontario Universities to improve the Student Voices on Sexual Violence Climate Survey for future implementation.

Recommendation: The provincial government should amend section 17 of the *Ministry of Training, Colleges and Universities Act* to require that post-secondary institutions participate in a gender-based and sexual violence campus climate survey administered by the Council of Ontario Universities every three years.

Recommendation: The climate survey should continue to address on- and off-campus experiences of gender-based and sexual violence, disclosure and response, and safety; students’ confidence in institutional leadership for addressing gender-based and sexual violence; and bystander attitudes and intervention, but additionally include students’ knowledge of provincial law, services, and available gender-based and sexual violence prevention education as well as students’ history of Adverse Childhood Experiences.

Recommendation: The climate survey should receive oversight by the Gender-based & Sexual Violence Knowledge Centre to ensure principles of research ethics are appropriately and clearly embedded in the survey design, especially protection of confidentiality.

Recommendation: The climate survey results should be retained in the proposed Gender-based & Sexual Violence Knowledge Centre and analyzed with guidance by the Knowledge Centre’s post-secondary issues unit.

¹⁷⁹ “Research Funding,” *Government of Ontario*, accessed March 25, 2020, <https://www.ontario.ca/page/research-funding>.

The Ministry of Colleges and Universities' 2018 Student Voices on Sexual Violence Climate Survey was a significant step in the right direction in regards to survivor-centric research and data, as well as bringing attention to issues of gender-based and sexual violence. This sector-wide climate survey, conducted in accordance with section 17(9) of the *Ministry of Training, Colleges and Universities Act*, provided the provincial government with a unique opportunity to collect accurate and standardized data about student experiences with institutional responses to gender-based and sexual violence. Data collected through climate surveys provides the Ministry of Colleges and Universities, as well as post-secondary institutions, with a consistent and central dataset upon which they can base public reports and policy and operation decisions. In future iterations of the provincial climate survey, the following should continue to be addressed:

- Number of students that experience incidents of gender-based and sexual violence;
- Perceptions of campus safety and responses to sexual assault;
- Perceptions of campus gender-based and sexual violence education and prevention;
- Knowledge of supportive resources available;
- Extent and quality of gender-based and sexual violence prevention education and training;
- Attitudes about bystander intervention; and
- Survey distress and importance of these types of questions.

These areas of focus are informed by Barack Obama's Not Alone initiative — looking to raise the issue of sexual violence on campus and find policy solutions. After Obama established the White House Task Force to Protect Students From Sexual Assault, the federal Justice Department, in partnership with Rutgers University's Research Institute on Violence Against Women, piloted and evaluated a climate survey,¹⁸⁰ and highlighted best practices when determining what to incorporate into a survey of this nature, noting the importance of a “standardized approach” and an incident-based approach”. A standardized approach allows researchers “to learn more about why estimates vary across schools and how estimates relate to student demographics, student activities, school policy and procedures, and other factors,” and “how estimates change over time and the factors potentially associated with change.”¹⁸¹

An incident-based approach asks respondents to separate their experiences of gender-based and sexual violence into different occurrences and categories, answering behaviourally-specific questions in order to identify gaps in education and prevention programs. An incident-based approach can be placed in opposition to more broad, non-specific lines of questioning: “The incident-based approach allows for the identification of the characteristics and outcomes of specific incidents to be dated and placed within the reference period and allows for the identification of the characteristics and outcomes of specific types of incidents.”¹⁸² If constructed this way, the climate survey can provide the information the province and institutions need to evaluate and alter their efforts to ensure students have the necessary services at their disposal, and are receiving accurate, useful information “while at the same time not creating policies that place barriers to survivors.”¹⁸³ It is also critical that decision-makers consider who is committing the act of sexual violence. More often than not, survivors are victimized by someone they know. More specifically, 17 percent of sexual assaults are committed by an intimate partner. The climate survey must not leave intimate partner violence out as this is an important aspect of ending gendered violence; it is impossible to have a conversation about sexual violence while not considering its impact.¹⁸⁴ Future versions of the climate survey should additionally include: trust in provincial law and policy on sexual violence; and childhood experiences of gender-based violence and other related Adverse Childhood Experiences (ACEs).

¹⁸⁰ White House Task Force to Protect Students From Sexual Assault, *Not Alone: The First Report of the White House Task Force to Protect Students From Sexual Assault* (Washington, DC: United States Government, 2014).

¹⁸¹ Christopher Krebs, Christine Lindquist, Marcus Berzofsky, Bonnie Shook-Sa, Kimberly Peterson, Michael Planty, Lynn Langton & Jessica Stroop, *Campus Climate Survey Validation Study: Final Technical Report* (Bureau of Justice Statistics Research and Development Series, 2016), 8.

¹⁸² *Ibid.*, 4.

¹⁸³ *Understanding and Responding to Campus Sexual Assault: A Guide for Colleges and Universities*.

¹⁸⁴ “Statistics: Sexual Violence,” *Ontario Ministry of Children, Community and Social Services*, last modified March 4, 2015, http://www.women.gov.on.ca/owd/english/ending-violence/sexual_violence.shtml.

The 2018 Student Voices on Sexual Violence climate survey collected important data on perceptions of institutional response, supports, and policy but did not include questions on students' knowledge of, or trust in, provincial law relating to gender-based and sexual violence. This should be included in future iterations of the climate survey to inform gender-based violence educators and other stakeholders on potential gaps in student knowledge and understanding. The 2018 survey also omitted questions pertaining to ACEs, which is an important factor in recidivism rates. Several studies demonstrate relationships between ACEs, of which gender-based violence is one, and future violence victimization and perpetration.¹⁸⁵ The CDC-Kaiser ACE Study demonstrated that early adversity has lasting negative impacts on health and opportunity: for example, females exposed to child sexual abuse are at a two to thirteen times increased risk of sexual victimization in adulthood.¹⁸⁶ Including a question about childhood experiences of gender-based violence would be beneficial for a more holistic and systemic understanding of the issue and how to better intervene to prevent and respond to gender-based and sexual violence.

Principles of research ethics, including informed consent, minimization of harm, protection of anonymity and confidentiality, and the right to withdraw, must be highlighted in the survey design so all participants are made aware of the survey's purpose and the anonymity of their responses. In quantitative research studies, it can be more difficult for participants to understand the researcher and their motivations for the study, compared to qualitative studies.¹⁸⁷ Thus, it is critical that confidentiality is emphasized to encourage participants to respond honestly and without fear of consequence. All campus climate surveys led by the provincial government or institutions themselves should incorporate evidence-based recommendations for ethical and effective research and data collection.

Post-secondary institutions in the province should be required to participate in the gender-based and sexual violence campus climate survey every three years to bolster the usefulness of the information found through the 2018 survey. This allows for consistent, up-to-date data and evidence to inform the mandatory three-year reviews of institutional sexual violence policies and ensure the province continues to be a leader and provide effective guidance to institutions through their policy and protocol implementation and compliance. Without a regulated frequency of data collection and program review and evaluation, ineffective interventions may continue to be deployed. To ensure the best use of the baseline data collected by the 2018 climate survey, data on the same issues must be collected every three years to monitor changes and accurately inform relevant, effective, and efficient gender-based and sexual violence prevention and response strategies moving forward.

Lastly, to maintain continuity and awareness of disaggregated longitudinal changes, the proposed Gender-based & Sexual Violence Knowledge Centre and its post-secondary issues unit should store, interpret, and make recommendations based on the results of the climate survey. It is essential that a permanent team of experts be assembled to manage the administration and maintain the integrity of the climate survey going forward. Housing the climate survey with the Gender-based & Sexual Violence Knowledge Centre will help support timely release of data and subsequent analyses that is necessary for post-secondary institutions and student advocates to promote changes on their campuses. This was a challenge with the 2018 Student Voices on Sexual Violence survey that did not see full results disseminated until February 2020. Immediately following this data release, the results of this survey were being reviewed across Ontario universities (including by OCAD, the University of Waterloo, Nipissing University, Carleton University, and Ryerson University) and utilized to inform ongoing sexual violence prevention and response strategies. Providing these institutions with this information as early as possible would help to ensure that they are implementing policy responses that are relevant and therefore most effective.

¹⁸⁵ "Adverse Childhood Experiences," *Centers for Disease Control and Prevention*, last reviewed April 3, 2020, <https://www.cdc.gov/violenceprevention/childabuseandneglect/acestudy/index.html>; Kevin Hamdullahpur, Kahá:wi J. Jacobs, Kathryn J. Gill, "Mental Health Among Help-Seeking Urban Women: the Relationships Between Adverse Childhood Experiences, Sexual Abuse, and Suicidality," *Violence Against Women* 24, no. 16 (2018): 1967-1981.

¹⁸⁶ "CDC-Kaiser ACE Study," *Centers for Disease Control and Prevention*, last review April 13, 2020, <https://www.cdc.gov/violenceprevention/childabuseandneglect/acestudy/about.html>.

¹⁸⁷ Jennifer Heath, Heidi Williamson, Lisa Williams & Diana Harcourt, "'It's just more personal': Using multiple methods of qualitative data collection to facilitate participation in research focusing on sensitive subjects," *Applied Nursing Research* 43 (2018): 30-35.

MISSING & MURDERED INDIGENOUS WOMEN & GIRLS

EDUCATION, RELATIONSHIP BUILDING AND COLLABORATION TO ADDRESS THE ISSUE OF MMIWG

Principle: Indigenous students who are women, girls, Two Spirit, or LGBTQ+ should be and feel safe.

Principle: Indigenous students who are women, girls, Two Spirit, or LGBTQ+ should feel that they are represented and that their voices are heard.

Principle: Voices and perspectives of Indigenous peoples should be prioritized and amplified in discussion and deliberation of targeted violence against Indigenous women and girls.

Concern: Indigenous women, girls, Two Spirit, and LGBTQ+ individuals are disproportionately affected by gender-based and sexual violence.

Concern: There exists a lack of knowledge and understanding around issues facing Indigenous communities and public education curricula do not adequately include Indigenous history and heritage, which may contribute to further violence against Indigenous women and girls.

Concern: Without direct leadership from and meaningful consultation with Indigenous women and girls, personal and social education and gender-based violence policy frameworks do not champion Indigenous women and girls and can thus be ineffective in representing their unique needs, histories, and experiences.

Recommendation: The provincial government should renew commitments made in the 2017 Long Term Strategy to End Violence Against Indigenous Women with Indigenous leadership and guidance and include additional commitments for personal and social education programs with guidance from Indigenous students.

Recommendation: The Ministry of Education should develop educational curriculum and programming in partnership with Indigenous peoples, especially Indigenous women, girls, Two Spirit, and LGBTQ+ individuals as per section 11.1 of the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

Though the issue of missing and murdered Indigenous women and girls is primarily one under federal jurisdiction, all provincial and territorial governments maintain a responsibility to address it. The issue of missing and murdered Indigenous women and girls represents an immense and under-addressed gap in responses to gender-based and sexual violence. Grieving loved ones have been calling for answers and justice for thousands of missing and murdered Indigenous women and girls in Canada, and their stories demonstrate the unique experiences of discrimination and violence endured by Indigenous women and girls.¹⁸⁸ More than thirty years following the École Polytechnique massacre, which propelled gender-based violence onto the national agenda, living in Canada as a woman continues to mean facing increased risk, on average, of being murdered or of experiencing some form of gender-based or sexual violence.¹⁸⁹ For Indigenous women and girls, that risk is disproportionately greater: Indigenous women are twelve times more likely to be murdered or go missing than any other women in Canada. The National Inquiry into Missing and Murdered Indigenous Women and Girls reports that Indigenous women from First Nations, Métis, and Inuit communities face violence and marginalization because of intersecting institutional and systemic forms of discrimination that are not adequately addressed in government responses to gender-

¹⁸⁸ Maham Abedi and Maryam Shah, “Stakes high for Indigenous women still waiting for action after MMIWG inquiry,” *Global News*, December 13, 2019, <https://globalnews.ca/news/6248079/violence-against-women-mmiwg/>.

¹⁸⁹ Ibid.

based violence.¹⁹⁰ Any efforts to address gender-based and sexual violence at post-secondary institutions therefore requires that specific attention be paid to the unique violence impacting Indigenous women and girls and centering these experiences in prevention and response efforts.

The Ontario Ministry of the Attorney General advocates that improving relationships with Indigenous communities must be part of a more effective response to missing persons and to policing at large.¹⁹¹ Throughout the last two decades, Indigenous people and organizations have engaged in developing priorities and approaches to address violence against Indigenous women and girls. The Joint Working Group to End Violence Against Indigenous Women was established in 2007.¹⁹² The provincial government contributed capacity funding for a series of summits, gatherings, and research projects, culminating in the development of “Walking Together: Ontario’s Long-Term Strategy to End Violence Against Indigenous Women” - endorsed by the provincial government in 2017. To advance the goals of this Strategy, the Joint Working Group to End Violence Against Indigenous Women was restructured into the Ending Violence Against Indigenous Women Executive Committee, working with six additional provincial committees responsible for implementing the key initiatives under priority areas of prevention and awareness; improved data and research; child, youth, and families; policing and justice; human trafficking; and community safety and healing.¹⁹³

However, systemic issues continue to implicate and contribute to violence against Indigenous women and girls. These persistent and deliberate human and Indigenous rights violations and abuses are not adequately prevented through educational efforts or awareness-building. All of the commitments made in the Long Term Strategy, published in 2017, incur a sunset of three years. The funding and support promised in the Strategy should continue to be provided and a renewal of commitments is needed. Evaluation of progress made and guidance on the renewal of commitments should be led by organizations of the original Joint Working Group: Ontario Federation of Indigenous Friendship Centres (OFIFC), Ontario Native Women’s Association (ONWA), the Métis Nation of Ontario (MNO), Independent First Nations (IFN), and Chiefs of Ontario (COO).¹⁹⁴

Finally, as per the Calls for Educators in section 11.1 of the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, the Ministry of Education should develop curriculum and educational programming in partnership with Indigenous communities. Indigenous knowledge, history, and culture are excluded from Ontario curriculum, and awareness of issues including missing and murdered Indigenous women and girls is limited. Indigenous students who are women, girls, Two Spirit, or LGBTQ+ face disproportionate levels of gender-based and sexual violence.¹⁹⁵ These unique experiences are not adequately represented in existing personal and social education programs. The provincial government should develop and implement awareness and education programs for Indigenous children and youth on the issue of grooming for exploitation. Equally important, educational programs for non-Indigenous persons should be developed to provide an understanding of the history and present reality of colonialism and its role in violence against Indigenous women and girls. These education programs should be created and delivered with direct leadership and guidance from Indigenous educational service providers.

¹⁹⁰ “About the Missing and Murdered Indigenous Women and Girls Commemoration Fund call for proposals,” *Status of Women Canada*, modified June 24, 2019, <https://cfc-swc.gc.ca/fun-fin/mmiwg-ffada/index-en.html>.

¹⁹¹ MAG, *Final Written Submissions*.

¹⁹² *Ibid.*

¹⁹³ Government of Ontario, *Walking Together: Ontario’s Long-Term Strategy to End Violence Against Indigenous Women* (Queen’s Printer for Ontario, 2016) online: https://files.ontario.ca/mi-2006_evaiw_report_for_tagging_final-s.pdf.

¹⁹⁴ *Ibid.*

¹⁹⁵ *Ibid.*

HUMAN TRAFFICKING

Principle: It is a fundamental human right to live freely without risk of sexual exploitation and enslavement.

Principle: All victims of human trafficking deserve access to compassionate, trauma-informed, and survivor-centric supports and services that respect their lived experiences and practice harm reduction.

Principle: All university services that may interact with victims of human trafficking should do so from a culturally-based, gender-based, and trauma-informed approach.

Concern: Post-secondary institutions rarely educate students and other members of the campus community about human trafficking.

Concern: Comprehensive data to inform programming about human trafficking and services for victims is largely unavailable.

Concern: There is a disproportionate number of Indigenous persons who are victims of human trafficking.

Concern: Misconceptions about human trafficking further isolate victims and negatively impact efforts to educate.

Recommendation: The provincial government should expand the criteria of the Campus Safety Grant to allow for education regarding human trafficking which would aid in dispelling misconceptions, encourage victims to seek support, and offer prevention tools.

Recommendation: The Ministry of the Attorney General should allocate resources for regional Victim Services departments to collaborate with local post-secondary institutions to train/make educational resources available for staff around identifying and flagging victims as well as building capacity for empathy in a way that is culturally-responsive, survivor-informed and includes Indigenous-specific components.

Recommendation: The Ministry of the Attorney General should expand its Anti-Human Trafficking Strategy of 2020-2025 to include partnerships with regional Victim Services departments and post-secondary institutions within its “Raising Awareness of the Issue” focus to provide content for university syllabi integration.

Recommendation: The Ministry of the Attorney General should allocate funds for Victim Services departments responsible for reintegrating victims of human trafficking to collaborate with the Council of Ontario Universities and develop partnerships with universities to create pathways to post-secondary.

Recommendation: The Ministry of the Attorney General should expand the Victim Quick Response Program + to include grants or bursaries for victims of human trafficking to pursue post-secondary education, specifically to cover the cost of housing.

Human trafficking is a type of exploitation through forced labour, domestic servitude, or forced illegal activities.¹⁹⁶ Under the Criminal Code, any person who “recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a

¹⁹⁶ “Welcome to the Online Training Initiative to Address Human Trafficking,” *MCIS Language Solutions*, accessed February 3, 2020, <http://helpingtraffickedpersons.org/>.

person, for the purpose of exploiting them or facilitating their exploitation” is guilty of human trafficking.¹⁹⁷ This policy concerns itself with human trafficking for the purposes of commercial sexual exploitation. Human trafficking victims are primarily identified as women and girls, but men, boys, and non-binary people are also at risk,¹⁹⁸ with LGBTQ+ men and boys being particularly vulnerable.¹⁹⁹ Indigenous persons are also disproportionately victims of human trafficking: “A 2016 Public Safety report released statistics that indicate that, while Indigenous women only make up 4% of the Canadian population, they roughly make up 50% of trafficking victims.”²⁰⁰ Exact numbers of affected persons are difficult to attain due to the nature of this crime, but two-thirds of all human trafficking in the country is reported in Ontario, with 66 percent of all offences reported by police occurring in this province between 2009 and 2016.²⁰¹

Although being a university student is understood to be a protective factor against human trafficking,²⁰² students are still vulnerable and should therefore be included in provincial efforts to end human trafficking.²⁰³ This is particularly important for international students and those from out of town who are especially vulnerable as they may be isolated from support networks.²⁰⁴ Post-secondary campus communities can play an important role in protecting their students from human trafficking as well as providing needed support to students who may have been victims of human trafficking. One way they can achieve this is through education campaigns that ensure students and other members of the campus community are informed about human trafficking and that dispel misconceptions about human trafficking that, if not challenged, can isolate victims of human trafficking. However, there is currently little education occurring on post-secondary campuses.

The provincial government can support campuses to educate their students by expanding the terms of reference for the Campus Safety Grant to allow for educational programs on all elements of gender-based violence. By expanding the Campus Safety Grant (which OUSA recommends be renamed the “Gender-Based Violence Prevention & Response Grant”*) to include educational programming, universities would have funding to offer seminars and presentations around human trafficking on their campuses.²⁰⁵ Further, being explicit that this funding can be used to educate on all elements of gender-based violence would allow for human trafficking to be clearly within scope of eligibility criteria. This would aid in protecting students as well as build capacity for empathy and compassion when interacting with survivors. It would also allow institutions to provide education specific to liberating survivors through

¹⁹⁷ *Criminal Code*, R.S.C., 1985, c. C-46, s. 279.01(1).

¹⁹⁸ “Welcome to the Online Training Initiative to Address Human Trafficking”.

¹⁹⁹ Irma M. Barron & Colleen Frost, “Men, Boys, and LGBTQ: Invisible Victims of Human Trafficking,” in *Handbook of Sex Trafficking*, ed. Lenore Walker, Giselle Gaviria, & Kalyani Gopal (Springer, Cham, 2018), 73-84.

²⁰⁰ Arina Roudometkina and Kim Wakeford, *Trafficking of Indigenous Women and Girls in Canada: Submission to the Standing Committee on Justice and Human Rights* (Native Women’s Association of Canada, June 15, 2018).

²⁰¹ Dyna Ibrahim, “Trafficking in persons in Canada, 2016,” *Juristat Bulletin*, Quick Fact (Statistics Canada, June 27, 2018), online: <https://www150.statcan.gc.ca/n1/pub/85-005-x/2018001/article/54979-eng.htm>.

²⁰² Lack of education is a “push” factor for human trafficking; *National Action Plan to Combat Human Trafficking* (Government of Canada, 2012), online: <https://www.publicsafety.gc.ca/cnt/rsrsc/pblctns/ntnl-ctn-pln-cmbt/index-en.aspx>.

²⁰³ Aliah Sakr, “A survivor speaks: Local realities of human trafficking,” *Western Gazette*, November 29, 2018, online: https://westerngazette.ca/culture/a-survivor-speaks-local-realities-of-human-trafficking/article_e291b5c0-da28-11e8-bffa-430932bdb511.html; Rosie DiManno, “For victims of human trafficking, ‘love turns into control, coercion and manipulation,’” *Toronto Star*, June 7, 2019, online: <https://www.thestar.com/opinion/star-columnists/2019/06/07/for-victims-of-human-trafficking-love-turns-into-control-coercion-and-manipulation.html>; Cassandra Diamond, “How I was recruited into sex trafficking,” *The Hamilton Spectator*, October 21, 2019, online: <https://www.thespec.com/living-story/9653775-how-i-was-recruited-into-sex-trafficking/>.

²⁰⁴ “The Issue,” *Centre for research & education on Violence Against Women & Children: Learning Network*, Issue2, September 2012, online: http://www.vawlearningnetwork.ca/our-work/issuebased_newsletters/issue-2/Issue_2_0-LN_Newsletter_September_2012_.pdf; Nicole A. Barrett, *An Assessment of Sex Trafficking* (Canadian Women’s Foundation, taskforce on Trafficking of Women and Girls in Canada, May 2013), online: <https://www.canadianwomen.org/wp-content/uploads/2017/09/NB-Nov-14-FINAL-REPORT-Assessment-of-Sex-Trafficking-in-Canada.pdf>; Kathy Tomlinson, “The foreign students who say they were lured to Canada by a lie,” *The Globe and Mail*, June 27, 2019, online: <https://www.theglobeandmail.com/canada/article-international-students-coming-to-private-colleges-say-they-were-duped/>.

* See “Investing in Prevention”, above.

²⁰⁵ For example, Brock University’s Office of Human Rights and Equity sexual violence prevention team offered two workshops to raise awareness and teach recognition and intervention strategies to faculty, staff, and students: Jocelyn Titone, “Brock to host human trafficking prevention workshops,” *Brock News*, August 15, 2019, online: <https://brocku.ca/brock-news/2019/08/brock-to-host-human-trafficking-prevention-workshops/>.

access to legal services and counselling. The provincial government should also include a post-secondary focus in its educational efforts as part of the Anti-Human Trafficking Strategy of 2020-2025.²⁰⁶ Under the “Raising Awareness of the Issue” focus of the Strategy, the provincial government identifies “general public awareness [as] key to helping to prevent trafficking before it occurs.”²⁰⁷ This focus includes a number of initiatives to raise public awareness, but would benefit from including an additional initiative targeting post-secondary students. Specifically, regional Victim Services departments and post-secondary institutions should partner to provide educational content integration into university syllabi.

In addition to raising awareness and educating students, it is also important to educate faculty and staff who should be prepared to engage with students who may be victims of human trafficking. Faculty and staff should have access to education and training on around identifying and flagging victims as well as building capacity for empathy in a way that is culturally-responsive,²⁰⁸ survivor-informed and includes Indigenous-specific components. This education should be provided through partnerships between regional Victim Services departments and local post-secondary institutions and funded by the Ministry of the Attorney General.

Education alone is not enough to combat human trafficking in the province. There is also a need for comprehensive data and statistics about human trafficking; especially around Indigenous survivors. Comprehensive data to inform programming about human trafficking and services for victims is largely unavailable. There is a disproportionate number of Indigenous persons who are victims of human trafficking. The Ontario Native Women’s Association recommends that gender-specific research for Indigenous women be conducted on an ongoing basis in order to effectively address the specific needs within this community when it comes to overrepresentation of Indigenous women.²⁰⁹

Additionally, survivors of human trafficking need accessible, culturally-based, gender-based, and trauma-informed support services and pathways when they are transitioning out of this abuse. The Ministry of the Attorney General should allocate funds for Victim Services departments responsible for reintegrating victims of human trafficking to collaborate with the Council of Ontario Universities and develop partnerships with universities to create pathways to post-secondary. The Ministry of the Attorney General should expand the Victim Quick Response Program + to include grants or bursaries for victims of human trafficking to pursue post-secondary education, specifically to cover the cost of housing. Offering grants and bursaries specifically for survivors would create a pathway to post-secondary and connect them with a university community. Ensuring this funding covers the cost of housing would help to mitigate a survivor’s risk of homelessness, which dramatically increases the likelihood they will be re-victimized.²¹⁰

²⁰⁶ “Ontario’s anti-human trafficking strategy 2020-2025,” *Government of Ontario*, updated March 6, 2020, <https://www.ontario.ca/page/ontarios-anti-human-trafficking-strategy-2020-2025#raising>.

²⁰⁷ *Ibid.*

²⁰⁸ A culturally-based or responsive approach should understand culture as “including race and ethnicity, language, gender, sexual identity, socio-economic status, religion, etc.” to provide the foundation for “a perspective that shapes and informs how we arrive in communities, how we participate in the process of facilitating transformation, and how we leave tools, resources, and capacity behind for community members to continue their own processes of growth, change, and development.” See: Patricia St. Onge, Breonna Cole, and Sheryl Petty, *Through the Lens of Culture: Building Capacity for Social Change and Sustainable Communities* (National Community Development Institute, 2003).

²⁰⁹ Ontario Native Women’s Association, *Sex Trafficking of Indigenous Women in Ontario* (ONWA, February 2016), online: <http://www.onwa.ca/upload/documents/report-sex-trafficking-of-indigenous-wom.pdf>.

²¹⁰ *Polaris, On-Ramps, Intersections, and Exit Routes: A roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking* (Polaris, July 2018), online: <https://polarisproject.org/human-trafficking-and-housing-homelessness/>.

POLICY STATEMENT

Whereas: Students should have safe and equitable access to education.

Whereas: University pedagogy should be trauma-informed and inclusive of diverse lived experiences, identities, and expressions.

Whereas: Race, gender identity or expression, sexual orientation, and socioeconomic status should not be barriers to pursuing or obtaining a post-secondary education.

Whereas: Education should be socio-culturally relevant.

Whereas: Prevention efforts should be theory-driven and grounded in evidence or promising practices.

Whereas: Students should be equipped with the necessary skills and information to engage in healthy sexuality.

Whereas: All students have a right to a post-secondary education where they do not fear for their safety.

Whereas: All students should begin post-secondary with sufficient information on relationships, sexuality, and consent.

Whereas: Gender-based and sexual violence prevention must begin with a focus on healthy sexuality and healthy relationships.

Whereas: Education should be comprehensive, and recognize diverse sexualities, genders, and socio-cultural understandings.

Whereas: Participation in athletics and extracurricular activities can help prepare young people to become leaders.

Whereas: Extracurricular activities should not reinforce harmful gender stereotypes.

Whereas: All students should be able to participate in athletics without experiencing discrimination.

Whereas: Universities are responsible for ensuring all students feel safe and welcome on their university campuses.

Whereas: Campus infrastructure should be designed with a focus on student safety with regard to gender-based and sexual violence prevention.

Whereas: All campus infrastructure projects should account for matters of accessibility and inclusion.

Whereas: Investment in prevention should recognize and acknowledge all aspects of gender-based and sexual violence, including those most impacted.

Whereas: Institutions should have the funding and support to deliver gender-based and sexual violence prevention programming that is grounded in evidence and promising practices.

Whereas: The Campus Safety Grant should be expanded to acknowledge elements all of gender-based violence, including issues related to human trafficking, technology-facilitated violence, stalking, and intimate partner violence.

Whereas: All people who may interact with a survivor of gender-based or sexual violence should be equipped to respond in an effective, trauma-informed, and survivor-centric manner.

Whereas: Gender-based and sexual violence prevention training should be tailored to the unique needs and responsibilities of persons working in bar environments.

Whereas: Sexual violence policies can and should help ensure all employees are held accountable to help prevent gender-based and sexual violence.

Whereas: The desire to protect all students and support all people who have experienced gender-based and sexual violence should be at the centre of university sexual violence policy development processes.

Whereas: The provincial government should regulate the content of universities' sexual violence policies and ensure compliance with provincial regulations.

Whereas: All provincial government regulations should prioritize the agency and consent of survivors.

Whereas: The choice to pursue a criminal investigation should be wholly that of the survivor.

Whereas: Imbalances of power within university communities should not act as a barrier to an individual's path to healing.

Whereas: Survivors should have the choice of whether they will disclose or formally report their experience and should understand the processes and potential outcomes of each action from the outset.

Whereas: University policies should be survivor-centric, and survivors should have agency in disclosure and reporting processes in order to avoid retraumatization.

Whereas: Disclosure policies and procedures should take a trauma-informed lens.

Whereas: If there is no harm to the community, survivors should have the right to decide who they disclose to; their information must not be shared with others without explicit consent.

Whereas: There must be a clear indication of which security figures or bodies on campus have the authority to report, follow-up, and investigate gender-based and sexual violence.

Whereas: There must be a transparency of power between campus security, Special Constables, and local police boards.

Whereas: Indigenous students who are women, girls, Two Spirit, or LGBTQ+ should be able to enjoy all rights, protections, and freedoms guaranteed to Canadians.

Whereas: Indigenous students who are women, girls, Two Spirit, or LGBTQ+ should experience consistent, equitable, and non-discriminatory treatment by campus security and Special Constables.

Whereas: All staff, student-staff and faculty at universities should have appropriate training to equip them with the skills needed to respond to gender-based and sexual violence in an effective, trauma-informed and survivor-centric manner.

Whereas: Survivors deserve the agency to decide how to resolve their experience of gender-based or sexual violence.

Whereas: All resolution processes should prioritize the healing and safety of the survivor and utilize a trauma-informed approach.

Whereas: Restorative justice and education should be central to any resolution process, recognizing that these approaches can reduce repeat perpetration and acknowledge that those who have caused harm may also be victims of harm.

Whereas: All resolution processes should adhere to principles of procedural fairness.

Whereas: Respondents must be made aware of their rights.

Whereas: Persons who cause harm should be held accountable, and consequences must reflect the serious impact of gender-based and sexual violence.

Whereas: All appeals or complaints against universities must be handled in an accessible and timely manner.

Whereas: All appeals must be kept confidential.

Whereas: All students should have access to adequate legal information, advice, and/or representation on how to navigate gender-based and sexual violence reporting systems.

Whereas: Survivors of gender-based or sexual violence should have access to a variety of avenues to aid them in their recovery.

Whereas: As gender-based and sexual violence can be traumatic, all survivors should have access to trauma counsellors.

Whereas: All willing and qualified students, who have been affected by gender-based and sexual violence, should be provided with the financial assistance needed to continue their post-secondary education without disruption.

Whereas: All students who have been affected by gender-based or sexual violence should have access to resource and support centers.

Whereas: Gender-based and sexual violence education, prevention, and response strategies for post-secondary campuses should be comprehensive and evidence-informed.

Whereas: Programs and initiatives should be based on a rigorous, survivor-centric, and relevant evaluation of gender-based violence.

Whereas: Post-secondary institutions and communities should have the information and tools to identify factors that normalize or enable behaviours of gender-based and sexual violence on and off campuses.

Whereas: Qualitative and quantitative data analysis should be used to support and guide the development of gender-based and sexual violence prevention strategies.

Whereas: Indigenous students who are women, girls, Two Spirit, or LGBTQ+ should be and feel safe.

Whereas: Indigenous students who are women, girls, Two Spirit, or LGBTQ+ should feel that they are represented and that their voices are heard.

Whereas: Voices and perspectives of Indigenous peoples should be prioritized and amplified in discussion and deliberation of targeted violence against Indigenous women and girls.

Whereas: It is a fundamental human right to live freely without risk of sexual exploitation and enslavement.

Whereas: All victims of human trafficking deserve access to compassionate, trauma-informed, and survivor-centric supports and services that respect their lived experiences and practice harm reduction.

Whereas: All university services that may interact with victims of human trafficking should do so from a culturally-based, gender-based, and trauma-informed approach.

Be it resolved that: The provincial government should mandate that all post-secondary institutions offer anti-oppression training for faculty, staff, and student instructors that addresses pedagogical and procedural best practices, through staff and faculty centres, for free.

Be it further resolved that (BIFRT): The provincial government should develop a post-secondary education equity strategy that aims to increase representation in programs where women, and marginalized groups, are underrepresented.

BIFRT: The provincial government should, in collaboration with experts, gender-based violence educators, students, and those with lived experience, create a gender-based violence prevention framework for post-secondary institutions that outlines best practices and identifies toolkits for prevention programs.

BIFRT: The provincial government should provide funding to post-secondary institutions to implement promising prevention programs for promoting healthy masculinities, positive sexualities and healthy relationships, bystander intervention programs, and anti-oppression training.

BIFRT: The provincial government should task the Higher Education Quality Council of Ontario to complete a review to determine the appropriate number of gender-based violence educators on post-secondary campuses to support effective prevention efforts.

BIFRT: The provincial government should amend section 17 of the *Ministry of Training, Colleges and Universities Act* to require post-secondary campuses to employ an appropriate and proportional number of gender-based violence educators.

BIFRT: The Ontario College of Teachers should develop a comprehensive Additional Qualification Course that incorporates lessons on gender identity and expression, sexual health, sexual orientation, masturbation and sexual pleasure, STIs, pregnancy and contraception, gender norms, toxic masculinity, and technology-facilitated violence that is trauma-informed and utilizes a harm reduction framework in order to ensure educators have all the skills necessary to teach students.

BIFRT: The provincial government should mandate that teachers teaching the Health and Physical Education Curriculum take the aforementioned Additional Qualification.

BIFRT: The provincial government should expand the cyberbullying component of the Health and Physical Education Curriculum to discuss technology-facilitated violence.

BIFRT: The Ministry of Education should amend the Health and Physical Education Curriculum to include lessons on gender identity, consent, sexual orientation, masturbation and sexual pleasure, STIs, pregnancy and contraception, gender norms, toxic masculinity, and technology-facilitated violence that are introduced in early grades, consistent with recommendations from experts on student development and health and the Canadian Guidelines on Sexual Health Education and the International Technical Guidance on Sexuality Education, and built upon throughout the course of a student's education.

BIFRT: The Ministry of Education should include education about consent, healthy relationships, respect, autonomy, sexual orientation, gender identity and expression, and other topics outlined by the Human Rights Code under Strand A of the Health and Physical Education Curriculum.

BIFRT: The Ministry of Education should invest in a trauma-informed, early-alert system to educate teachers on how they can support students that may be experiencing gender-based violence, trauma, or neglect at home.

BIFRT: The provincial government should mandate that sport organizations, coaches, and coach-teachers verify that they have completed training on gender identity and expression, masculinity, and leadership.

BIFRT: The provincial government should mandate that all provincial sport organizations and multi-sport organizations recognized by the Ministry of Tourism, Culture and Sport ensure that coaches receive the “Coaching Boys Into Men” program, or a program with demonstrated equal or increased impact, and disseminate education to their athletes once per year.

BIFRT: The proposed Gender-based & Sexual Violence Knowledge Centre* and Council of Ontario Universities should develop a set of mandatory, minimum safety standards for gender-based and sexual violence prevention at all post-secondary campuses.

BIFRT: The provincial government should mandate that all post-secondary institutions perform regular campus safety audits to identify safety concerns and ensure that the mandatory safety and accessibility standards are being met.

BIFRT: The provincial government should remove heritage site exceptions from the Integrated Accessibility standards under the *Accessibility for Ontarians with Disabilities Act*, to allow for modifications to be made to buildings that improve campus safety and accessibility.

BIFRT: The provincial government should make capital project funds available to post-secondary institutions to allow them to address all gaps and areas of concern identified in regular campus safety audits.

BIFRT: The provincial government should mandate that all institutions have gender neutral-washrooms and that all new institutions and infrastructural expansions dedicate spaces, including in recreational facilities, for gender-neutral washrooms and change rooms that are easily accessible for all students.

BIFRT: The provincial government should conduct a review of the Integrated Accessibility Standards under the *Accessibility for Ontarians with Disabilities Act* to identify and address gaps pertaining to gender-based and sexual violence.

BIFRT: The provincial government should change the name of the Campus Safety Grant to the Gender-Based & Sexual Violence Prevention & Response Grant.

BIFRT: The provincial government should continue to provide \$6 million a year for the Campus Safety Grant.

BIFRT: The provincial government should mandate that each institution’s Sexual Violence Prevention & Response office or equivalent should administer the allocation of the Campus Safety Grant.

BIFRT: The Ministry of Colleges and Universities should mandate that each post-secondary institution submit a standardized yearly public report indicating all allocations of the Campus Safety Grant.

BIFRT: The Ministry of Colleges and Universities should create a yearly report outlining all grant allocations and action plans to improve transparency and ensure stronger provincial best-practice sharing.

BIFRT: The provincial government should mandate that all establishments with a liquor sales license have a sexual violence policy that includes recourse for how to intervene and respond to situations of gender-based and sexual violence between staff, staff-patron, and patron-patron.

BIFRT: The Ministry of the Solicitor General should expand the Security Guard Syllabus to include trauma-informed and survivor-centric bystander intervention training to help security guards recognize and respond to gender-based and sexual violence.

* See “Research & Data” section, below.

BIFRT: The provincial government should invest in the development of a best practice bystander intervention program to prevent gender-based and sexual violence for staff in bars, restaurants, or establishments with liquor sales licenses.

BIFRT: The provincial government should mandate all personnel at establishments with liquor sale licenses have completed appropriate training as outlined by the best practice bystander intervention program.

BIFRT: The provincial government should mandate that the Smart Serve certification be expanded to include gender-based and sexual violence prevention and response and bystander intervention principles in settings where alcohol is served.

BIFRT: The provincial government should amend Ontario Regulation 131/16 to include all essential aspects of survivor-centric sexual violence policies, as identified in existing literature.

BIFRT: The provincial government should amend Ontario Regulation 131/16 to require that post-secondary institutions develop institution-specific processes in consultation with students and local experts to respond to technology-facilitated gender-based and sexual violence.

BIFRT: The provincial government should amend Ontario Regulation 131/16 to ensure that post-secondary institutions revise any interacting agreements, such as collective agreements, after the sexual violence policy review process has finished to ensure that policies do not contradict one another.

BIFRT: The provincial government should clarify which government agency is responsible for ensuring regulatory compliance when it comes to enforcing section 17 of the *Ministry of Training, Colleges, and Universities Act* and its associated regulation.

BIFRT: The Ministry of Colleges and Universities should work in collaboration with the Ministry of the Solicitor General and experts in gender-based and sexual violence to develop a standardized risk assessment tool that provides a metric to evaluate the potential risk of harm to the community.

BIFRT: The provincial government must create a taskforce composed of students, administrators, and sexual violence experts from post-secondary institutions and the community to develop best practices for responding to disclosures and reporting processes on university campuses, including the limits and minimum standards of confidentiality.

BIFRT: The province should mandate in Ontario Regulation 131/16 that all institutions have staff who are available to provide students with information on sexual violence reporting procedures and disclosures, and with whom students can discuss their options.

BIFRT: The provincial government should amend Ontario Regulation 131/16 to ensure that institutions' sexual violence policies take a trauma-informed and survivor-centric approach.

BIFRT: The Ontario Association of College and University Security Administrators should work with the Ministry of Labour, Training and Skills Development to mandate and deliver training for all campus security officials in trauma-informed and survivor-centric responses to disclosures to create safer, more supportive reporting structures.

BIFRT: The Ministry of the Solicitor General should require all Special Constables and local police be trained to provide referrals to campus and community supports in cases of gender-based and sexual violence.

BIFRT: The provincial government should mandate that survivors must be notified in advance of universities' duties to report to the police and obligations of collective agreements.

BIFRT: The Ministry of the Solicitor General should develop an Indigenous Awareness Training course mandatory for all members of the police, including Special Constables, and adaptable for campus security services.

BIFRT: The Ministry of Colleges and Universities should contract the Institute for Research on Public Policy and collaborate with Quebec's Ministry of Education and Higher Education to conduct a study on the effectiveness of mandatory gender-based violence training for staff and faculty.

BIFRT: The provincial government should amend section 17 of the *Ministry of Training, Colleges and Universities Act* to require that all staff and faculty be trained in how to respond to disclosures of gender-based and sexual violence in a way that is survivor-centric and trauma-informed.

BIFRT: The provincial government should amend Ontario Regulation 131/16, section 5, clause 1 to require that sexual violence response training must be regular and completed every time the policy is renewed, as well as by all incoming members of the institution's governing board or council, and other senior administrators; faculty, staff and other employees and contractors; and students.

BIFRT: The provincial government should provide funding to post-secondary institutions to provide training to all staff and faculty in how to respond to disclosures of gender-based and sexual violence in a way that is survivor-centric and trauma-informed.

BIFRT: The provincial government should amend Ontario Regulation 131/16 to mandate that institutions include procedural mechanisms that consider a survivor-centric and trauma-informed approach to resolution processes.

BIFRT: The provincial government should amend Ontario Regulation 131/16 to include a section on alternative resolutions.

BIFRT: The provincial government should amend Ontario Regulation 131/16 to mandate that institutions have formal and alternative resolution processes.

BIFRT: The provincial government should amend Ontario Regulation 131/16 to outline potential consequences and accountability measures for gender-based and sexual violence on university campuses.

BIFRT: The Ministry of Colleges and Universities should outline a best-practice framework for integrating restorative justice into formal and alternative resolution processes.

BIFRT: The provincial government should amend Ontario Regulation 131/16 to include a section providing guidance for institutions to delineate the process of appealing a decision made by institutions regarding an experience of gender-based or sexual violence.

BIFRT: The provincial government should amend Ontario Regulation 131/16 to require institutions include in their sexual violence policy the right of both the respondent and complainant to appeal a decision.

BIFRT: The provincial government should amend Ontario Regulation 131/16 to mandate institutions include a requirement for sending written notifications to both the complainant and respondent on the outcome of the appeal in their sexual violence policy.

BIFRT: The provincial government should reinvest in provincial legal aid over the next three years, earmarking funding to support student access to legal services.

BIFRT: The provincial government should create grant funding available to post-secondary institutions to hire trauma counsellors or support persons that have training specific to supporting those who have experienced gender-based and sexual violence.

BIFRT: The Ministry of Health, in partnership with researchers focused on gender-based and sexual violence prevention and response, should conduct a review of OHIP coverage to determine whether it meets survivors' medical needs and adequately supports them through their recovery.

BIFRT: The Ministry of Colleges and Universities should require that decisions regarding OSAP academic probation and restrictions penalties be made using a trauma-informed lens.

BIFRT: The provincial government should provide increased and continuous funding for community-based sexual assault centres and rape crisis centres.

BIFRT: The provincial government should follow through with their previous commitment of a one-time investment of \$1 million into Ontario's rape crisis centres.

BIFRT: The provincial government should allocate grant funding that post-secondary institutions and student unions can apply for to create or expand sexual assault support centres and programming on campus.

BIFRT: The provincial government should establish a Gender-Based & Sexual Violence Knowledge Centre within the Ministry of Children, Community and Social Services to conduct and consolidate both quantitative and qualitative research related to gender-based and sexual violence.

BIFRT: With support from the provincial Office of Women's Issues, the proposed Gender-Based & Sexual Violence Knowledge Centre should be responsible for coordination, data and research, and knowledge mobilization.

BIFRT: The Gender-Based & Sexual Violence Knowledge Centre should include a post-secondary issues unit with duties to make recommendations to the Ministry of Colleges and Universities regarding the implementation of best practices based on ministerial and institutional data about gender-based and sexual violence prevention at post-secondary institutions in the province.

BIFRT: The provincial government should create a "Gender-Based Violence Prevention Evaluation Grant" to be used to continuously inform best practices through evaluation of the effectiveness of gender-based and sexual violence prevention programs at post-secondary institutions.

BIFRT: The provincial government, through the Gender-based & Sexual Violence Knowledge Centre, should collaborate with the Council of Ontario Universities to improve the Student Voices on Sexual Violence Climate Survey for future implementation.

BIFRT: The provincial government should amend section 17 of the *Ministry of Training, Colleges and Universities Act* to require that post-secondary institutions participate in a gender-based and sexual violence campus climate survey administered by the Council of Ontario Universities every three years.

BIFRT: The climate survey should continue to address on- and off-campus experiences of gender-based and sexual violence, disclosure and response, and safety; students' confidence in institutional leadership for addressing gender-based and sexual violence; and bystander attitudes and intervention, but additionally include students' knowledge of provincial law, services, and available gender-based and sexual violence prevention education as well as students' history of Adverse Childhood Experiences.

BIFRT: The climate survey should receive oversight by the Gender-based & Sexual Violence Knowledge Centre to ensure principles of research ethics are appropriately and clearly embedded in the survey design, especially protection of confidentiality.

BIFRT: The climate survey results should be retained in the proposed Gender-based & Sexual Violence Knowledge Centre and analyzed with guidance by the Knowledge Centre's post-secondary issues unit.

BIFRT: The provincial government should renew commitments made in the 2017 Long Term Strategy to

End Violence Against Indigenous Women with Indigenous leadership and guidance and include additional commitments for personal and social education programs with guidance from Indigenous students.

BIFRT: The Ministry of Education should develop educational curriculum and programming in partnership with Indigenous peoples, especially Indigenous women, girls, Two Spirit, and LGBTQ+ individuals as per section 11.1 of the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

BIFRT: The provincial government should expand the criteria of the Campus Safety Grant to allow for education regarding human trafficking which would aid in dispelling misconceptions, encourage victims to seek support, and offer prevention tools.

BIFRT: The Ministry of the Attorney General should allocate resources for regional Victim Services departments to collaborate with local post-secondary institutions to train/make educational resources available for staff around identifying and flagging victims as well as building capacity for empathy in a way that is culturally-responsive, survivor-informed and includes Indigenous-specific components.

BIFRT: The Ministry of the Attorney General should expand its Anti-Human Trafficking Strategy of 2020-2025 to include partnerships with regional Victim Services departments and post-secondary institutions within its “Raising Awareness of the Issue” focus to provide content for university syllabi integration.

BIFRT: The Ministry of the Attorney General should allocate funds for Victim Services departments responsible for reintegrating victims of human trafficking to collaborate with the Council of Ontario Universities and develop partnerships with universities to create pathways to post-secondary.

BIFRT: The Ministry of the Attorney General should expand the Victim Quick Response Program + to include grants or bursaries for victims of human trafficking to pursue post-secondary education, specifically to cover the cost of housing.