To: The Ministry of Advanced Education, Skills and Training  
PO Box 9080 Stn Prov Govt  
Victoria BC  
V8W9E2  
CANADA

RE: Prevent Sexual Violence: BC Provincial Consultation and Engagement Campaign  
FROM: Alma Mater Society of the University of British Columbia – Vancouver (AMS)

Introduction

The Alma Mater Society of the University of British Columbia-Vancouver (AMS) is a student society representing over 54,000 constituents at UBC’s Point Grey Campus, including both undergraduate and graduate students. The AMS is a non-profit society incorporated under the BC Societies Act with the mission “to improve the quality of the educational, social, and personal lives of the students of UBC.” In support of this mission, the AMS advocates on behalf of students to the University and all levels of government. In addition, the AMS administers a health and dental plan for students, organizes social events, owns and operates businesses that fund its seven fee student services, and most importantly, runs a Sexual Assault Support Centre (SASC).

The AMS, like other student societies across the province, was proud to support legislation (Bill 23) introduced in 2016 mandating that public post-secondary institutions in BC establish and implement stand-alone sexual misconduct policies. The AMS is further pleased to see the provincial government undertake the current exercise to collect feedback from communities on the guidebook that accompanied Bill 23, and the institutional policies.

In response to the call for feedback, the AMS has prepared the following submission with the support of the AMS Sexual Assault Support Centre (SASC), and the Our Turn National Movement. Our Turn is a student-led organization working with over 21 student unions from 8 provinces representing 500,000 students. Our Turn assists student societies by giving them the tools they need to prevent sexual violence via awareness and education campaigns, supporting survivors on their campuses, and lobbying for reforms at the campus, provincial and federal levels. For your convenience the following submission is organized by the categories provided for in the Province’s request for feedback.
How to Raise Awareness about the Issue

Barriers to Understanding

Institutional policies are often saturated with technical terms, complex processes, and definitions. Students often have no incentive to read and understand these policies until they are immediately impacted and need to access supports, processes or procedures outlined through the policy. However, it is important to note that students are not the only community members within the institutional setting that are at risk of sexual violence. Faculty and staff are also covered under Bill 23 but tend to have little to no understanding of the policy’s existence, nor appropriate resources on campus that survivors can access. This inaccessibility of the policy poses a barrier to understanding the work it is meant to outline. The AMS would like to see the government mandate post-secondary institutions to create and publicize a **plain language manual** to accompany their sexual violence policies for the members of their respective universities.

- We encourage this important message be translated and made available in a variety of languages to ensure that individuals from diverse backgrounds all have access to the information.
- Presentation of the policy and the process it outlines with visual aid can also help breakdown a complex university process.

Saturation in Education, Removing the Unknown Variables of Seeking Help

One of the key ways awareness and understanding of Bill 23 and institutional policies can be promoted is during student orientations to the university. This is one of the rare opportunities where all incoming students gather to begin a new chapter in their life. It is essential to communicate not only the available services for sexual violence and misconduct, but other support services that are available to students. While orientation is a first step to introducing students to the policy and support available, it is further important to continue the conversation throughout the university experience. Providing the opportunity for students to speak about mental health and sexual misconduct issues, at any time, and not only once a year during a campaign, is especially important and can be even more reassuring when coming from an individual who holds a position of power. The AMS discusses mandated sexual violence training later in this submission, however it is key to note the essential role professors play in a students’ experience in school, and that they are well positioned to deliver that consistent message.

Surveys conducted by the AMS and UBC over the last few years show that awareness of support services have either increased or stayed the same. However, this knowledge has not always translated to effective use of the

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service. Past work with students has shown that simply informing individuals of available resources is not enough to encourage students to access the resource. Letting students know about exactly how each resource can help them, in what way it will help, and what will happen when a student accesses the resource reduces barriers is much more effective. Removing these unknown factors that may previously deterred students from using campus resources means that getting support is no longer a guessing game, but rather builds trust with the service, and sets expectations for students accessing the service.

**Policy Visibility**

Raising awareness of policies on post-secondary campuses is difficult because they are often abstract, which poses a challenge in communicating their practical implications. While each institution has an important role to play in creating informational material to enhance student understanding, the Ministry of Advanced Education could also aid in raising the profile of sexual violence and misconduct policies across the province. In addition to this public consultation, the AMS would like to encourage Minister Mark to engage in town halls or panel discussions in partnership with different student societies or, if timing permits, to join the campus groups in hosting sexual assault awareness month campaigns. Presence from the Ministry of AEST would be effective in demonstrating to students, faculty and staff at universities that the issue of sexual violence on campus is significant, and requires dedicated attention.

**Institutional Policy and Provincial Guide Feedback**

There are several areas of improvement that the AMS has identified in both the provincial *Guide on Developing Policies and Actions*, as well as UBC’s institutional policy (Policy 131: Sexual Assault and other Sexual Misconduct).

Inconsistencies across policies results in ambiguity and varied treatment of students at different institutions, and mishandling can result in re-traumatization for survivors of sexual violence. In the 2016-17 academic year, UBC Vancouver admitted 2,687 post-secondary transfer students, who comprised 29% of all the new-to UBC students. Nearly two-thirds of these students (62%) transferred from an institution in British Columbia.¹ This is

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indicative of the high number of students that study at multiple institutions in the province throughout the course of their post-secondary education. Setting uniform expectations for a provincially mandated policy can help facilitate the transition, and ensure that students are receiving appropriate support regardless of where they choose to study.

In partnership with the AMS Sexual Assault Support Centre, and the National Our Turn Organization, the AMS created the following recommendations that can be implemented through the provincial mandate, amending the provincial guide, or institutional policies. Furthermore, the AMS urge the provincial government to reframe the guide, and present it as a set of minimum standards that the province expects of different post-secondary institutions.

1. University Sexual Violence and Misconduct Policies to Prevail Over Other Policies
   While all post-secondary institutions now have a sexual violence and misconduct policy in place, there is the potential for this policy to come into conflict with other existing policies. For instance, in the case where a student’s academics have been directly impacted by the trauma associated with sexual assault, and discloses this fact during standing appeals, forced withdrawals or misconduct hearings, it is unclear whether the case continues under UBC’s academic policies or the sexual misconduct policy. The AMS recommends the province provide clarity on conflict of policies, by mandating that, in the event where policies intersect or overlap in some way, the institutional sexual violence policy will prevail over other policies.

2. Inclusion of Stealthing in Sexual Misconduct definition
   As required by the Act, the University of British Columbia currently defines sexual misconduct to include sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, the distribution of sexual explicit photography and recordings of a person to one or more persons, and both the attempt to commit and the threat to commit an act of sexual misconduct. The AMS recommends expanding this definition to also include stealthing, which is the act of removing a condom during sexual intercourse without the consent of the partner.

3. Policy Coverage and University Jurisdiction
   UBC’s policy covers all “Members of the UBC community”, defined as currently enrolled students, including co-op and exchange, employees, sessional teaching appointments, post-doctoral fellows, and anyone contractually obligated to comply with this Policy 131. The UBC policy further states that the jurisdiction to investigate is limited to allegations made against an individual who was a Member of the UBC Community at the time of the alleged Sexual Misconduct and at the time the Report was submitted; meaning that if a survivor choose to disclose or report after they themselves and/or the

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potential respondent has graduated, the report would not be post-dated and not be given consideration. This comes in direct conflict with the policy’s stated principle of taking into account the survivor’s choice to disclose when carrying out the responsibilities of the policy. It is essential that all policies can adequately account for the survivors’ choice to disclose. We recommend the provincial government provide clarification in the framework and guide on the coverage and jurisdiction of the universities.

4. **Existence of an external Third Party Independent member on the Policy Review Committee**
   The current Guide for Developing Policy and Actions, developed by the Province, outlines that reviews of the policy shall take place every three years or as directed by the university or the Minister of Advanced Education. The guide mandates the university to consult students, and encourages the university to bring in relevant groups and persons. However, neither the guide nor the university policy outlines the inclusion of an external third-party member on the review group. Having a mandatory external third party would build accountability and reduce bias during the review process.

5. **Existence of an External Third Party Independent Member on the appeal committee**
   UBC’s policy 131 notes that student respondents from the UBC Vancouver campus may appeal through the UBC Vancouver Senate Student Appeals on Academic Discipline Committee. This committee is comprised of the Chancellor, the Registrar, faculty members who are Senators, Convocation Senators, and Student Senators. These individuals do not receive sexual violence sensitivity or intersectionality training. Including an impartial, external third-party member with area expertise in sexual violence and misconduct in the appeal committee would support deliberations by reducing bias in decision making.

6. **Explicitly Mandate Sexual Violence Training**
   a. This should include trauma-informed, sexual violence disclosure and intersectionality training.
   b. This training needs to be given to any institutional member with adjudication or decision-making powers. This includes but is not limited to those who adjudicate over standing appeals, academic appeals, admission appeals; specific roles and bodies include associate-deans who receive academic misconduct appeals, President’s Advisory Committee on Student Discipline (PACSD), followed by the Senate Student Appeals on Academic Discipline Committee.
   c. This training should be further expanded to any potential recipients of disclosure, which includes but is not limited to: faculty, non-tenured/sessional faculty, program/faculty advisors, enrolment service professionals, teaching/lab assistants, etc.

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d. Training should be updated annually to ensure it is up to date with best practices; it is equally important to note that this training should not only be provided to incoming faculty/staff, but existing faculty/staff as well.

e. The training should, at minimum, ensure trainees understand how to receive disclosures, resources available on and off campus, and be able to provide an appropriate amount of support to the victim/survivor to access those services. It is important to avoid the perpetual referrals from service to service as that results in referral exhaust, where students face disillusionment to the point where it feels impossible to reach out.

7. **Immunity Clause for Drugs and Alcohol Use**
   A significant deterrent to disclosure or reporting incidences of sexual violence and misconduct is alcohol and substance use. The prevalence of substance use, including drugs and alcohol, in sexual violence cases makes it less likely for individuals to pursue disclosure or report. As such, it is important to ensure that victims are not penalized for seeking support in the event where drugs and/or alcohol are involved in any misconduct. Examples include a failure to report sexual violence because of underage drinking, or a fear of disclosure due possession and use of recreational substances within student residence and losing a place to live. The AMS recommends that institutional policies include a clause that outlines a clear stance on substance use and sexual violence disclosure and reports, to better ensure that victims of sexual assault can receive the support they wish to seek.

8. **Rape Shield Protections**
   Section 276 of the Criminal Code of Canada provides that “evidence that the complainant has engaged in sexual activity, whether with the accused or with any other person, is not admissible to support an inference that, by reason of the sexual nature of that activity, the complainant was more likely to have consented, or is less worthy of belief”. This is one way the Canadian justice system is protecting survivors of sexual violence. In June 2017, the federal government made further amendments to the Criminal Code of Canada to strengthen rape shield provisions in order to better protect complainants. The provincial government should follow this effort and ensure better support for complainants that seek legal support. Furthermore, institutions should explicitly state the provision of rape shield protection in their policy to ensure complainants are protected during institutional investigations.

9. **Sanctions ordered against Respondent be made known to Complainant**
   Choosing to report sexual assault to the institution is often a difficult decision to make for a complainant. The AMS believes that all processes within the sexual assault process should be congruent with the principles of procedural fairness. That said, we believe that in order to ensure

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procedural fairness during these proceedings, a trauma-informed approach must be taken. Informing the complainant about the sanctions against the respondent avoids disillusionment with the institution, prevents loss of trust, and empowers the complainant. Although informing the complainant of sanctions against the respondent may take place in practice at some universities, it is important to maintain consistency across the institutions in BC.

What more can the province do?

The AMS has identified two areas where the provincial government can play a larger role to better address the issue of sexual violence on campus.

Recognizing the Interconnectedness of Support Services

It is important for resources to be available when students need them most. For example, the AMS Sexual Assault Support Centre (SASC) partnered with AMS Speakeasy (peer-to-peer support service) during a pro-life rally held on campus. The event was highly controversial and distressing for many students. By bringing this booth to the site of the rally, the two services were able to provide on the spot support rather than placing the onus on students to seek out the support themselves at a later time. The AMS further recognizes that mental distress is often related to, caused or exacerbated by issues such as food insecurity, financial hardship, academic performance, encounters of sexual violence, etc. While AMS continues to engage in advocacy to alleviate issues facing students, it is important that all university services, and other members of the University who interact with students on a daily basis are equipped to actively refer students to the right resources. While a survivor of sexual assault may not require support from ancillary resources, having knowledge of both resources both within and outside UBC has proven helpful in other scenarios.

Targeted Funding for Sexual Violence and Misconduct

Since Sexual Violence and Misconduct Policy Act came into force on May 19, 2017, all post-secondary institutions in BC have adopted stand-alone sexual violence policies. While institutions work to operationalize their policies, it is equally important to recognize the consequent financial implications. Many institutions are expanding or developing comprehensive education and prevention programming, setting up dedicated offices for issues of sexual violence, and improving provision of support services to survivors. Carrying out these efforts in a trauma-informed manner is a complex undertaking which requires a significant investment.
of time and expertise at campuses across the province. For instance, at UBC, the creation of a new investigations process for reports of sexual misconduct under the institution’s new standalone policy has necessitated the hiring of a Director of Investigations. Similarly, the need for a centralized support office for survivors of sexual violence was identified through the policy creation process and the university is now in the process of opening a Sexual Violence Prevention and Response Office. Not only are there additional costs involved in staffing the office, there are also capital costs required to create a suitable location for this important office.

Last year, Quebec’s government committed $23 million over 5 years to counter sexual violence in post-secondary institutions, as part of a broader strategy to combat sexual violence in the province. While BC is ahead of Quebec in institutional responses to sexual violence, there has been no funding committed to support post-secondaries in implementing their sexual misconduct policies. Financial support from the provincial government to aid in the implementation of sexual misconduct response and prevention will not only help to alleviate some of the funding pressures that post-secondary institutions are already facing but will also ensure that student survivors across the province are receiving comparable levels of support, regardless of where they choose to undertake their education.

The AMS recommends that the provincial government provide targeted funding to support the implementation of sexual violence and misconduct policies across the province. The AMS further recommends the funding take into account the population size that each institution will be serving (including faculty and staff), as well as access to student society or community organizations that may be able to provide similar support, to ensure that post-secondary institutions across the province are able to offer comparable support and education to their populations.

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