



## Policy Principle

This policy principle was updated and approved by the Board of Directors at their October 28th, 2018 meeting.

### Policy A04: Legislation on campus sexual violence

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**Updated:** October 28, 2018

**Expires:** October 28, 2020

**WHEREAS** sexual violence remains a present and persistent problem on postsecondary campuses across the province;

**WHEREAS** other jurisdictions in the country including Ontario, Manitoba, Québec, and British Columbia have already adopted comparable types of legislation;

**WHEREAS** Statistics Canada's 2014 General Social Survey on Canadians' Safety (Victimization) revealed that the rate of incidence for sexual assault was considerably higher for young Canadians between the ages of 15 and 24 and accounts for 47% of all sexual assaults incidents;

**WHEREAS** the General Social Survey on Canadians' Safety (Victimization) also found that 41% – or 261,000 incidents – of sexual assault committed against Canadians between the ages of 15 to 24 – were reported by students; and

**WHEREAS** a study conducted by the U.S. Department of Justice titled, "The Sexual Victimization of College Women", found that 95.2% of victims of completed rape did not report the rape. In addition, 65.4% of those victims of completed rape did not report because they felt it was not serious enough to report;

**WHEREAS** a report released by the Government of New Brunswick in August 2018 titled, Preventing and Responding to Sexual Violence in New Brunswick: A Framework for Action, which indicated a desire to, "Work in partnership with post-secondary institutions to improve supports and responses to sexual violence within their institutions," stated that, "Victims of sexual violence require specialized care and support, while perpetrators of sexual violence must be held accountable for their behaviour."

**BE IT RESOLVED THAT** the New Brunswick Student Alliance advocate that the provincial government adopt legislation on campus sexual violence that requires postsecondary institutions to have a specialized reporting process for sexual violence complaints that meets the following criteria:



- that this process is independent, specialized, and completely separate from other complaint and reporting processes at the institution;
- that all policies include clearly defined timelines for the complaint process;
- that interim measures are available and accessible between informal and formal procedures at the institution;
- that permit third-party and anonymous reporting;
- that the process is trauma-informed, by being led and managed by individuals who are trained and well-informed on the issues surrounding sexual violence;
- that the process is survivor-centric, with all efforts made to ensure the safety and security of the complainant;
- that the process is clearly outlined in the stand-alone sexual violence policy; and
- that the institution create tools that must be distributed and available on-campus that help students navigate and understand the sexual violence reporting process at their institution.

**BE IT FURTHER RESOLVED THAT** the New Brunswick Student Alliance advocate that the provincial government adopt legislation on campus sexual violence that also includes the following criteria:

- that every post-secondary institution in New Brunswick have a stand-alone sexual violence policy;
- that these policies be completed by the institution no later than a year after the legislation is enacted;
- that institutions which do not comply with the policy completion deadlines defined in the legislation be held accountable by the Government of New Brunswick;
- that the policies be developed with input from students, staff, administrators, community organisations, and experts in the field;
- that the policies put in place take into account the realities of visible minorities, Indigenous peoples, persons with disabilities, immigrants, the LGBTQIA+ community, and other marginalized groups that have been proven to be at a higher risk of being victims of sexual violence;
- that all complainants have the right to both institutional and criminal processes;
- that all policies include clear definitions for consent, sexual violence and rape culture;
- that all policies include rape shield protections;
- that all policies include protection from suppression orders;
- that the policies and procedures be accessible, transparent, and easy to understand;
- that the institution include the manners in which their sexual violence policy interacts with other policies at the institution;
- that all sexual violence policies adopted by post-secondary institutions be reviewed by the institution every two years at minimum; and
- the Government of New Brunswick shall be given the responsibility of oversight to ensure that all post-secondary institutions adhere to the above standards.



**BE IT FURTHER RESOLVED THAT** the New Brunswick Student Alliance advocate that post-secondary institutions that already have stand-alone sexual violence policies be required to review their policies immediately upon enactment of the legislation and incorporate any changes to their policies and reporting process(es) as per the criteria set out above no later than one year after the legislation is adopted.