



Provincial Advisory Council  
on the Status of Women  
NEWFOUNDLAND & LABRADOR

**SEXUAL VIOLENCE IN THE CANADIAN POST-SECONDARY EDUCATION CONTEXT:  
INFORMING POLICY, ENACTING CHANGE**

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## Introduction

Sexual violence (SV) is a growing concern on post-secondary campuses, and has received increased media attention in recent years, spurred in part by highly publicized cases, student activism, and calls for legislative change. *Maclean's* annual University Rankings issue devoted an [article](#) to the issue in its 2022 edition (Cadloff, 2022). Recent cases and reports of increased incidents of SV on campuses across the country have been making headlines in the past year (see CBC News, 2022; Polenchuk, 2023; Rhodes, 2023). Most recently, the issue hit home with Memorial University being the subject of a CBC Investigates [article](#) focused on the institution's handling of a sexual assault [case](#) involving students, and leading to questions on what role the provincial government plays [or should play] in preventing campus violence (Kelland, 2023a;b) and promoting a safe environment for students and personnel.

While many post-secondary institutions (PSIs) have policies and procedures in place to address various forms of SV, including sexual harassment and sexual assault - in some cases mandated by provincial legislation, many questions remain on how cases are handled, what happens after a disclosure or report is made, and what data is collected and available from PSIs (Cadloff, 2022). Getting a complete picture of the issue on Canadian campuses is challenging, given the lack of public data and the non-standardized reporting mechanisms across institutions and provinces.

Additionally, it has been acknowledged that the broader issue is not policy based, but evidence of a much-needed cultural shift (Cadloff, 2021) While SV is "a cultural issue that stretches beyond campus borders", it is, in the words of McGill's associate provost, equity and academic policies, "the institution's responsibility" (Liddle, 2022). Post-secondary campuses are spaces where misogyny, rape culture and myths that support SV permeate these microcosms of our larger society. It is this balancing act of institutional policy and informal culture that has prompted provincial action in some provinces (Cadloff, 2021).

Our discussion of SV in the post-secondary context consists of a jurisdictional scan of Canadian provincial legislation and initiatives<sup>1</sup> to address SV in the context of PSIs, drawing a comparison to legislation in the United States; as well as a review of recent Canadian literature and research on the topic. This review is not exhaustive, and is meant to: a) provide a snapshot of what has been done and what is currently being done; b) identify gaps and areas still needing to be addressed. Based on this jurisdictional scan and literature review, we offer recommendations for (1) PSIs, (2) the NL provincial government; (3) the federal government.

### Background

Sexual violence (SV) is an “over-arching, non-legal term incorporating various sexual thoughts, actions, and verbal and written conduct” (Dobkins & Tavcer, 2023a, p.15). SV is a term that has evolved through the advocacy, education, and prevention work done by front-line service providers, scholars, and experts who study its reality. It is often referred to as an umbrella term because of the wide range of concepts and forms of violence it encompasses (Armstrong et al., 2018, as cited in Dobkins & Tavcer, 2023a). SV is understood as a social justice issue rooted in systems of power, privilege, and oppression that are differently distributed among people of differing identities (Hong & Marine, 2018, as cited in Dobkins & Tavcer, 2023a).

SV is a gendered social problem, with women most often being the victims, and men most often perpetrating SV (Benoit et al., 2015, as cited in Magnussen & Shankar, 2019). SV is a traumatic experience for survivors and impacts women’s equality more generally; it is a destructive gendering and gendered practice (Nelund, 2020). Violence against those situated within multiple intersections of oppression is even more pronounced. In Canada, Indigenous women, women with disabilities, senior women, and young girls are more likely to be victims of sexual assault (Benoit et al., 2015, as cited in

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<sup>1</sup> A full review of institutional policies is beyond the scope of this report. Please see Tavcer & Dobkins’ (2023) book, *Sexual violence policies and sexual consent education at Canadian post-secondary institutions* for a through review on this topic.

Shankar & Tavcer, 2021). The intersectionality of class, gender, race, citizenship, sexuality, and disability combine to increase the likelihood of victimization (Shankar & Tavcer, 2021).

Several terms are relevant to our discussion of SV and are defined below. This paper uses the terms sexual violence, sexual harassment, and sexual assault, depending on the context and specifics of the topic being discussed, and is framed within an understanding of gender-based violence.

**Gender-based violence** (GBV) consists of violence committed against someone based on their gender identity, gender expression, or perceived gender, and is a violation of human rights (Women & Gender Equality Canada, 2018). SV can constitute any sexual act that targets a person's sexuality or gender identity and expression, regardless of whether the action is physical or psychological (Dobkins & Tavcer, 2023a).

**Sexual harassment** is subject to the *Canadian Human Rights Act* (Section 14(2)) and, like SV, is a continuum and may be physical, visual, or verbal (e.g. requesting sexual favours; making sexual, offensive jokes; unwanted touching) (Tetreault-Bergeron & Santago, 2020).

**Sexual assault** encompasses any form of coerced or unwanted sexual contact, such as groping or rape. Unlike sexual harassment, sexual assault is a criminal offence (Tetreault-Bergeron & Santago, 2020). The *Criminal Code of Canada* contains a three-tiered offence structure of sexual assault offences that capture a broad range of conduct, yet does not provide a standardized definition of sexual assault other than non-consensual conduct of a sexual nature. The term assault, however, is defined in the statute under Section 26. It is described as the "intentional application of force to another person (whether directly or indirectly) without the consent of that person" (Dobkins & Tavcer, 2023a).

Sexual assault is one of the least reported crimes; in Canada, for every 100 sexual assaults, less than 1 percent of accused are actually convicted (Department of Justice, 2017, as cited in Marques, Couture-Carron, Frederick, & Scott, 2020).

**Consent** is defined in Canadian law as “the voluntary agreement to engage in the sexual activity in question. Conduct short of a voluntary agreement to engage in sexual activity does not constitute consent as a matter of law” (Government of Canada, 2015, para 1, as cited in MacKenzie, 2018). However, as Dobkins and Tavcer (2023b) note, sexual consent is complex, and its definitions vary among legal, academic, and popular domains. Because sexual consent is highly contextual, many factors can complicate students’ understanding – legislation, media, rape culture, stereotypes, peers, sociocultural aspects, and inaccurate information all influence how sexual consent is understood, accepted, and practiced (Dobkins and Tavcer, 2023b).

A major contributing factor to students’ understanding of sexual consent is **rape culture**, a form of structural violence found in almost any arena of society. According to Dobkins and Tavcer (2023b), it invokes the normalization of misogyny and SV and enforces the belief that rape is inevitable and it is the responsibility of the individual (i.e., women) to prevent its occurrence. Rape culture is a “sociological concept in which dominant ideas, social practices, and societal institutions implicitly or explicitly condone sexual aggression of men and violence against women” (Dobkins & Tavcer, 2023a, p.29).

Patriarchal discourse and ideology have influenced cultural, social, and gender norms, inevitably creating and sustaining a society of inequality. Sexualized violence exists because of power imbalances rooted in patriarchy. Patriarchal society facilitates white male’s authority, privilege, and power over others (particularly women and racialized people), leading to an increased risk of exploitation and violence. Patriarchal ideology is one of domination and control and forms the basis of rape culture (Dobkins & Tavcer, 2023a).

**Rape myths** are societal misconceptions about sexual assault used to minimize or justify the act, blame victims, and absolve perpetrators of guilt. Rape myths create barriers to establishing sexual consent (Dobkins & Tavcer, 2023b); are shaped by sexism and prevail because they contribute to false beliefs that discredit the reality of SV and those who experience it (Dobkins & Tavcer, 2023a). Common

ideologies surrounding rape myths include *He didn't mean to do it; She asked for it*. These myths are not based on facts, are socially constructed and reflect imbalances of power (SVPC, 2017).

Most rape myths are rooted in **victim blaming**, which is premised on the idea that victims are responsible for their safety and the unwanted, negative attention they receive (Dobkins & Tavcer, 2023b). The presence of rape culture is what allows for victim-blaming (Davidson & Buchanan, 2022).

Greater awareness of gender-based violence, sexual consent and related attitudes about what constitutes acceptable behaviour is emerging in many public spheres, including on post-secondary campuses and their online spaces (Burczycka, 2020). PSIs are spaces where there are many young people, and young people – particularly those who identify as women – experience sexual assault and other forms of violence in higher proportions than other people (Burczycka, 2020). Molstad, Weinhardt and Jones (2023) note that research has shown that individuals under 25 years of age are generally at most risk for sexual assault than any other age-group, with the age range of 18-24 being particularly at risk for experiencing various types of sexual assault. Therefore, it is not surprising that sexual assault is a pervasive problem on post-secondary campuses.

Campuses, particularly large urban campuses, are sexual assault 'hot spots' due to the convergence of several factors known to increase women's vulnerability and crime in general. Student populations are disproportionately young and transient, with low levels of group cohesion and community attachment, both factors known to affect crime rates in general (Quinlan, Clarke, & Miller, 2016). Another factor is that students have higher rates of alcohol and drug consumption (Krug et al., as cited in Quinlan et al., 2016).

Lee and Wong (2019) note that while sexual assault and victimization are not unique to university campuses, there are circumstances unique to campuses which complicate the issue. For example, the victim may live in the same residence building or be enrolled in the same classes as the perpetrator; the victim may be unable to avoid certain locations or individuals or escape the constant

reminder of what happened. There is thus a greater risk for secondary victimization, such as social exclusion or harassment, particularly if the victim is pursuing legal action.

There is also an elevated risk for those who embody intersectional identities which can make post-secondary campuses precarious environments (Shankar & Tavcer, 2021). Despite being more likely to be subjected to SV, Indigenous, 2SLGBTQIA, people with disabilities, minorities, and international students tend to encounter more barriers when accessing resources and often receive very little public attention or policy interventions; thus, an intersectional approach to SV is key (Magnussen & Shankar, 2019).

Marques et al. (2020) discuss the paradox behind the image of the university as a safe space for students, and the reality that women in PSIs are at greater risk for sexual assault than women in the general population. Tetreault-Bergeron and Santago (2020) note that “if campus communities are a microcosm of Canadian society then SV is also a social and health issue at post-secondary institutions (PSIs)” (p.8).

Davidson and Buchanan (2022) note that in order to begin to reduce the high rate of campus sexual assault, it is necessary to target institutional factors that perpetuate SV. Sexual assault is a societal problem that reaches beyond PSIs; nonetheless, PSIs may be uniquely positioned to offer support to those who are sexually assaulted and possibly, to effect broader social change (Burczycka, 2020).

There are different ways of naming and handling incidents of SV, on and off campus, making it difficult to compare data across institutions (Shen, 2017). Due to institutional discrepancies in recording incidences of SV, Canadian PSIs are unable to provide accurate prevalence rates. Canada’s lack of federal legislation directed at PSIs may be one of the many reasons that most Canadian PSIs do not gather and/or disclose statistics on SV. There is also confusion regarding prevalence rates of SV, due in part from the lack of information sharing due to concerns of student privacy and confidentiality being compromised by such disclosures (Shankar & Tavcer, 2021). A single disclosure or report may go through



several office and staff, which may have their own professional codes of ethics around disclosing information about their clients (Shen, 2017).

Shen (2017) highlights an important distinction between *reporting* – a broadly used term that may include formal or informal complaints, and a *disclosure*. A **disclosure** occurs when victims choose to share details of the incident to those in their social spheres (e.g. a roommate, a friend or a family member) or to key members of the campus community, whereas **reporting** constitutes notifying formal authority bodies (e.g. campus security or law enforcement officials) of the incident (Tetreault-Bergeron & Santiago, 2020). It is important to note that the majority of victims do not make a formal report (Tetreault-Bergeron & Santiago, 2020). PSIs cannot launch criminal investigations, which is the jurisdiction of the police.

Research conducted by Statistics Canada, the Survey on Individual Safety in the Postsecondary Student Population (SISPSP), collected data from students at PSIs in the Canadian provinces in 2019. The survey was funded by the Department for Women and Gender Equality (WAGE) as part of *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence*. They found that almost three-quarters of post-secondary students witnessed or experienced unwanted sexualized behaviours in 2019 – either on campus, or in an off-campus situation that involved students or other people associated with the school. The proportion of women who had both witnessed and experienced this type of behaviour was five times greater than that of men (27% versus 6%). One in ten (11%) women students experienced a sexual assault in a post-secondary setting in 2019 (Burczycka, 2020). Other research based on Canadian and American statistics estimate that approximately 20-25% of college women have experienced sexual assault during their lifetime, and 1 in 5 have experienced sexual assault during their post-secondary education (Shankar & Tavcer, 2021).

The problem of SV on post-secondary campuses is not new. PSIs have grappled with sexual assault, harassment, and other forms of SV for decades, but in recent years the problem has risen to the

top of the agenda for many university administrators (Crocker, Minaker, & Nelund, 2020). Indeed, PSIs around the world are facing unprecedented pressure to respond to SV as a result of student activism, heightened public attention, mainstream media coverage, and legislative changes (Colpitts, 2022).

Tavcer (2023a) writes that while attention to SV at PSIs has increased in recent years, the prevalence of SV in Canada has not changed in over 30 years, and neither has how we deal with it. Sexual assault remains one of the most under-reported criminal offences in Canada, and studies indicate that students do not report to post-secondary officials for a variety of reasons. Budget cuts are resulting in the closure or reduction of services and programs, and the loss or over-burdening of trained staff; thus, having a negative impact on the supports available for students who experience SV.

How SV is understood within PSIs continues to present barriers for a meaningful victim-centered response (Shankar & Tavcer, 2021). Concerns among faculty, staff, and university administration about the most appropriate ways to address or respond to SV on campus has led to the fear or assumption among some that Canadian campuses are unsafe places that do not provide adequate support or protection when students experience any form of SV (Crocker et al., 2020). Indeed, institutions are being criticized for failing to respond to support survivors effectively (Kane, 2016). In short, Canadian PSIs appear ill-equipped to deal with SV (Magnussen & Shankar, 2019; Quinlan et al., 2016). Despite high numbers of victimization, university policies and services are patchwork at best. There is a pressing need for meaningful policies and resources on SV that are responsive to the realities of SV and readily accessible to students in need (Magnussen & Shankar, 2019).

Quinlan et al. (2016) note that issues with funding can be a significant barrier to the provision of services; it is important for institutions to work to remove unnecessary barriers to accessing support and care in order to ensure that services are easily accessible, visible, welcoming, and sensitive to student's needs. They note that campus sexual assault centres have become adept at working with limited budgets by relying on volunteers and collaborating with off-campus organizations. As existing campus

sexual assault centres continue to work hard to meet the growing demand for services, there is a pressing need for PSIs to increase their investment in preventative and intervention programming (ibid).

It has been noted that developing and delivering more nuanced programming is difficult if SV offices at PSIs lack the necessary resources to do so (Liddle, 2022). *Courage to Act* (Khan, Rowe, & Bidgood (2019) has emphasized the importance of consistent provincial funding to support PSIs in hiring more staff to address the issue.

Policies, along with other meaningful resources and programs, are a useful starting point in addressing SV on campus. A stand-alone policy on SV demonstrates an institution's commitment to dealing with SV and provides a clear delegation of the process and procedures in effect for dealing with SV (Gonzales, Schofield & Schmitt, 2005, as cited in Magnussen & Shankar, 2019). Shen (2017) notes that the main goals of SV policies are to provide transparency about the process of reporting incidents to the institution and to ensure investigations are handled in a timely manner.

Nelund (2020) writes that "Policy has come into being at Canadian universities because of pressure from a variety of stakeholders. Survivors have been vocal about institutional failure. Much of the campaigning for policy has come from students, faculty, and staff working from a feminist understanding of SV, and many policies echo a feminist analysis" (p.237).

Campus policies across the country typically include definitions of SV in its various forms. Some are included in the *Criminal Code of Canada* (such as sexual assault), while others are prohibited under human rights legislation (such as sexual harassment). All policies allow students to make complaints without involving police or human rights tribunals (Crocker et al., 2020).

Sexual assault policies can vary greatly, even when mandated by government bodies. Policies may share similar elements; however, how institutions choose to interpret a policy and handle a case of sexual assault can differ (Lee & Wong, 2019).

Governments play an important role in developing the overall direction for post-secondary education in each province (Tetreault-Bergeron & Santago, 2020). Of importance is the fact that Canadian provinces have exclusive jurisdiction to provide educational opportunities, limiting the federal government's ability to address sexual violence at a policy level (Lopes-Baker et al., 2017). In Canada, there is no federal legislation governing university sexual assault responses. However, some provinces have introduced legislation requiring institutions to develop policies and response procedures. Given the lack of requirements surrounding sexual assault policies at Canadian PSIs, there is significant variability across institutions (Lee & Wong, 2019).

Sexual assault is a complex issue requiring complex responses by institutions, yet comprehensive policies and resources are lacking at many PSIs. As Lee and Wong (2019) write, "It is imperative for institutions to be equipped with the knowledge and resources to respond to SV in a manner that will support those involved and hold perpetrators accountable. Not only is it important that these policies are designed and implemented, but it is critical that they are evaluated to ensure they are achieving the desired results" (p.444).

Critics of campus sexual violence (CSV) policies argue that the only appropriate authorities that should be handling SV complaints are those within the criminal justice system. Yet this criticism does not consider the realities of SV survivors – survivors often wish to avoid lengthy investigations, and university policies are structured to be less "onerous" on the survivor (Salvino, Gilchrist, & Cooligan-Pang, 2017). It is difficult to determine whether provinces with legislation have curbed CSV more than provinces without; as existing legislation is very new, it is too early to determine their effectiveness (Tetreault-Bergeron & Santago, 2020).

In Budget 2018, the Government of Canada made a \$5.5 million commitment to develop a National Gender-Based Violence Campus Draft Framework over five years facilitated through WAGE. Over a five-month period, from January to May 2019, Possibility Seeds, a Canadian social change

consultancy dedicated to gender justice, equity, human rights and inclusion was tasked with the development of the draft framework with support from the Women and Gender Equality Framework Advisory Committee. In 2019, the report, [\*Courage to Act: Developing a National draft Framework to Address and Prevent Gender-Based Violence at Post-Secondary Institutions in Canada\*](#) was released. The draft framework captures promising practices, key policy areas, and prevention plans developed in collaboration with community stakeholders from across Canada (Khan, Rowe, & Bidgood, 2019).

Student unions, activists and leaders across the country have been active in advocating for appropriate responses to SV on PSI campuses. The National OurTurn Committee was launched through the publication of the [\*OurTurn National Action Plan\*](#) to end CSV through evidence-based programs and effective action. As part of the Action Plan, OurTurn released a comprehensive review of 60 campus SV policies, including the development of a CSV policy scorecard with 45 criteria. Working alongside student union partners, with the Action Plan fourteen PSIs were evaluated with a national average grade of C- (61%). In August 2018, the National OurTurn Committee transitioned from an informal grassroots group into a new formalized non-profit called Students for Consent Culture Canada (SFCC); they published a follow-up report, [\*OurTurn: One Year Later\*](#), in 2019.

In August 2022, student union leaders from across the country gathered to discuss SV at PSIs in a virtual meeting hosted by Possibility Seeds' Courage to Act project. Findings from this meeting with key learnings from various consultations, expert panel discussions, skillshares, white papers and surveys culminated in a report, [\*Our Campus, Our Safety: Student Leader's Action Plan for Institutions and Governments to Address and Prevent Sexual Violence on Campus\*](#).

On November 9, 2022, a 10-year [\*National Action Plan to End GBV\*](#) was announced by WAGE (Government of Canada, 2022). In a preliminary [\*report\*](#) developed to guide the implementation of the Plan, the following was suggested as a prevention recommendation:

“Increase funding supports and promote the mobilization of prevention efforts in university and college setting including Sexual Violence and Education Centres and support student-led directives on campus, including funding the creation of anti-sexual assault policies in administration and student unions.” Provincial and municipal governments were identified as key stakeholders (Dale, Maki, & Nitia, 2021, p.60).

Governments must continue to work in collaboration with PSIs, advocates and community stakeholders to ensure that SV in PSIs is prioritized as part of the National Action Plan to End GBV.

### Literature Review

MacKenzie (2019) writes that there is a gap in Canadian literature surrounding university responses to sexual assault, and the implication and effectiveness of institutional policies enacted to support survivors of sexual assault. Our review of the most recent Canadian research on SV in the post-secondary context is organized into the following themes/topics: Experiences of victims/survivors; under-reporting; supporting victims/survivors and addressing disclosures/complaints; education and prevention; and policy development.

#### *Experiences of Victims/Survivors*

Most women (80%) and men (86%) who had experienced unwanted sexualized behaviours in a post-secondary setting in 2019 stated that the perpetrators were fellow students. Less than one in ten women (9%) and men (4%) who had experienced unwanted sexualized behaviours, and less than one in ten women (8%) and men (6%) who experienced sexual assault spoke about what happened with someone associated with the school. While many saw what happened as not serious enough to report, others cited a lack of knowledge about what to do or a mistrust in how the school would handle the situation (Burczycka, 2020).

In a narrative research study examining survivor’s stories of sexual assault on a university campus in British Columbia, six themes emerged: (a) difficulty considering the experience as sexual

assault, (b) harmful emotional consequences, (c) a hesitation to report and disclose experiences, (d) a placating or freeze response, (e) a desire to reconnect with the perpetrator, and (f) the need for education, resources, and policy changes on campus (Davidson & Buchanan, 2022). The authors note that while public discussions about sexual assault on college campuses tend to focus on the role of, and implications for the judicial system, there is a great deal of information within the discourse on sexual assault not being discussed, such as how most survivors do not report, how those who do rarely receive justice, and how many find the process more harmful than helpful. It is clear there is need for more research on how to offer better support to survivors and on how to increase sexual assault prevention efforts.

Recent Canadian research has looked at the experiences of victims of SV in the post-secondary context, examining the physical, financial and social impacts (Davidson & Buchanan, 2022) as well as academic outcomes (Molstad, Weinhardt, & Jones, 2023). Molstad et al. (2023) note that sexual assault victims often withdraw from their studies as a result of trauma, meaning they do not seek help or come forward with sexual assault; the author's review of the literature on the academic consequences for university students who experienced sexual assault concluded that victims are more likely to drop out, have lower GPA, and experience self-regulated learning problems. The authors advocate for the development and validation of evidence-based psychoeducational interventions targeted to university students who have experienced sexual assault. Victims may also experience negative consequences through the disclosure of an assault – negative responses such as victim-blaming or the denial of services are reported by many victims (Lee & Wong, 2019).

In addition to severe consequences for victims, there are also important consequences for the associated academic institutions, the reputations of which may be damaged by instances of sexual assault; enrollment rates may drop (Lee & Wong, 2019). Institutions must ensure that the rights and

needs of the victims and the accused are both respected, while also ensuring the safety of the campus community and minimizing potential liability (Lee & Wong, 2019).

A recent random sample study at one Canadian university, only the second such Canadian study on SV victimization among university students and the first on perpetration in over two decades, found that 23.2% of women, 9.6% of men, and 16.7% of nonbinary students reported experiencing SV at least once in the past twelve months. Women reported significantly greater trauma and academic impact of victimization compared to men (Jeffrey, Senn, Krieger, & Forrest, 2023).

Limited Canadian data exist on the SV experiences of marginalized students. Burczycka's (2020) Canadian national random sample study found increased victimization among students marginalized by gender, sexual identity, and disability. In particular, higher rates of victimization were found among transgender (18%) than cisgender (10.3%) students, bisexual (16%) than heterosexual (7%) students, and students with physical or mental disabilities (12%) than students without (55%). Less is known about SV perpetration rates compared to victimization rates in Canada (ibid).

#### *Under-reporting*

SV is grossly under-reported. Low reporting rates means that victims are not getting help and perpetrators are not being punished. People may be discouraged from reporting due to the stigma surrounding SV, fear of negative repercussions (such as blame) and loss of confidentiality and privacy (Magnussen & Shankar, 2019). Shankar and Tavcer (2021) write that the under-reporting of SV within PSIs is due to myriad factors. For many students, sexual assaults happen within the first eight weeks of school, which some authors have termed the 'red zone'. New students may be unaware of the on-campus services and the reporting processes. Others may fear repercussions from the assailant or peers, victim-blaming, or may be apprehensive about their loss of confidentiality. Interestingly, the findings of a recent random sample study did not support a fall 'red zone' of increased risk of rape and attempted



rape for first-and second-year students (Jeffrey, Senn, Krieger, & Forrest, 2023). Further research is thus needed.

MacKenzie's (2018) review of the literature revealed that rates of reporting sexual assault at Canadian PSIs are affected by three things: (a) a lack of sexual assault policies, (b) existing barriers to support, and (c) responses from PSIs. She notes that there is very little research that explores how policies, barriers, and responses work in conjunction to help or hurt an individual's odds of reporting. Such research, she argues, is necessary because: (a) sexual assault is pervasive on university campuses; (b) it will allow for a better understanding of how to help individuals in terms of reporting; (c) this analysis will help to determine how to better manage cases of sexual assault on university campuses for survivors.

MacKenzie's (2018) review suggests there are two main barriers that inhibit victims from reporting their assault to their PSI: (a) victim-blaming and (b) lack of institutional resources, both of which she argues "reflect the mechanisms of inequality" (p.145). With regards to a lack of resources, MacKenzie (2018) highlights two main issues in terms of resources and support for victims on campus: (a) an overall lack of available resources, and (b) students not using the resources available. Meanwhile, two matters that affect how PSIs respond to sexual assault are: (a) legal concerns and (b) the reputation of the PSI.

Marques et al. (2020) argue that the under-reporting of campus SV should concern PSI administrators, as choosing not to report can: (a) preclude the apprehension of alleged perpetrator(s); (b) impede the victim's access to, or even knowledge of, potential services and resources; but also (c) may serve to create an overall climate of distrust and overall lack of confidence that campuses are safe spaces.

Bergeron, Goyer, Hebert, and Ricci (2019) explored the experiences of students, professors and employees with regards to SV at six universities in Quebec. A total of 95.6% of respondents who

experienced one or more incidents of SV on university campuses (SVUC) did not report any of the incidents (90.7%), or only some of the incidents (4.9%) to university authorities or resources. Over 70% of the participants said they did not report the incident because they thought the situation was not serious enough to report. Other reasons given for not reporting the event of SVUC, in order of frequency reported, included:

- I was worried that university authorities would not take the situation seriously
- I worried that I didn't have enough proof to convince university authorities to intervene
- I didn't know who to contact at the university
- I didn't trust the people or existing university authorities/resources
- I was afraid my complaint would not be handled confidentially
- I thought the reporting process at the university was too complicated
- I didn't know the university could help me in this situation
- I didn't want to make a formal complaint

When asked about the type of assistance they would want in the event of SVUC, the majority of respondents indicated they would want support during the reporting/complaint process, information about available recourse within the university to report the incident, and psychological support provided by a resource outside the university.

Lopes-Baker and McDonald (2017) note that the issue of under-reporting by victims of campus sexual assault appears to be a problem that has not yet been successfully addressed by either the legislative process in Canada or the United States.

#### *Supporting Victims/Survivors and Addressing Disclosures/Complaints*

Patel and Roesch (2018) note that SV prevention programs should include institutional training, while interventions should include bystander interventions, as well as victim services, including medical and mental health in university settings. An increased presence of and services provided by certified mental health professionals on campus, including psychiatrists, clinical psychologists, counsellors, and social workers is advocated for (Patel & Roesch, 2018), as well as sexual assault nurse examiners (SANEs), who are trained in collecting forensic evidence from a sexual assault, who can also serve as educators about SV (Patel & Roesch, 2018; Quinlan et al., 2016). Quinlan et al., (2016) write that a medical

professional who can liaise between counselling centres, campus safety, and local law enforcement can be beneficial to students who do not feel comfortable going to a hospital.

Sheehy and Gilbert (2017) suggest that universities partner with autonomous sexual assault support services to provide space right on campus that is easily accessible to students. They note that autonomy for counselling services is key to preserving the privacy of complainants, for any records generated by university employees (including university counselling staff) belong to the university. Universities should not have access to this information given that they are in control of the disciplinary process. The complaints process should be streamlined to provide a single point of contact for students to seek information and assistance.

Sheehy and Gilbert (2017) highlight the following as being needed to be addressed in educational initiatives:

1. The role of the bystander and ways to safely intervene;
2. The role that alcohol plays in campus SV and how to intervene when suspected alcohol abuse within sports teams, residences, fraternities and other sanctioned university activities is an issue<sup>2</sup>;
3. The appropriate way to respond to complaints of SV, including training on campus protocols for reporting, intervening, calling police;
4. Specific training for all those who implement SV policies and protocols regarding the unique experiences and needs of those who have been sexually assaulted, including campus security, faculty and staff who administer student services, counselling services and accommodations policies, as well as those who are involved in investigating, carrying or adjudicating allegations of SV.

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<sup>2</sup> Marques et al. (2022) note that victims, especially those who have engaged in (underage) drinking may not come forward and report to campus security for fear of punishment. Information concerning this immunity should be clear in official sexual violence policies.

When dealing with sexual assault on campus, it is important to look beyond the institution for adjudication and punishment. Many institutions involve the criminal justice system to some extent, but some may prefer to manage these cases only at the campus level. Policies and procedures that ineffectively or improperly deal with sexual assault are left unchallenged if a case is solely handled by a university, and the justice system does not get the chance to improve its services (Patel & Roesch, 2018). The reputation of the university is also at stake if a student chooses to go through the criminal justice system after a case is not dealt with adequately at the institutional level. Ideally, law enforcement should work collaboratively with institutions in which criminal charges are laid to ensure victims receive justice and adequate levels of support.

#### *Prevention*

A major criticism of PSIs in the USA and Canada is that they do not have formally evaluated and empirically supported programs to increase campus awareness of sexual assault (Anderson & Whiston, 2005, as cited in Patel & Roesch, 2018). As institutions are facing heightened public pressure to reduce sexual assault on campus, they may be quick to institute programs or education that has not been thoroughly evaluated.

While there is clearly an “urgent need” for effective sexual assault (SA) prevention programming, most programs that are currently offered on Canadian university campuses are not empirically supported and aim to increase awareness and knowledge rather than prevent. The Enhanced Assess, Acknowledge, Act (EAAA) SA resistance Program (also known as Flip the Script with EAAA) is one of the only SA prevention programs proven to effectively reduce victimization. It was shown to substantially reduce sexual assault victimization among university women who participate (Senn et al., 2015). Recent research evaluated the transfer of training to implementation sites (i.e., PSIs) using a train-the-trainer model (Jeffrey, Sen, Hobden et al., 2022).

Sheehy and Gilbert (2017) emphasize the importance of trauma-informed training in education initiatives, as well as training on consent for sexual contact, as research suggests that the majority of Canadians do not fully understand the legal definition of consent. Dobkins and Tavcer (2023b) ask: “If the general population does not understand sexual consent, how can we expect this from students?” (p.55). A failure to understand sexual consent has been linked to the perpetration of SV among undergraduate students (Thiessen et al., 2021), emphasizing the need to evaluate how students define and practice sexual consent. While there is a substantial body of research on SV, there is a lack of literature on sexual consent (Dobkins and Tavcer, 2023b).

Dobkins and Tavcer (2023b) note that the incorporation of sexual consent education into policies and programming into PSIs can be helpful in the reduction of SV, but past and current prevention efforts have shown inconsistent results and are currently not regulated, evaluated, or mandated for most provinces in Canada. The question remains whether sexual consent education should be mandated in all Canadian PSIs and if so, for whom? (Dobkins and Tavcer, 2023b).

Current prevention programming and approaches indirectly place the burden of responsibility on women, promoting resistant behaviours and leading women to blame themselves, which exacerbates under-reporting. Effective public education programs that empower bystanders has also been advocated for. Bystander intervention programming entails role-playing and other educational tools to teach potential interveners how and when to use formal support services (police, rape crisis centres) and how to help victims make sense of what has transpired (Quinlan et al., 2016).

Godderis and Root (2017) argue that addressing SV on post-secondary campuses is a collective responsibility, meaning that everyone in the campus community is, or should be, at some level, engaged in anti-violence work, challenging the idea that eliminating SV is a “women’s issue”, or an issue that is only of concern to those who experience that violence. The authors note that the responsibility to prevent and eliminate SV is usually framed as an individual issue, and may take the form of victim-

blaming or identifying perpetrators as anomalies, as opposed to being framed as a structural, systemic, societal problem. Most SV prevention programs have thus focused on interventions with individuals instead of community-level strategies; as Quinlan (2017) notes, violence prevention becomes about “responsibilising individuals to ensure that they obtain consent or intervene as bystanders rather than broader structural transformation” (as cited in Colpitts, 2022, p.153).

### *Policy Development*

While sexual assault is a gendered issue, the language used in policies tends to be un-gendered; an intersectional understanding of violence should be reflected in policies (Magnussen & Shankar, 2019).

A recent exploratory study investigated the process by which SV policies were constructed at a Western Canadian undergraduate university. Their findings indicate that allocated committees prioritize institutional risk management, normalize confusion, and most members have little or no understanding of the intersectionality of violence, contextualizing PSI’s failure to address structural violence. Their recommendations encourage the inclusion of subject matter experts, consultations with existing service providers, and the integration of research on the intersectionality of sexualized violence within policy and program construction (Shankar & Tavcer, 2021). As the authors note, “An institution’s response to SV is contingent on how the policymakers understand that violence” (p.10).

Magnussen and Shankar (2019) emphasize the importance of involving those with first-hand knowledge and understanding of SV and GBV: “In order to have more responsive resources, policies, and services for students, post-secondary institutions have to change, and their SV policies and resources should demonstrate a commitment to an intersectional framework. This would require the inclusion of marginalized students, intersectional feminist scholars, and experts on SV to be part of the planning phases of policy development” (p.104).

As Crocker et al. (2020) note, violence must be thought about as a social problem that must be examined in an intersectional way. Asking simplified questions like “What went wrong” or “What is the

best practice?” obscures the intricate and complex character of SV in the post-secondary context (ibid). University strategies to address sexualized violence must be linked to broader equity and anti-discrimination initiatives and goals (Nelund, 2020). Likewise, Shankar and Tavcer (2021) write that the design and implementation of SV policies and services requires careful consideration of how structural barriers (such as transphobia, funding constraints, precarious citizenship status) may hinder students’ ability to report SV or access existing services.

Recent research has examined sexual assault/violence policies at Canadian PSIs. Lee and Wong (2019) explored sexual assault-related policies at all public universities in Canada. They examined four elements suggesting comprehensiveness of a university’s sexual assault response (policy comprehensiveness, availability of campus support resources, and sexual assault information webpage presence and comprehensiveness), and tested whether these elements are related to various institutional features. Results showed significant differences related to university characteristics across the measures of comprehensiveness, and indicate a need for increased focus at the institutional level to ensure that policies are sufficiently comprehensive to handle the complexities that arise in sexual assault cases.

Nelund (2020) notes that policies offer survivors an alternative to reporting to police, but then the process has many of the same re-victimizing tendencies. In order to mitigate this, policies should mandate the investigators and others who will be part of the process – that is, members of the response teams – receive ongoing training on working with victims of violence (ibid).

SV is individualized through post-secondary policy responses that focus on risk management, deterrence, and punitive intervention methods, which reflects the dominant discourse asserted by the cis-heteropatriarchal post-secondary system. Contrastingly, feminist approaches to GBV have aimed to radicalize and politicize policy and practice responses through viewing personal problems as symptomatic of societal issues (Brockbank, 2021). “Focusing on security measures rather than

community-based responses individualizes the issue of SV and ignores the sociocultural and intersectional nature of the issue, thus freeing post-secondary institutions from accountability for implementing effective prevention strategies” (p.11).

Brockbank (2021) argues that PSIs’ neoliberal orientations, and Canada’s system of legal pluralism of provincial government and PSIs maintaining control over authoring and enacting policies, prioritizes the reputation, status, and financial positioning of the academic institution over student safety and inclusion in the process of addressing SV on campus. In this process, institutionalized responses to SV are favoured over politicized, radicalized, and grassroots responses, led by feminist organizers.

Nelund (2020) bluntly states that many survivors are not going to access policies, and further argues that greater emphasis needs to be placed, both on policy and in broader university efforts, on those aspects of response that align more closely with the work of universities: education and support, as opposed to the investigative and disciplinary provisions of the policies, which has generally been the focus.

Colpitts (2022) writes that while there is finally widespread acknowledgement that SV is a problem at universities, “it is rarely recognized as a problem of the university. Yet if SV is conceptualized as an issue of power rather than of sex, it cannot be understood outside of the structural inequities within academic institutions” (p.152).

Research on students’ perceptions, understandings, and knowledge of campus sexual assault policies and/or services, particularly as it relates to SV on Canadian campuses is limited. Marques et al. (2020) explored the role of trust in student perceptions of university sexual assault policies and services, and notes that initiatives aimed at improving responses to sexual assault experienced by students are predicated on the assumption that students trust, and want to engage with, the university following SV. Yet their research shows that lack of trust may be a barrier to reporting and utilizing services post-



victimization; specifically, many students do not trust that university services are effective, confidential, or that the university would even prioritize victims over institutional interest.

Marques et al. (2020) state that certain policies put in place to protect students and campus space may have the unintended consequence of discouraging reporting, which may lead to institutional betrayal and another layer of trauma that SV victims may face. Institutional betrayal occurs when an institution upon which individuals rely, fails to either prevent harm or to respond supportively and effectively to victims who have been harmed within the context of that institution (Simon & Freyd, 2013, as cited in Marques et al., 2020).

Quinlan et al. (2016) noted that sexual assault programs and policies cannot be properly designed, implemented, and evaluated without adequate data; national standards for data collection and reporting of CSV are needed. They argue that each institution should conduct their own campus-wide assessments of prevailing attitudes towards sexual assault, before introducing new programs and policies and as a way of establishing a baseline measure for evaluation of the effectiveness of programs.

Campus sexual violence climate surveys measure and assess both the strengths and weaknesses of a PSI around diversity and inclusion efforts for the entire campus community (Tetreault-Bergeron & Santago, 2020). Recent Canadian research has indicated that even when there are low response rates, when well-designed, these surveys produce accurate and representative SV estimates on campuses (Jeffrey, Senn, Krieger, & Forrest, 2022).

The prevalence of sexual assaults on campus, the demographics of sexual assault survivors, provincial policies, effectiveness of policies, and existing responses to sexual assault all inform how policies affect universities responses to sexual assault issues on their campuses (MacKenzie, 2019). Despite universities having policies in place to deal with sexual assault issues, it does not mean that the policies are comprehensive enough to deal with a sexual assault when it actually occurs (ibid).

MacKenzie's (2018) literature review highlighted two issues surrounding policy legislation for sexual assault in Canada: (a) implementation of the policies, and (b) the comprehensiveness of the policies. MacKenzie's (2019) research led to three main conclusions on how universities can better their responses to sexual assault through policies: (1) reduce assault on campus through improved policies; (2) improve policies through structural change; (3) initiate structure change through university support.

Student activists have been vocal with respect to the shortcomings of existing policies and legislation. In their report, *OurTurn: One Year Later*, Students for Consent Culture Canada note that while provincial governments have been well-intentioned in the creation of legislation mandating CSV policies,

“they do not sufficiently understand the nuances of the issue. This has resulted in the omission of meaningful clauses that would provide protections to survivors seeking to pursue complaints under these policies. Government continuously places too much faith in institutions and administrators doing the right thing and going above and beyond what is explicitly written in legislation. Moreover, the current legislation fails to provide adequate mechanisms for government to document and hold institutions accountable for violating the rights of survivors who seek institutional processes” (Salvino et al., 2019, p.25).

The authors highlight two common shortcomings of current provincial legislation: (1) lack of robust minimum standards; (2) non-existent oversight mechanisms.

#### Legislation in Canada and The United States

While the Canadian federal government creates the offence of sexual assault in the *Criminal Code*, there is no federal legislation in Canada that addresses sexual assault on post-secondary campuses. Legislation regarding post-secondary education in Canada is under the jurisdiction of the provinces, as per the *Constitution Act, 1867*. Therefore, the issue is usually dealt with at the provincial level and through the policies of the institutions themselves (Lopes-Baker & McDonald, 2017). Some

provinces have implemented legislation requiring PSIs to address SV through institutional policies and procedures. This will be discussed in more detail below.

In the United States, campus sexual assault is addressed at the federal level by criminal sexual assault legislation, Title IX of the 1972 Education Amendments to the *Higher Education Act* of 1965, and the *Violence Against Women Reauthorization Act* of 2013 amendment to the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Clery Act). These measures both establish criminal liability of perpetrators and mandate on-campus sexual assault response and reporting structures (Lopes-Baker & McDonald, 2017). In addition to federal criminal sexual assault statutes, each state has state-level legislation criminalizing sexual assault. A survivor of campus sexual assault who wishes to bring charges against their attacker may choose to bring criminal charges under federal or state law, pursue justice through a federally mandated on-campus response mechanism, or bring both criminal and on-campus charges concurrently (ibid).

Title IX, a federal civil rights law that prohibits discrimination on the basis of sex in any education program or activity that receives funding (Sheehy & Gilbert, 2017), has been interpreted as creating a duty by schools to respond to and address complaints of student-on-student sexual harassment (Lopes-Baker & McDonald, 2017). Sex discrimination includes sexual harassment and all forms of SV that are severe and pervasive enough to effectively bar a victim's access to an educational opportunity or benefit (Sheehy & Gilbert, 2017), because it contributes to an unsafe and intimidating educational environment (Patel & Roesch, 2017).

According to regulations implementing the *Violence Against Women Reauthorization Act* of 2013 (amending the *Clery Act*), colleges and universities are required to maintain statistics related to sexual assault and to disclose to the Department of Education the annual number of crime reports that have been identified as "unfounded." (Lopes-Baker & McDonald, 2017). The amendment requires schools to provide primary prevention and awareness programs to incoming students and employees, which must

include a statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. The primary prevention and awareness programs must also provide the definition of “consent” in relation to sexual activity, describe options for bystander intervention, offer information on risk reduction, and provide information on the institution’s sexual assault complaint policies and procedures (Lopes-Baker & McDonald, 2017).

The *Campus SaVE Act* went into effect in March 2014 as an added measure in the *Violence Against Women Reauthorization Act* of 2013. Campus SaVE specifically addresses the needs of women on university and college campuses. Most notably it broadens the focus in SV from “stranger rape” cases to recognizing the danger of intimate SV amongst acquaintances and partners. It has a heavy educational component aimed at changing behaviours on campus (including bystander intervention training). It also requires universities to have adjudicative processes for dealing with SV complaints (Sheehy & McDonald, 2017).

Colleges and universities are also required to list all available disciplinary proceedings they provide and all the possible sanctions, describe the manner in which a complaint may be filed, identify how the institution determines what type of proceeding to use, establish timelines, and describe the protective measures that the institution offers complainants. Additionally, the amendment requires schools to provide prompt, fair, and impartial disciplinary proceedings overseen by trained officials who have no conflicts of interest or bias against the accuser or accused, with equal opportunity for both parties to have others present, simultaneous notice in writing of the result of the proceeding and available appeal procedures, and to be completed in a reasonably prompt timeframe (Lopes-Baker & McDonald, 2017).

In response to inadequate investigation and adjudication of sexual assault complaints by universities, the federal *Safe Campus Act* was introduced in Congress in July 2015, to amend the *Higher*

*Education Act* so as to prohibit universities from initiating concurrent disciplinary proceedings, except to impose interim sanctions, during a law enforcement investigation (Lopes-Baker & McDonald, 2017).

As a prerequisite to receiving federal funds, legislation in the United States requires colleges and universities to collect and disclose campus crime statistics, including sexual crimes; implement a student bill of rights for both the complainant and accused; and notify the campus community of threats to their safety. Compliance with the Clery Act, named in honour of a student who was sexually assaulted and murdered on her campus, has been slow (Quinlan et al., 2016). No such legislative requirements currently exist in Canada at the federal level and program implementation tends to be driven by legal actions. In contrast to the U.S., data on campus crime in Canada is not collected, analyzed, or distributed systematically – with exceptions- partly because security forces on Canadian campuses rarely constitute separate police jurisdictions with standardized data collection and reporting, as is the case in the U.S. (Quinlan et al., 2016). Furthermore, Canadian PSIs are not required to disclose campus crime statistics or to provide policies pertaining to SV.

The greatest difference between Canadian and U.S. approaches to campus sexual assault legislation and policy is the governing entity tasked with passing legislation and regulations. Additionally, some provincial legislation, such as Bill 132, passed by Ontario legislature in 2016, mandates student input in the design and review of campus sexual assault policies, a requirement not put forward by federal U.S. campus sexual assault legislation. Nonetheless, legislation and policies adopted within both countries share some similarities. Both mandate annual reporting mechanisms by universities; additionally, both require universities to establish and publish sexual assault policies and reporting and adjudication procedures (Lopes-Baker & McDonald, 2017).

When considering the context in which SV occurs, it is important to look at the role of campus culture, particularly fraternity culture, which plays an influential role in fostering rape culture and rape myths. While fraternity culture is arguably “not as deeply embedded on Canadian campuses” as in the

U.S., “in shaping and limiting institutional responses” (Sheehy & Gilbert, 2017), it certainly permeates Canadian PSIs as well (see CBC News, 2013).

### Provincial Legislation and Initiatives in Canada

All provinces have human rights codes that prohibit discrimination in employment and in the provision of services such as education. These codes also prohibit sexual harassment, which is broadly defined to extend to non-consensual sexual contact. Human rights codes not only respond after the fact to acts of discrimination and harassment, but can also have a preventative effect by prompting PSIs to proactively develop policies and procedures to educate, deter, and sanction sexual harassment and violence (Sheehy & Gilbert, 2017). The liability of universities under human rights laws for sexual harassment can extend to failure to institute such proactive policies, which is also arguably a form of prohibited sex discrimination (ibid).

Universities may also be vulnerable in *Charter of Rights and Freedoms* litigation for failing to put in place adequate measures to deal with the known and therefore predictable problem of SV on campus. Sexual assault has been recognized as an issue of sex equality for women under section 15 of the *Charter*. The issue of whether a university’s acts or omissions are considered “government action” for the purposes of the application of the *Charter* is, however, complex. While universities are created by provincial statute and funded provincially, there are usually otherwise autonomous and free from scrutiny, according to the Supreme Court (Sheehy & Gilbert, 2017).

Canadian universities face not only increased political pressure to respond to SV, but they may also fear complaints and lawsuits by students and employees if they fail to do so. The legal question is whether existing university policies regarding sexual harassment or student disciplinary codes that include SV adequately address the university’s obligation to respond to the unique harms and challenges posed by sexual assault. There is some precedent to suggest that university policies can fall short of their human rights obligations when they fail to account for forms of male violence (Sheehy & Gilbert, 2017).

In 2016, universities in Ontario were mandated by legislation to adopt stand-alone sexual assault policies. Other provinces have followed suit to mandate that universities adopt stand-alone or accessible SV policies. These provincial pieces of legislation, as initially adopted, all shared similar features but had few requirements and no oversight. Specifically, there were almost no requirements surrounding the content of these policies or the efficacy with which they are enforced<sup>3</sup>; furthermore, the provinces created no processes for oversight to review the content and enforcement of the CSV policies (Salvino, n.d.).

Identified shortcomings of provincial legislation and policies on campuses across the country led to increased student activism and the development of national action plans (see *Our Campus, Our Safety*, 2022; Salvino et al., 2017; Salvino & Spencer, 2019), which included the creation of a scorecard, a tool for students to evaluate their own campus SV policies, as well as a set of minimum standards that provinces should require within all PSI campus SV policies. These standards include requirements, such as the ‘rape shield protections’ already embedded within criminal law, off-campus scope, and mandatory training for policy decision-makers. While these minimum standards are being advocated for at the grassroots level by students, there is a need for provincial leadership (Salvino, n.d.).

In addition to work on legislation, advocates, student groups, among others are collaborating with governments to create action frameworks for ending CSV (Crocker et al., 2020). More research is needed; as Crocker et al. (2020) ask: “Where is the research and data behind “the solutions”?”

There are currently seven provinces across Canada that legislate or require PSIs to have stand-alone policies that address SV and sexual harassment: British Columbia, Alberta, Manitoba, Ontario, Quebec, Nova Scotia, and Prince Edward Island. Five of these provinces include the requirement for sexual violence policies to include sexual violence prevention education; Quebec and Ontario are the

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<sup>3</sup> The sole exception to this generalization was Quebec, which included policy content and timeline requirements within its legislation. The province also included the possibility for complaints to be filed to the Ministry of Education if the PSIs fail to enforce their policies.

only provinces to conduct province-wide campus sexual violence climate surveys (Our Campus, Our Safety, 2022).

Dobkins and Tavcer (2023b) note that in some provinces, legislation requires PSIs to offer SV prevention and consent education training; a smaller number of PSIs provide mandatory in-person or online sexual consent education or SV education programs, such as McGill, University of Saskatchewan, and Memorial University's [Sexual Violence Awareness and Prevention](#) course. Some schools require students, and in some cases also staff and faculty, or the whole campus community, to complete this training. By legislating training and education programming, governments demonstrate support for campuses (Dobkins & Tavcer, 2023b).

Currently, the territories, along with the provinces of Saskatchewan, New Brunswick and Newfoundland and Labrador do not legislate or require CSV policies, and there is no federal legislative or regulatory framework governing SV prevention education at PSIs. Even the provinces that have legislation mandating PSIs to implement SV policies pay little attention to prevention education (*Our Campus, Our Safety* report, 2022).

Below we highlight best practices in provincial legislation and/or initiatives to address SV in the post-secondary context across the country.

#### *British Columbia*

British Columbia became the second province to mandate their publicly funded PSIs to create/update their SV policy, as well as prevention and education programming (Tavcer, 2023b), when Bill 23, [the Sexual Violence and Policy Misconduct Policy Act](#), passed in May 2016. The Bill required institutions to review their policies at least every three years and include consultations with students as part of the review (Tetreault-Bergeron & Santago, 2020). The then Ministry of Advanced Education also prepared a guide for developing policies and actions, [Preventing and responding to sexual violence and misconduct at British Columbia post-secondary institutions](#). A campaign to address SV on campus and



support the Act was first launched in 2018 and has been relaunched in subsequent years, building on previous campaigns (Government of BC, 2022a).

The BC government held a public outreach campaign in 2018 on PSIs' SV policies in order to further inform the actions being taken to prevent and respond to sexual misconduct (Ministry of Advanced Education, 2019a, as cited in Tetreault-Bergeron & Santago, 2020). In addition to legislation, the government hosts forums and information campaigns to teach and support campus communities as they tackle issues related to SV (ibid).

The province launched the [Safer Campuses for Everyone](#) resource in 2021, a four-module, 75 minute training offered online and accessed through each PSIs learning management system. Also in 2021, the Government of BC conducted a survey to better understand student perceptions of SV, and also hosted a forum, *Moving Forward Together – Honouring Consent, Addressing Sexualized Violence within B.C. Post-Secondary Communities*. In 2022, the government led a comprehensive review of all public PSI policies on sexualized violence, with the aim to identify areas to improve and strengthen these policies across the sector, engaging with community and institutional partners as part of that process (Government of BC, 2022b).

Despite these actions, the Alliance of BC Students, along with organizations representing post-secondary students across the province, recently penned an [open letter](#) to the BC government calling for “urgent action to address the crisis of sexualized violence” at PSIs. Specifically, they are calling for amendments to the legislation to adopt the eleven minimum standards called for by Students for Consent Culture, and for the allocation of at least \$5 million per year in year-over-year funding to create sexualized violence support centres on campus, or adequately fund existing centres on campus.

BCcampus, funded by the Ministry of Post-Secondary Education and Future Skills, has prepared numerous [training resources](#) dedicated to preventing and responding to SV in PSIs, to be made available at all institutions by summer 2024. BCcampus is currently involved in the [Intersectional Sexualized](#)

[Violence Project](#) in partnership with WAGE and the Ministry of Post-Secondary Education and Future Skills. The project focuses on the impacts of sexualized violence on specific student populations, developing resources for incorporating a gender-based analysis (GBA+) lens in responding to sexualized violence.

### *Alberta*

In 2022, Alberta's Minister of Advanced Education and Associate Minister of Status of Women issued a [Ministerial Letter](#) to all 26 public PSIs in the province, directing them to review and revise their SV policies and procedures, and to align them with best practices as identified in the Courage to Act project by November 2022. The province also announced it was allocating \$2.5 million to support colleges and universities in revising their SV policies. In early 2023, the [Alberta Post-Secondary Gender-Based Violence Survey](#) was disseminated, a province-wide survey led by the provincial government, with all PSIs in Alberta implementing it on their campuses.

### *Manitoba*

In 2018, Manitoba became the fourth province to mandate its PSIs to formulate SV policies. [The Post-Secondary Sexual Violence and Sexual Harassment Policies Act](#) requires PSIs in the province to adopt and implement policies, developed with student input, that raise awareness on SV and establish protocols on prevention, reporting and complaints. The province also published the [Manitoba Post-Secondary Sexual Violence Policy Guide](#) in conjunction with the Bill for institutions to use as a reference (Tetreault-Bergeron & Santago, 2020). In 2020, Manitoba announced a province-wide initiative to address CSV, becoming the first province in Canada to offer centralized online reporting of sexualized violence at PSIs, through [REES](#) (Respect, educate, Empower Survivors), a 24/7 platform that provides increased options for students, staff and faculty to report SV on their campus or to the police, as well as access support services. Funding for the initiative was provided by WAGE. As of 2022, more than a dozen PSIs have adopted the platform (McGowan, 2022).

## Ontario

In 2015, the Government of Ontario launched the province-wide initiative *It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment*. Bill 132 – the [Sexual Violence and Harassment Action Plan Act](#) (Canada's first such legislation, enacted in March 2016), the campaign #WhoWillYouHelp, and the Student Voices on Sexual Violence Survey (administered every three years) were the direct results of the Action Plan (Tetreault-Bergeron & Santago, 2020). Ontario Regulation 131/16 of the *Ministry of Training, Colleges and Universities Act*, which came into effect in 2017, sets out the requirements for publicly-assisted colleges' and universities' SV policies as well as the process by which these policies should be established and published (Government of Ontario, 2021). Bill 132 amended the *Ministry of Training, Colleges and Universities Act* so that every PSI in Ontario must have a SV policy. The Bill also states that the university must consider student input in the drafting of the policy, and that a review of the policy be undertaken every three years.

The Ministry announced in March 2019 that PSIs in Ontario would be required to set up a task force devoted to tackling SV on campus (Ontario, 2019, as cited in Tetreault-Bergeron & Santago, 2020). The Ontario government is involved in providing training opportunities for campus community members. With government funding, the Centre for Research & Education on Violence Against Women & Children developed the web-based training "[Responding to Disclosures of Sexual Violence](#)."

In 2020-21, Ontario invested \$6 million to support SV prevention and campus safety efforts at publicly-assisted PSIs through the Campus Safety Grant, which helps institutions support all campus safety initiatives in the areas of awareness and education, supports and services (Government of Ontario, 2021).

In 2021, the government amended [Ontario Regulation 131/16](#), to strengthen protections for students from harassment and SV. These changes took effect as of March 1, 2022 (Centre for Innovation in Campus Mental Health, 2022). The changes embedded minimum standard expectations that are

required in every Ontario PS SV policy and dictate that new requirements for SV policies at publicly assisted colleges and universities need to include wording “to ensure that students alleging an instance of SV and harassment are not faced with irrelevant questions about their sexual history, and do not face repercussions for violating an institution’s drug and alcohol policy” (Salvino, n.d.).

In December 2022, Bill 26, an Act to amend various Acts in respect of post-secondary education, received royal assent. The short title of this Act is [Strengthening Post-secondary Institutions and Students Act, 2022](#), which amended sections of the *Ministry of Training, Colleges and Universities Act*; the *Private Career Colleges Act, 2005*; and the *Ryerson University Act, 1977*.

C.U.P.E. (Canadian Union of Public Employees) has prepared a number of [resources](#) on SV and harassment in post-secondary education for Ontario institutions, including a guide for developing policies and a checklist.

#### *Quebec*

In December 2017, the government of Quebec passed Bill 151, An [Act to Prevent and Fight Sexual Violence in Higher Education Institutions](#), and Quebec PSIs were given until January 2019 to adopt or modify an existing policy (Tetreault-Bergeron & Santiago, 2020). The Act mandated consent training for all students and reporting requirements for university and CEGEP administrators in the province. As part of Quebec’s legislation, all PSIs are required to have committees which oversee the implementation of the legislation at their institution (Our Campus, Our Safety, 2022). The Quebec government also allocated \$44 million in funding for its 2016-2021 *Government Strategy to Prevent and Counteract Sexual Violence* (Tetreault-Bergeron & Santiago, 2020).

In early 2023, Quebec’s minister of higher education [announced](#) an [action plan](#) that will focus on prevention, support for victims, and development of knowledge, and a plan to spend \$54 million over five years to prevent and counter SV in higher education. The majority of the funds, \$37.5 million, will go directly to institutions to deal with cases and for the hiring of specialized personnel and resources for

victims. The rest of the funds will go to partners who will use their expertise in the field to serve establishments, as well as for research on SV in PSIs. \$4 million will be used to improve the safety of certain areas identified as high-risk zones in some establishments.

#### *New Brunswick*

In December 2020, the provincial government convened a Roundtable to address SV on campus, facilitated by the minister for women's equality, and by the Post-Secondary Education, Training and Labour Minister. The Roundtable included members from public PSIs administration, students and survivors, student and faculty organizations, and various organizations and service providers helping to address SV on campus throughout New Brunswick. In May 2021, a [summary of key findings](#) from the Roundtable was released, which highlighted prevention and awareness; education and training; intervention; policy, research and evaluation; and collaboration.

#### *Nova Scotia*

In Nova Scotia, a [Memorandum of Understanding with Nova Scotia Universities](#) was put forward in 2015 by the Council of Nova Scotia University Presidents, committed to improve supports and SV prevention initiatives, but they are not governed by legislation to do so (Tavcer, 2023b). A private members' bill, Bill 14, the Sexual Violence Action Plan Act, was introduced before the assembly in September 2018 by Opposition PC MLA Tory Rushton. If passed, the Bill would legislate PSIs to establish SV policies in addition to provisions regarding reporting and complaint protocols (Tetreault-Bergeron & Santago, 2020). Additionally, although not mandated by law, the Provincial Sexual Violence Prevention Committee concurrently developed [guidelines and recommendations](#) for Nova Scotia PSIs to maintain up-to-date, stand-alone SV policies (ibid).

#### *Prince Edward Island*

Royal assent was given to Bill 41, [Post-Secondary Institutions Sexual Violence Policies Act](#) in December 2018, requiring that PSIs, with student input, develop policies and a process to address CSV,

and that policies be reviewed every three years. PSIs must also report all incidents of SV to the Department of Workforce and Advanced Learning. Development of the legislation included public consultation with more than 50 stakeholders, including the University of Prince Edward Island (UPEI's) student union. While UPEI - the province's largest PSI – already had a SV policy at the time the bill came into effect, the minister responsible suggested that this bill would take existing SV policies a step further (Williams, 2018, as cited in Tetreault-Bergeron & Santago, 2020).

PEI was the first province to limit the use of non-disclosure agreements (NDAs) through the Non-Disclosure Act after it was revealed that UPEI used NDAs to silence two professors who spoke out about their experiences and their students' experiences of sexual harassment at the university (Ross, 2022, as cited in *Our Campus, Our Safety*, 2022).

### Conclusion

SV is a serious issue, a gendered social problem, and a growing concern for PSIs. High profile cases, increased media coverage, student activism and legislative changes has led to more public awareness of and questions about the role of provincial governments in preventing and responding to SV on campuses. In the words of Patel and Roesch (2018), "If universities will not act, then it is the responsibility of policy makers to put forth a legislation that requires them to take greater responsibility for campus sexual assault." (pg 109).

While SV is not uniquely a problem for PSIs, but rather a wider societal and cultural issue in need of broad-based solutions to invoke a shift in attitudes and behaviours, universities and colleges are places where there are many young people – particularly those who identify as women and those who occupy multiple intersections of oppression – who are more likely to experience SV when compared to other members of the general population. There are also certain characteristics of campuses and the post-secondary context that make them more susceptible to violence against women and crime more generally.

Many PSIs have policies and procedures to address SV; in some provinces, these are mandated by provincial legislation, but there is no federal legislation in place in Canada that oversees the development and implementation of these, as education falls under the jurisdiction of the provinces. It is not easy to determine how individual cases are handled, or what data is collected or available, as Canadian PSIs are not, generally, with a few exceptions, required to share this information. Shortcomings have also been identified with current provincial legislation; namely, the lack of minimum standards, and the lack of oversight mechanisms. Meanwhile, areas of key focus identified in the literature and research conducted to date on SV in PSIs highlight the importance of prevention and awareness; education and training to respond; and policy development, improvement, and evaluation.

In response to these noted limitations with regards to policies and legislation, advocates and student leaders across the country have come together to develop national action plans and work alongside governments and PSIs to create resources and push for appropriate responses to SV on campuses. More work remains to be done. Further and enhanced collaborative efforts are needed between PSIs, federal and provincial governments, as well as other relevant stakeholder groups. Strong, effective SV policies and procedures could have far-reaching consequences and work to significantly alleviate the long-term effects of the harm caused by SV and other forms of GB

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