



Alberta Post-Secondary Sexual Violence Policy Standards RECOMMENDATIONS FOR THE GOVERNMENT OF ALBERTA

*Document created in collaboration with SAITSA, ASEC, and Students for Consent Culture.

Overview

Sexual violence is a concern on many Alberta post-secondary campuses. While many institutions have engaged in a process with their respective faculty, staff and students' associations, students have expressed concerns that there is little consistency across policies and that there is no quality-check on the stand-alone policy, which supports survivors through a difficult and challenging time.

The nature of sexual violence is unique when compared to other acts of violence on post-secondary campuses. Survivors often blame themselves, do not know what to do, or are re-victimized by people unaware of the survivor's experience. Too often, institutions' policies and procedures are difficult to locate and comprehend, thus exacerbating the harm the survivor experiences.

Students want all post-secondary institutions to have stand-alone sexual violence policies that are comprehensive and separate from the regular student conduct disciplinary process. Additionally, this policy needs to be survivor-centric; that is, the policy must address and favour the survivor while the process is completed, always leaving the ultimate control in the hands of the survivor.

Further, the policy must provide immunity for individuals reporting alcohol and minor drug use that occurred before the assault. Without this aspect, survivors are less likely to report the violence fearing they will either be blamed for causing or being complicit to the assault. In addition, survivors may not report the violence because they fear that their alcohol or drug use may weaken their claim and may result in being sanctioned themselves for potentially breaking the Student Code of Conduct. These factors decrease the desire for a survivor to report the violence, let alone engage in a formal complaint process.

The importance of these policies is not just for the benefit of the individual student. As with all policies, the sexual violence policies would also apply to faculty and staff, as well as any community member that ventures onto campus. Ensuring that the process is clear, accessible, and easy to understand will provide protection for all members of the campus community while also protecting the institution.

Recommendations

* SAITSA, in conjunction with ASEC and Students for Consent Culture, recommend that the Government of Alberta require post-secondary institutions to have a stand-alone sexual violence policy that includes:

A specific immunity clause for minor drug and alcohol use.

The most frequent forms of sexual violence involve the use of alcohol and/or drugs.

E.g. Varsity athletes are typically not permitted to consume drugs and/or alcohol while away for games; if an athlete did drink and was sexually assaulted, they may not come forward because of fear of repercussions.

Protection from face-to-face encounters during the complaint process.

To protect the academic standing of both parties, accommodations should be made to allow both the complainant and respondent to adjust their class schedule to reduce the chance of encounters.

E.g. Sexual assault is most likely to occur with someone you know. There is a high degree of probability that both the complainant and respondent share classes and therefore creates opportunities for retribution, threats and/or anxiety; the fear that might be experienced may result in one or both parties to sacrifice their classroom attendance and academic performance to avoid encounters.

Survivor-centric Interim Measures

Proactive policies that prevent any further harm to the complainant after reporting the incident. No contact orders and other measures would help to protect the complainant against retaliation.

E.g. It is common for a respondent to attempt to contact the complainant with the aim of intimidating them to drop the allegation; Social Media, in-person, phone/text, email, etc. are all avenues that might be pursued to intimidate or influence the complainant.

Anonymous & Third-Party Complaint Options

Policies must allow for options for survivors, or people close to survivors, to be able to report anonymously in cases where the respondent may be in a position of authority. This is an important measure in cases where abuse might be a patterned behaviour, it allows the institution to recognize and respond to that pattern.

E.g. If a student were to be assaulted by an instructor, the student might not report the incident for fear of not being believed and/or repercussions on their academic standing.

Recognition of the intersectional impacts of sexual violence

There are many ways in which identity-based oppression can affect or increase an individual's likelihood of being sexually assaulted. An intersectional approach acknowledges the complexity of how people experience discrimination; it recognizes that individuals have multiple identities and that these identities shape their experience of discrimination.

E.g. People with disabilities are often not seen as being sexual or desirable; because society falsely equates sexual violence with desire, an individual with disabilities may not be believed when they disclose.

Sexual violence support and sensitivity training for all those involved in the complaint process

In-line with proposed legislation by Rona Ambrose, any person involved in the complaint process from the initial reporting to the adjudication process, must be trained and appropriately informed in the issues surrounding sexual violence.

E.g. Robin Camp, former judge in Alberta, was not well informed on the laws surrounding consent and very notoriously misspoke in 2014 and shamed survivors of sexual violence by asking the victim why she “couldn't keep her knees together”.

Independent third-party member of the appeal committee

To ensure a fair and transparent process, policy should require a third-party to be one of the appeal committee members.

E.g. Institutions may have the desire to protect their reputation as a safe-campus and may conduct investigations in a manner that protects the institutions' reputation rather than the complainant.

Clear timelines that ensure due process

Institutions should be required to respond to and manage complaints and investigations in a timely manner.

E.g. Institutions may delay or neglect proceedings until the complainant or the respondent's relationship with the institution has ended due to program completion or withdrawal.

Separation of Student & Staff Sexual Violence Approaches

Typically, institutions tend to have one sexual violence policy that includes both staff and student policies for sexual violence. Staff concerns/behaviour are typically managed through the lens of Human Resources and unions, student concerns/behavior require different processes and standards.

E.g. A staff member being accused by another staff member of sexual assault may result in temporary leave of absence by both parties until the issue is resolved; in the case of a student process, the student may still want to pursue their education and not take a leave or they may feel pressured to stay in school to maintain their academic standing.

Further Recommendations

* SAITSA, in conjunction with ASEC and Students for Consent Culture, further recommend that the Government of Alberta require post-secondary institutions to have a stand-alone sexual violence policy that excludes:

- Time limits for filing a formal complaint
- Threatening sanctions for vexatious, malicious or false complaints
- Gag orders during or beyond the complaint process

CONCLUSION

In recent years the issue of sexual violence has been prevalent in the media, highlighting the importance of supports for victims and appropriate responses from institutions or organizations. Movements such as #MeToo highlight the importance of standalone policies, which must include the above recommendations. SAITSA asks that the Government of Alberta accept these recommendations and implement them across Alberta post-secondary institutions.

SAITSA would like to thank the Government of Alberta for their commitment to ensuring our post-secondary environments are ones that support and protect their students.

Work Cited

Salvino, C., & Spencer, C.. (2019). "OurTurn: One Year Later". Students for Consent Culture Canada, online : <https://static1.squarespace.com/static/5bc4e7bcf4755a6e42b00495/t/5ca4bd76652dea6fb0eec244/1554300288926/SFCC_report_en_final.pdf>

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