

Information Note for ADM

Date: December 3, 2015

Cliff #: 101162

Issue: Recent legislative initiatives by Ontario and Manitoba to address sexual violence at post-secondary educational institutions.

Background / Facts:

Ontario's legislation

- On October 27, 2015, Bill 132, the *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)*, 2015 received First Reading in the Legislative Assembly of Ontario. It has yet to pass through Committee or Second Reading.
- Bill 132 will require every public assisted college and university and private career college in Ontario to develop a stand-alone sexual violence policy and to review it—with student involvement—at least once every three years. The policy must set out the process for how the college or university will address incidents and complaints of sexual violence involving students.
- Universities and colleges will also be required to collect and provide the government with data on the use of student supports, services and accommodation related to sexual violence, on awareness initiatives of the institutions, and on the incident rates of complaints and reports of sexual violence.
- “Sexual violence” is defined in the Act and is a broad term that extends beyond sexual assault to include any physical or psychological act targeting a person’s sexuality that is committed, threatened or attempted against a person without their consent, including sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.
- Bill 132 makes several other changes:
 - Employers will be under new duties to protect workers from sexual harassment at work by creating educational programs and investigating incidents;
 - The limitation period for the survivor of a sexual assault to commence a civil action against the perpetrator will be removed, as will the limitation for sexual assault claims before Ontario’s Criminal Injuries Compensation Board; and
 - It will become easier for residential tenants to end their tenancy agreements to escape physical violence and sexual abuse at home.
- The legislative amendments are only one aspect of Ontario’s “*It’s Never Okay: An Action Plan to Stop Sexual Violence and Harassment*”. Released in March, 2015 and building on an earlier plan from 2011, this three-year, \$41-million initiative will include increased and stabilized funding to community-based and hospital-based sexual assault centres, a province-wide education campaign to promote a shift in attitudes and behaviours, in which all colleges and universities will participate, and a creative engagement fund to challenge rape culture through artistic projects.
- Ontario has also issued a resource guide – “*Developing a Response to Sexual Violence: A Resource Guide for Ontario’s Colleges and Universities*”. The guide was developed by the Ontario’s Women’s Directorate in collaboration with the Ministry of Training, Colleges and Universities, with input from subject matter experts and representatives from numerous sector stakeholders.

Manitoba's legislation

- On November 18, 2015, Bill 3, *The Post-Secondary Sexual Violence and Sexual Harassment Policies Act (Various Acts Amended)* received first reading in the Legislative Assembly of Manitoba. It has yet to pass through Second Reading or Committee.
- The bill will require that universities and colleges:
 - have policies and procedures in place to prevent and respond to sexual violence and sexual harassment on campus;
 - develop these policies in consultation with students;
 - inform students of the services and procedures in place; and
 - report publicly on the activities related to their policies.
- The legislative amendments are being put forward pursuant to a commitment in the 2015 Throne Speech to partner with post-secondary educational institutions to make campuses a safer place for all students, with policies to prevent and respond to sexual violence and harassment.

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Social and Policy Context

- In recent years, several incidents related to sexual violence or harassment on post-secondary campuses have received national media coverage. For example,
 - In 2013, a video went viral of students at St. Mary's University in Nova Scotia leading a chant promoting rape;
 - In 2014, the president of the University of Ottawa suspended the men's varsity hockey program after allegations of sexual assault involving two members of the team; and
 - In 2015, more than a dozen students at Dalhousie University's dentistry faculty in Halifax were suspended after offensive posts about women were made on social media.
- Since 1990, American colleges and universities that participate in federal financial aid programs have been required under the *Clery Act* to keep and disclose information about crime on and near their respective campuses. The law is named after Jeanne Clery, a 19-year-old university student who was raped and murdered in her campus residence in 1986.
- According to Ontario's 2015 *It's Never Okay* action plan, student leaders in Ontario have been calling for action on on-campus sexual assault for decades.
- Ontario's Resource Guide notes that colleges and universities are at different stages in their work to address sexual violence and have varied resources and response strategies. Similarly, although the University of Winnipeg has a comprehensive sexual misconduct protocol, other Manitoba institutions do not.

Analysis:

- Legislative amendments in Ontario and Manitoba requiring stand-alone policies, consultation, information outreach, and reports to government appear to be based on research into best practices and inspired at least in part by the *Clery Act* in the United States.
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Attachment: Sexual Violence: A Resource Guide for Ontario's Colleges and Universities
Contact: Mary Shaw, Executive Director (250-217-8199)

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Rohrick, Jason AVED:EX

From: Shaw, Mary A AVED:EX
Sent: Wednesday, November 25, 2015 10:46 AM
To: Rohrick, Jason AVED:EX
Subject: Research question

Follow Up Flag: Follow up
Due By: Thursday, December 3, 2015 12:00 PM
Flag Status: Flagged

Categories: Red Category

Hi Jason – Related to the Minister's commitment to look into sexual assault policies and practices at BC PSIs, can you please research what Ontario and Manitoba are doing in this area. I believe Manitoba may have introduced legislation in the last couple of weeks (I think I saw this in one of the news articles), and Ontario also has relatively recent legislation on the books. I'd also like to know why they decided to go the legislative route, if you are able to get that information. Due Date – ideally by this time next week.

Thanks,
Mary

You asked me to provide you with information on recent legislative initiatives by Ontario and Manitoba to foster improved sexual assault practices at post-secondary educational institutions.

Legislative changes in Ontario wrt PSIs (Bill 132)

1 st bullet in Ontario News Release	Ontario Premier's Office news release
Sexual violence defined, summary of proposed amendments wrt colleges	--RubithomInison online blog, 1 st page, see also 2 nd page (this one covers all the main points, but is too long for my purposes --FTR online also has a summary, on pg. 2, which is more succinct, as does the Findlaw Article --You can also look at the 2 bullets in the HRlegislative update article
Status – where it is at right now.	-Legislative Assembly Printouts, 1 st reading

Other legislative changes

4 other bullets in PO News release Or longer bullets in WD news release	--Ontario Premier's Office news release – Oct. 27 --Or WD news release, also Oct. 27. --Council of Ontario Universities had 4 bullets – might do it. --Introduction in Bill 132 (see highlighting)
Same point, other sources	--FindLaw Article has a nice succinct description of these - There are also some succinct bullets in "HRlegislative update" article

Ontario's legislation part of much broader action plan

In Ontario, legislative changes are only part of a much broader set of measures to deal with SA and SV; a high priority for Wynn government, going back to Action plans in 2011 and earlier in 2015/ --See especially Message from the Ministers and Introduction in the <i>Resource Guide</i> : "everyone, everywhere"- in the past, some have done safety audits, some developed policies / different levels etc. [best practices?] --Research into best practices / Clery Act (n.3 on pg. 1, etc.)	--para. on Action Plan in Oct. 27 Premier's Office news release; --*para. and related bullets on action plan in On. WD news release, Oct. 27 --re: March 2011—see OWJN article, high level summary of "Commitments made by Gv't in Action Plan" --Action plan itself -- <i>Resource Guide</i>
It's Never OK – 13 point plan – more succinct summary	--*University Affairs news article
Includes a "Resource Guide to Colleges and Universities for Developing a Response to Sexual Violence	-Resource guide; summarized elsewhere too?
....\$41 million; it's never Ok	--The Star article
Ontario has a Women's Directorate that is involved [worth mentioning?]	On. Women's Directorate printout

Legislative changes in Manitoba wrt PSIs

Bill 3, tables Nov. 1	--Progress of Bills Report --Press release from MB Gv't – 4 bullets (might be all you need) --Wording of Bill 3 itself;
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Other actions in Manitoba

Manitoba- University of Winnipeg allegedly a leader in Canada -24 hour help, comprehensive protocol – legislative initiative will require others to do likewise;	-UWinnipeg;
Manitoba-	Need to look at Throne Speech, which addresses it

Why the legislative route?

High profile reports in the Cdn. media profile / sense of urgency	--BC article re Wilkinson --The Star article-Gomesi, etc. --Two CBC Articles on Manitoba St Maries, etc.
US precedent – <i>Clery Act</i> -legal obligation to publish data 20 years, profiled by CBC in 20	CBC Article (with Winnipeg material)
Ontario, high priority of the Wynne government [or did I discuss this above already?]	
Ontario – 24 publicly funded colleges –template / CCO working closely with.	--RubinThomlinson online --CCO Resources printout –template itself
Manitoba – anything else to say?	

Rohrick, Jason AVED:EX

From: Rohrick, Jason AVED:EX
Sent: Wednesday, December 2, 2015 10:48 AM
To: 'ald@gov.mb.ca'
Subject: Question from British Columbia about Bill 3

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Greetings Advanced Learning Division Manitoba,

I am a legislative analyst here at the B.C. Ministry of Advanced Education. I've been asked by my executive director to enquire into "why Manitoba chose to go the legislative route" in responding to the issue of sexual violence and sexual assault policies and practices at your province's post-secondary educational institutions.

That is to say, what were the policy grounds on which your province decided to respond to this issue by means of Bill 3, as opposed to, for example, using non-legislative means to encourage consistency and best practices among the various institutions in adopting and implementing policies in relation to sexual violence and sexual harassment?

Is there an analyst in the Division with whom I could chat about this sometime this week or early next week? If a policy paper on the issue was prepared that you are at liberty to disclose, we would be interested in seeing it as well (I ask this knowing that such papers sometimes contain confidential advice to ministers or Cabinet and I certainly don't want to ask for anything that it would not be appropriate to disclose).

I look forward to hearing back from you.

Jason Rohrick Legislative Analyst
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Ministry of Advanced Education
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Rohrick, Jason AVED:EX

From: Porter, Rodney GCPE:EX
Sent: Tuesday, December 1, 2015 11:51 AM
To: Rohrick, Jason AVED:EX
Subject: G&M

Harassment, assault policies studied; Province is mulling uniform policies on campuses

Globe and Mail

Monday, November 23, 2015

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By Ian Bailey, Simona Chiose

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Rohrick, Jason AVED:EX

From: Porter, Rodney GCPE:EX
Sent: Tuesday, December 1, 2015 11:49 AM
To: Rohrick, Jason AVED:EX
Subject: Vancouver Sun - B.C.'s 'ad hoc' system for addressing sexual violence not acceptable:
Advanced education minister

B.C.'s 'ad hoc' system for addressing sexual violence not acceptable: Advanced education minister

Andrew Wilkinson wants the province to develop a single policy for post-secondary institutions

By Rob Shaw, Vancouver Sun November 23, 2015 5:45 PM

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Information Note Advice to Minister

Date: December 10, 2015

Cliff #:101201

Issue: Summary of alignment of Student Financial Assistance grant programs with B.C.'s Labour Market Outlook for the 2016/17 Program Year.

Background / Facts:

- The *BC Skills for Jobs Blueprint: Re-Engineering Education and Training* (2014) provided direction to realign student financial aid to support the province's labour market needs and priorities. The Minister's mandate letter of July 2015 reaffirmed the directive to continue implementation of the commitments and actions contained in the *Blueprint*, and specifically directed the Ministry of Advanced Education (AVED) to ensure that the student loan program is available to students in the trades as well as students in the educational academic stream.
- Since 2014, AVED has worked to achieve these commitments by: expanding the BC Access Grant for Labour Market Priorities (BCAG-LMP); introducing the B.C. Completion Grant for Graduates (BCCG-G) program; and refocusing the BC Loan Forgiveness Program (BC LFP) to align with provincial health care labour market priorities.
- BCAG-LMP and BCCG-G are funded through a re-direction of funding from the BC Completion Grant program (BCCG)¹.
- The Ministry of Jobs, Tourism and Skills Training's October 2015 release of *the 2024 Labour Market Outlook* report, with its list of the 100 high-demand occupations in the province (the "Top 100" list), provided up-to-date information on B.C.'s labour market needs.

Analysis:

- AVED analyzed the Top 100 list in conjunction with other data sets relating to post-secondary education paths to employment and priority health care professions and underserved communities in the province to identify potential program changes to the three Blueprint-related programs.

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¹ The BCCG rewards students for a successful completion of a year of studies by reducing loan amounts, with students with highest debt load benefitting most. Currently, approximately 23,000 students receive BCCG funding.

B.C. Access Grant for Labour Market Priorities (BCAG-LMP)

- The BCAG-LMP helps reduce financial barriers for students accessing trades training in identified high-demand occupations through grants for relocation expenses, tools, unmet need, and reduction of B.C. student loan debt with award amounts of up to \$16,400 per student.
- In the current (2015/16) program year, 14 programs linked to high-demand occupations are eligible for the BCAG-LMP.

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- Since the launch of the BCAG-LMP program, over 1,350 students have received about \$5.6M in upfront grants and loan reduction.

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B.C. Completion Grant for Graduates (BCCG-G)

- The BCCG-G rewards successful graduation from an eligible undergraduate program that is at least two years in length and leads to a diploma or degree in a targeted area of study. Award amounts of up to \$500 per graduate are applied directly against the applicant's B.C. student loan.
- In the current program year (2015/16), 37 education programs linked to high-demand occupations are eligible for the BCCG-G. s.13,s.17

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B.C. Loan Forgiveness Program (BC LFP)

- The BC LFP provides B.C. student loan debt forgiveness to graduates working in identified occupations with children or in high-demand health care occupations in underserved communities.
- The program forgives 100% of the outstanding B.C. student loan over five years of service to eligible workers providing 400+ hours of in-person service in eligible communities and/or occupations. Loan forgiveness for lesser levels of service (100 to 399 hours) is pro-rated.
- Eligible professions are determined based on labour market information from the Ministry of Health's (HLTH) Top Ten Priority Professions list, and as a result of consultation with HLTH and the Ministries of Education (EDUC) and Children and Family Development (MCFD).
- In the current (2015/16) program year, graduates working in publicly funded facilities in ten health professions in identified underserved communities, and in seven occupations working with children, are eligible for loan forgiveness. s.13,s.17

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- The BC LFP has an AVED base budget of \$1.5M; however, the program has experienced significant budget pressures over the last five years, and is currently operating at an anticipated expenditure in 2015/16 of approximately \$3.0M. BC LFP expenditures over the base budget have historically been covered through reallocation from the BCCG budget. Policy revisions implemented in 2015/16 are expected to result in budget pressure decreases over the next three years
- BC LFP was introduced in fiscal 2002/03 and has since distributed approximately \$17.3M in loan forgiveness. In the 2014/15 fiscal year, almost 1,200 borrowers received a total of \$2.7M.
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Impact of *Blueprint*-related program changes on the B.C. Completion Grant (BCCG) budget

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- The funding available for the BCCG program has been decreased from \$37.5M in 2012/13 to \$31.3M in 2015/16 due to internal reallocations to support demand-driven programs.

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Conclusion / Next Steps:

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Contact: Sandra Carroll, Deputy Minister, 250 387-5173
Paige MacFarlane, Assistant Deputy Minister, 250 952-0697
Daryn Martiniuk, Executive Director, 250 213-3973