

**First Session – Forty-First Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Legislative Affairs**

*Chairperson*  
*Mrs. Sarah Guillemard*  
*Constituency of Fort Richmond*

**Vol. LXIX No. 5 - 6 p.m., Thursday, October 27, 2016**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-First Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS**  
**Thursday, October 27, 2016**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mrs. Sarah Guillemard  
(Fort Richmond)**

**VICE-CHAIRPERSON – Ms. Janice Morley-Lecomte  
(Seine River)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Messrs. Fielding, Micklefield,  
Hon. Ms. Squires, Hon. Mrs. Stefanson,  
Hon. Mr. Wishart*

*Mrs. Guillemard, Mr. Kinew, Ms. Klassen,  
Mr. Marcelino, Ms. Morley-Lecomte, Mr. Swan*

**PUBLIC PRESENTERS:**

*Mr. Michael Barkman, Canadian Federation of  
Students, Manitoba  
Ms. Laura Garinger, University of Winnipeg  
Students' Association  
Ms. Janelle Curry, Manitoba Association for  
Rights and Liberties  
Ms. Rosemarie Gjerek, Klinik Community  
Health*

**MATTERS UNDER CONSIDERATION:**

*Bill 15–The Sexual Violence Awareness and  
Prevention Act (Advanced Education  
Administration Act and Private Vocational  
Institutions Act Amended)*

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**Madam Chairperson:** Good evening. Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of a Vice-Chairperson.

Are there any nominations?

**Hon. Rochelle Squires (Minister responsible for the Status of Women):** I nominate Ms. Morley-Lecomte, Seine River.

**Madam Chairperson:** Ms. Morley-Lecomte has been nominated.

Are there any other nominations?

Hearing no other nominations, Ms. Morley-Lecomte is elected Vice-Chairperson.

This meeting has been called to consider Bill 15, The Sexual Violence Awareness and Prevention Act (Advanced Education Administration Act and Private Vocational Institutions Act Amended).

How long does the committee wish to sit this evening?

**Mr. Andrew Swan (Minto):** When the work of the committee is completed.

**Madam Chairperson:** Is this agreed? [*Agreed*]

We have a number of presenters registered to speak tonight, as noted on the list of presenters before you.

Also, for the information of all members, today we will be filming some footage for our video series, Inside the Legislative Assembly of Manitoba.

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance of the room. Also, for the information of all those wishing to present, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members. If a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters list.

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the Hansard recorder to turn the mics on and off.

Thank you for your patience. We will now proceed with public presentations.

**Bill 15—The Sexual Violence Awareness  
and Prevention Act (Advanced Education  
Administration Act and Private  
Vocational Institutions Act Amended)**

**Madam Chairperson:** I will now call on Michael Barkman for Canadian Federation of Students of Manitoba.

Hi. Do you have any written materials for distribution to the committee?

**Mr. Michael Barkman (Canadian Federation of Students, Manitoba):** No, not tonight.

**Madam Chairperson:** Please proceed with your presentation.

**Mr. Barkman:** Good evening. Can everyone hear me okay?

**An Honourable Member:** Yes.

**Mr. Barkman:** Great.

First, I'd like to thank everyone for your time and commitment to this very important issue and being here tonight. My name is Michael Barkman. I'm the chairperson with the Canadian Federation of Students, Manitoba. I've had the pleasure of—to meet many around the table already, which has been fantastic.

CFS-Manitoba, we represent approximately 45,000 members at the University of Manitoba, the University of Winnipeg, Brandon University and Université de Saint-Boniface.

The Canadian Federation of Students has been at the forefront of the fight against rape culture and sexual violence on campus.

I'm lucky in my job. It takes me to many different campuses, and I have the great pleasure of

interacting and working with many students from across our province. I have seen the amazing work—some folks are here in the room, as well—from many groups on campuses, from the Justice for Women group at the U of M, the Women-Trans Spectrum Centre at the University of Winnipeg, the Women's Collective at Brandon University and l'alliance allosexuelle at the St. Boniface university.

They're all doing critical work in fighting against rape culture and building consent culture on our campuses. For decades, from across Canada, students like the ones I've met have been demanding meaningful change on their university campuses when it comes to incidences of sexual violence. Post-secondary institutions should be a haven for students, a safe space where students feel empowered to engage and interact with the university or college community and their education. However, this isn't the case for all students.

The issue of sexual violence on campuses is a result of the cultivation and permanence of rape culture. Rape culture occurs in society when institutions, social practices and cultural ideologies condone, trivialize and normalize sexualized violence. The normalization of this violence is demonstrated through the saturation of our pop culture: TV, radio, movies, music, advertising. It contains messaging of sexual violence as funny, acceptable or, even more startling, inevitable.

Conversely, consent culture seeks to change the narrative to one where sex must be based on mutual consent. A consent culture's not about force or power imbalances. Is it—it is about response of bodily autonomy and is based on the belief that a person is always the best judge of their own wants and needs.

It was actually through the Consent is Mandatory and the No Means No campaign through the CFS that I first got involved with the student movement. The issue of sexual violence, I think like many folks, has personally impacted my family, my childhood and the ones that are closest to me.

Seeing the incredible work of student activists when I was a young student in my first few years, primarily women, bravely supporting survivors and fighting against rape culture, inspired me. It's what inspired me to get involved. We have done years of outreach as an organization, before I got involved, of outreach, research, lobbying to try and ensure our campuses take decisive action against sexual violence and the proliferation of rape culture.

We recently held a consent culture forum this past winter where we heard from students across the province about the need for effective legislation that would mandate stand-alone sexual violence policies on our campuses. Participants highlighted the need for policy reviews that regularly occur with a specific focus on evaluating the strengths and weaknesses of identifying steps forward.

\* (18:10)

This leads me to my first recommendation to strengthen this bill. We recommend that the suggested five-year review occur at least every three years. This simple amendment will allow for greater transparency and accountability amongst administration on our campuses, as well as allow for a policy that is reflective of the changing dynamic of university campuses. It's not an onerous change and, in fact, it would be in line with the case already in Ontario, with their similar legislation.

We also want to highlight the need that student consultation must be meaningful, and we would urge the committee to consider amending the current legislation with the inclusion of key student leaders on campuses who understand the intersectional nature of sexual violence, and are on the front-lines of combating sexual violence on our campuses. In order to 'invoid' some of the issues that have come out of similar legislation in Ontario, we recommend that one third of the committee, whether it's the committee that develops or reviews the policy, be composed of students; one third, of faculty and staff; and one third, of administration. And we think it's important that those numbers be reflected in the legislation.

Finally, our organization would like to recommend the legislation be amended to set out clear parameters for public reporting to the government and the community at large. As the legislation currently stands, in section 2.2(4)(c), the institution's activities under the policy and the results of those activities, are reported to the public.

While we definitely appreciate that public reporting has been included in this legislation and recognize that folks around the table have mentioned how important this is, it's our position that, without a clear reporting mechanism, including the data that needs to be collected and reported to government, the legislation may have the unintended consequences of not adequately addressing the incidences of sexual violence on our campus. So what we recommend, and what I'll say aloud, and something that we can

pass around electronically, as well, to add 2.2(4)(d): Every college and university shall collect from its students, and other persons, and provide to the minister, and publish online and in print, an annual report disseminating data and other information related to the following:

(i) the number of times supports, services, and accommodation relating to sexual violence are requested and obtained by students enrolled at the college or university, and the information about the supports, services, and accommodation;

(ii) any initiatives or programs established by the college or university to promote awareness of supports and services available to students;

(iii) the number of disclosures and reports of sexual violence from students, and information about such incidences and complaints; and

(iv) the implementation and effectiveness of the policy;

And then add 2.2(4)(e)—personal information. A college or university shall take reasonable steps to ensure that information provided to the minister pursuant to the above clause does not disclose personal information with consideration of The Freedom of Information and Protection of Privacy Act.

It is imperative that there is a standardization of reporting across the province in order to ensure that there is consistent, comparable and usable data. Without effective and comprehensive information, we will not be able to have a clear understanding of our progress on fighting this issue on our campuses.

There has been pushback by some university administrations about public reporting, but we fear that the vagueness around public reporting might allow administrations to artificially construct a narrative about sexual violence on their campus in the pursuit of avoiding a public relations issue or protecting their reputation.

Our campuses are to be grounds for higher learning. They are to be safe spaces where the campus community can critically engage and learn. They should not be grounds for sexual predators. They should not ignore the incidences of sexual violence.

In my personal experience, with what's happened to certain members of my family, institutions and systems have failed in addressing various instances of sexual assault and sexual violence. They most

definitely should not be silencing the voice of survivors and their support networks. It has taken decades of tireless fighting from student activists to have university administration and the broader community recognize that this is even taking place on our campuses.

Our recommendations are in the stated purpose of ensuring that our campuses are safer. While the issue of sexual violence is a complex one that cannot easily be solved, we must not be afraid to talk about it happening on our public institutions. We believe that this legislation is a very meaningful step to making a difference in our communities and moving our society and campuses towards a culture of consent.

I'd like to conclude by thanking the government for introducing Bill 15 and to the official opposition for recognizing and aiding the push for similar legislation, and all MLAs for understanding the importance of this issue and bringing it to light. Thank you.

**Madam Chairperson:** Thank you, Mr. Barkman, for your presentation.

Do members of the committee have questions for the presenter?

**Hon. Ian Wishart (Minister of Education and Training):** Thank you for your presentation. There's some very solid suggestions in there that we'd be happy to have a look at and see if they're appropriately added to legislation.

The question I had for you, and I know that many of the universities that you represent already have policies in place around sexual harassment, sexual violence. I wondered if you felt that students are currently represented on—in the working groups and the various committees to a high enough level, or is it necessary to put it in legislation, as you have suggested.

**Mr. Barkman:** Yes, I think that we've seen, in some incidents some universities, students reflected in the consultation and some not so much. But I think the point is that it's been piecemeal. It's been different depending on the institution and I don't think it should be different depending on which college or university you go to to see students reflected in the creation of a policy or how it's being updated. I think it makes sense to have continuity across our province, especially when the legislation is providing continuity in other ways.

So that's definitely something that has been of concern. It depends on the institution in this province and across the country, but we've heard such varying reports in terms of what the university is deciding on and how they're including students. So I think it can be really productive and proactive if the government legislates at least seeing a certain amount—we suggest one third—of students reflected on committee.

**Mr. Wab Kinew (Fort Rouge):** Congrats on a remarkably well-prepared presentation. I appreciate the amendments ready to go.

You talked about building a culture of consent on campus. I was wondering if you could explain to us here in the committee how you define consent and what definition of consent is a culture of consent build around advancement.

**Mr. Barkman:** We have a fantastic staff, who are here with me who do a ton of the work, so I must thank them.

Yes, I think that, in the legislation—how it defines sexual violence I think is well defined and in line with some other legislation that we've seen across the country.

I think the issue of consent is definitely one in which we have—it's up for debate and it's defined in many different ways. But I think what I was talking about earlier with—consent culture, I think, permeates in individual interactions, in instances of sexual interactions, but it's also—consent culture is people walking around every day, their experiences in class, what they're seeing in media and that sort of thing. So I think it's present both at the micro level and at the macro level, which I think makes this hard to define and sometimes hard to legislate. So I can give it something that we want to work on seeing a standard definition of consent culture.

I know there's other presenters here who are very well versed in this issue and talking about it. But I think it's something that—we need to see what consent culture looks like in individual interactions, in instances of sexual interactions. But also we know that catcalling, things like that, instances of students even feeling unsafe with the language that's being used within the classroom, those are also breaches of consent, and that must be taken into account when we define consent culture.

**Mr. Kinew:** The bill also talks about cultural sensitivity with respect to the policies. I was just wondering if you could talk about your perspective of what cultural sensitivity means in this context or

what would be appropriate in terms of how we should think about cultural sensitivity in this context.

**Mr. Barkman:** Yes, the word that we use a lot, and I'm sure folks are familiar with, is intersectionality. So understanding that students come from various identities and intersections that impact their life on campus and in communities. So I think that's something—when we talk about cultural sensitivity, I think it's taking into account that the issue of sexual violence dramatically impacts people ages between 18 and 24, women, students with disabilities, trans, queer, LGBT students, racialized students, indigenous students. So I think those intersections, and the fact that you can belong to all of those communities, some of those communities, et cetera, must be taken into account when we talk about cultural sensitivity. So I definitely use the word intersections and being aware that there are certain communities that face this issue at a very disproportionate rate compared to some others.

**Mr. Kinew:** It would make sense to define it in the bill because you've mentioned certain identities, certain intersections of multiple identities. Potentially, there's other ones that you're not naming and, potentially, there's legal space under the way the bill is currently worded for other definitions of this, you know, bill, and policies under the bill to be implemented.

So I'm just wondering if you think more specificity would help.

\*(18:20)

**Mr. Barkman:** Something that we've talked about, and I think others might kind of talk about it a little more in-depth than I do, is seeing within those numbers on committees on who's talking about the bill as actually seeing, not necessarily just student leaders—it's often student leaders, I'm an example, who come from a fairly privileged background that allows me to get involved. Often people who face very intimately instances of sexual violence won't necessarily join a committee like this. So I think it's a question of how do we get those folks into those committees, and I think it's possible that this legislation could reflect not only the number of students on committee but also who is being represented.

So is it a status of women director from the student association, is it other kind of folks that we want to be sure are at the table, say, who are from those intersectional communities? Perhaps they've

also been touched by this issue, although you don't want to be forcing people to disclose or not. But I think that's something that could be up for debate, is if we are—if folks are interested in the idea around a one-third student representation and also specifying who those people are.

**Madam Chairperson:** The time for questioning has expired. So we will thank Mr. Barkman for his presentation.

I will now call on Laura Garinger, University of Winnipeg Students' Association.

Do you have any written materials for distribution to the committee?

**Ms. Laura Garinger (University of Winnipeg Students' Association):** No, I don't.

**Madam Chairperson:** Okay, please proceed with your presentation.

**Ms. Garinger:** Well, thank you so much for giving me this opportunity to speak on behalf of students at the University of Winnipeg. My name is Laura Garinger, and I attended the University of Winnipeg for five years. I am now the vice-president of student affairs with the University of Winnipeg Students' Association. I also hold the position of women's commissioner with the Canadian Federation of Students Manitoba.

So at the University of Winnipeg we're fortunate enough to have an administration which is actively creating a dialogue around consent, sexual violence and rape culture on campus. In the spring of 2015, the advisory committee on sexual misconduct and its working group developed the sexual misconduct protocol. Along with being comprehensive in its definitions for acts of sexual violence and sexual harassment, an important aspect of the document is its survivor-centric language. This language creates a nonjudgmental, supportive, understanding environment, which is particularly important considering the audience for which it is intended.

One support which was developed from the protocol is the sexual misconduct response team, a group of staff to operate a 24-hour hotline and provide supports for survivors. The protocol also includes upstander training, an education session reaching 4,000 members of the campus community since August of 2015. This training encourages its participants to rethink their roles as bystanders and to become upstanders, those who intervene when they see a problem. It also covers issues of sexual assault,

harassment and affirmative, active consent informing each incoming class about the definitions and promoting positive behaviors.

I am proud to be part of this campus and part of the advisory committee this year, but I also know that my peers in other institutions do not have access to the same supports that I have. So, through the Canadian Federation of Students, I organized the first provincial consent culture forum this past February. This event gave over 100 Manitoban students a chance to participate in a national conversation around changing our campuses from a culture of rape to a culture of consent.

After a weekend of speakers and workshops, the final activity was to brainstorm what participants would like to see from their administrators to make this shift towards consent culture. One of the common themes here was education, teaching students about consent through workshops, information in syllabi, or even creating a mandatory course. Many respondents wanted a seat at the table when administrations were creating policies; others wanted administrators to be accountable to students through public reporting.

This activity opened my eyes to what other students are facing, putting into perspective the lengths we still need to go in this province. I want my peers at other Manitoban campuses to feel that their administrations care about them, students deserve to be supported, no matter where they choose to pursue post-secondary education.

So I still, I see B15, or Bill 15 as an opportunity for institutions to promote safety, support and education around sexual violence on our campuses moving beyond what they may already have in order to fulfill the needs of students. The legislation covers those areas students asked for at the consent culture forum: education, student consultation, and public reporting. For this to be successful, we need participation from both students and administrators. So education around sexual violence will look different at each institution. At the U of W we have many dedicated staff members who develop multimedia advertisements and facilitate training. However, not every institution has these resources.

We recommend that Bill 15 encourage institutions to include a description of their new sexual violence policy in syllabi. This ensures all students have access to information about the policy.

We also recommend that institutions create a page on their official websites which provide links to the policy, supports available, and off-campus resources.

There's a huge responsibility for administrations to include student voices when creating sexual violence policies. We recommend that Bill 15 specify a minimum of one third the committee be composed of student representatives in order to ensure meaningful dialogue between a variety of perspectives on campus. These students should represent groups such as the students' union, the Aboriginal or indigenous student council, international students, LGBTTQ students, female-identified students, students living with disabilities, et cetera.

By placing the minimum requirement for student representation, we can guarantee a more thorough and intersectional conversation which respects the different facets of the student population.

Public reporting is a contentious issue, of course, for some administrations as it is often seen as being damaging to the institution's reputation. For students, public reporting shows that administrators are recognizing a problem and doing something about it. We recommend Bill 15 stipulate how public reporting occurs.

Ontario's legislation, for instance, mandates reporting to the Minister of Education the number of incidents of sexual violence on campus, as well as the services, supports, and accommodations requested and made for survivors of these incidents. This provides a public record accessible for all citizens, but we would also encourage self-reporting on an institution's own website in order to operate transparently for the benefit of the campus community.

It's detrimental to believe that sexual violence is not happening, and addressing it publicly shows that administrations take this issue seriously.

Bill 15 is a legislation that students have been asking for. However, it is important to recognize the role that students play in creating consent culture on our campuses.

So thank you for inviting me and thank you for your time.

**Madam Chairperson:** Thank you for the presentation.



Do members of the committee have questions for the presenter?

**Mr. Wishart:** Thank you for the presentation. You've obviously put a lot of thought into it, and you had some similar suggestions that—previous, which we certainly appreciate, and you did mention it is very important—the students play an important role in a culture, in raising the right culture around sexual violence.

Do you think there's more that we could do as a government to help change that culture on the universities? I know a lot of it depends on universities themselves, the students, and the policies that occur there, but we're certainly looking for suggestions of what we could do now.

**Ms. Garinger:** I think Bill 15 is a huge step in the right direction in placing a bare minimum for institutions to adhere to, and with the education that will come along with Bill 15 it will encourage that dialogue to happen on campus, and the opportunities are endless from there.

**Mr. Kinew:** I'd also want to thank you for your presentation.

In it you talked about affirmative active consent. I was wondering if you could just, for the benefit of us here in the committee, spell that out and explain what that means to—sort of in lay terms.

**Ms. Garinger:** So, we define consent as voluntary, informed, and active, in that it can be revoked at any time. So you might be okay with doing one thing but not with doing another thing, and that's okay to say, or to accept no in those situations.

Does that answer the question?

**Mr. Kinew:** So there's a Criminal Code definition of consent which you're probably familiar with, I'm guessing.

I'm just wondering, the definition that you're providing, do you think it goes beyond what is contemplated in the Criminal Code?

**Ms. Garinger:** I think it's a little bit more understandable for students to talk about it as changing. In the Criminal Code it is helpful, and that's what we base our upstander training off of, but a lot of people still need to be reminded to respect no in situations, so consent is a two-sided thing. It's making sure that you're giving consent and making sure that you're receiving consent.

**Mr. Kinew:** The bill talks about consent, but we've heard you and Mr. Barkman talk about a culture of consent.

Do you feel it would be helpful to include language around consent culture in the bill itself?

**Ms. Garinger:** If the committee would be okay with that. I think that the definition of consent culture is helpful for a lot of people in moving away from rape culture and how we view it in society.

\* (18:30)

**Hon. Rochelle Squires (Minister responsible for the Status of Women):** Thank you so much for your presentation and for all of your efforts in supporting this bill, and the awareness that you've done and the work that you do on campus.

And further to the issue of consent, do you think that Bill 15 could act as a sort of a launching pad for dialogue and discussion to talk about the issue of consent on campuses?

**Ms. Garinger:** Absolutely. I think especially, as I said, with the education piece, informing people what behaviour is acceptable is a huge step forward in that. I know in facilitating some of the upstander trainings myself, the reactions that I get from some people about what they didn't realize they might have been doing wrong or what they realize might have happened to them—it's all about learning and changing the way that we see things. So, again, yes, I think that education is a huge part of moving that conversation forward, and also, I think that the government taking a stand on this will have a huge impact in the way we see consent in society as campuses are where a lot of people really build their own character and learn a lot about the world, so.

**Mr. Kinew:** The bill also talks about cultural sensitivity, and you have worked through some of that at the University of Winnipeg, I imagine.

Can you see how cultural sensitivity, that idea might play out at different institutions and whether there's any sort of things the committee should be aware of?

**Ms. Garinger:** I think that each institution will deal with it differently. I know—and speaking from the UW perspective, besides what is already in the protocol, there's a lot of supports outside of that around healing, around having the right resources available for different types of students. So, having an elder available, having translators available when needed, making sure that, no matter what

background people are coming from, they're feeling safe and supported is really important.

**Madam Chairperson:** The time for questions has expired.

Thank you very much for your presentation.

I will now call on Janelle Curry, Manitoba Association for Rights and Liberty.

Ms. Curry, do you have any written materials for distribution to the committee?

**Ms. Janelle Curry (Manitoba Association for Rights and Liberty):** No.

**Madam Chairperson:** Okay. Please proceed with your presentation.

**Ms. Curry:** Hello to everyone here this evening. My name's Janelle Curry, and I'm here to speak on behalf of the Manitoba Association for Rights and Liberties, for short, MARL. MARL's mission is to promote, support and celebrate human rights and civil liberties. It is with this mission in mind that I am here tonight.

As a member of MARL's policy committee, I have been following our government's progress in introducing a bill that addresses sexual violence on post-secondary campuses. We at MARL believe this issue has been relegated to the peripheries for far too long and applaud the decision to make this issue a priority.

To begin, I would like to thank everyone who has contributed to this bill, advocated for this issue and has shown up here tonight to prove to our government that we want to move forward on this. I would also like to address any survivors who may be in the room and let them know how much I respect their courage and strength and that we are with you.

Upon first reading Bill 15, I was pleased to see several improvements over previous iterations, and I'd like to briefly acknowledge three of these. For one, we are pleased that this bill encompasses all Manitoban post-secondary institutions, including vocational schools and private and faith-based schools. Two, the specific reference to sexual violence through the use of social media or other forms of digital communications is an excellent inclusion, and we applaud the modernity of the statement. Three, the stipulation that the content of the policy must be culturally sensitive and reflect the perspectives of those most vulnerable to sexual violence is another strong parameter in this bill.

A big reason that MARL believes that this bill is so important is precisely because it is for post-secondary institutions. These institutions are often like mini societies. Many students are straight out of high school, from other cities or regions or countries, and the institutions at which they pursue their higher education may be their first introduction to the real world—as in, a world where they are adults away from home and have their own responsibilities.

Currently, in our society, is the fact that less than three in 1,000 accused rapists will see any jail time. Sexual violence is one of the most underreported crimes and one of the most rampant, with one in four women and one in six men experiencing it in their lifetime. This isn't a society that we want to continue. Our world is one with consequences and dangers, but also a world meant to be explored, enjoyed and shaped to reflect the values we hold and the rights to which we are entitled. Post-secondary institutions are a place where we can create the societies we hope to have in the future, because of this, Bill 15 has the potential to change so much more than just these campuses. It can change how students think of what is right and what is acceptable in the world in general. Let's take sexual violence off that list. This bill also does a service to our province and city. We house the Canadian Museum for Human Rights. We need to reflect this commitment in our laws and policies, and we can be leaders on this.

Now, I'd like to present four recommendations for additional clauses or parameters to the bill.

The first one is that we would like to see a clearer requirement for educational workshops to be part of this policy. It's one thing to have a response policy when confronted with these occurrences, but it's another to educate students before anything were to happen. Prevention and raising awareness are mentioned throughout the bill but in vague terms. We believe that not specifically requiring educational content and delivery in person could leave a large gap in the policies developed by institutions.

I've never met an individual that thinks sexual violence is okay, but I have met many that thought that victims in the news were lying, asked for it, deserved it or just wanted attention. I've heard people say that sex with a drunk person is totally okay, that catcalling is a compliment, that stalking is a romantic gesture and that workplace sexual harassment—especially in the service industry—is just part of the job. What is missing here is a clear understanding of consent, the law and what constitutes sexual

violence. Having policies, awareness campaigns and educational workshops in post-secondary institutions is an excellent step towards re-educating those who believe these myths.

Students benefiting from this proposed legislation will be a part of our societies and strengthen them through their knowledge. Again, prevention is about education and deconstructing the myths surrounding sexual violence. We highly recommend this be emphasized in the bill.

My second recommendation is that we would like a stipulation added to the bill requiring post-secondary institutions to clearly consult experts on sexual violence and prevention, such as sexual health educators, social workers, et cetera, when developing their policies. Materials already developed by experts could be consulted if direct contact with them is not feasible. Sexual violence is a broad and nuanced topic, and institutions need to consult more knowledgeable people in order to address the issue properly.

The third recommendation is in regard to the educational aspects of this policies which, again, would be—would like greater emphasis on. We believe that all students on faculty councils, in student groups or employed by the university or its student union ought to be required to attend a workshop about sexual violence. Ideally, the workshop would go over campus policies about sexual violence, address rape myths, give definitions—including legal ones—and suggest ways in which these students can use this new knowledge to increase the safety of the campus by promoting consent culture.

Also, since alcohol is often a contributing factor to sexual assaults, anyone who serves alcohol on campus, or works somewhere that does, must take this workshop. This includes campus bars, anywhere with liquor licences and bartenders at socials and events. Essentially, it would be as necessary as a Serving It Safe.

The fourth recommendation is in regards to the review period. We recommend that the review period be yearly or at least every three years. There's always new research, resources to use and issues resolving around new technologies, and we are concerned that a five-year window is far too long for policies to become stale or inapplicable. Reviewing the policy yearly will take minimal effort overall, as changes can be made as they come and the policy can be reassessed more consistently. It's a new policy and so

it ought to be followed closely to ensure it's actually making a difference. Yearly reviews will also keep institutions and students engaged with this issue.

And, before concluding, I do have one other matter to address. On behalf of MARL, I urge this committee and all MLAs to seriously consider implementing an update to our sexual education requirements in primary and secondary schools as well. Current sexual education material is almost wholly focused on the biology of sex and fails to address matters as important as consent. This ought to be taught alongside the birds and the bees.

While making strides towards safer and better-informed post-secondary campuses is excellent, in many ways it's also so long to wait. There are countless incidents of sexual assault among children in high schools within our country. Children often only know their own little world; they do not have fully formed identities, and many have the—don't have the foresight to see their high school world as only stage 2 of their whole lives. We've had tragedies in this country because of bullying due to youth sexual assault.

When sexual assaults happen at this early age, our governments and teachers have a responsibility to educate children away from these crimes. Please consider pursuing this reform.

And, to conclude, MARL is, again, appreciative of everyone who has made this issue a priority. We look forward to seeing how the committee works with these recommendations to further strengthen the bill and soon have it become a law.

Thank you.

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

\* (18:40)

**Mr. Wishart:** Thank you very much, and I appreciate the great deal of thought you've obviously put into this presentation and, though, there's some consistent themes with some of the other suggestions.

You had a couple that were unique, in particular, your last suggestion that we should certainly probably consider making some changes in the K-to-12 system in terms of bringing in the element of sexual violence.

But I'm very interested also in your suggestion that we require a course—I believe you suggested a day course or—yes—in all—basically every place that students would congregate, I guess would be the right way to put that. And I suspect that would be—certainly raise awareness a great deal. I guess the thought about where it should be done, if you could expand a little bit on that, would be appreciated.

**Ms. Curry:** I believe anywhere on campus would be a good spot, depending on availability of workers. But even as part of the training sessions for when there are new employees—that would be an excellent time to at least go over the policies and have that workshop. It can be as little as an hour long and it would provide a lot of extra information.

**Mr. Wishart:** Just a brief follow-up to that if it's okay.

You're saying just on campus, though, not beyond the campus?

**Ms. Curry:** It would be great if it was beyond campus as well, local establishments nearby. But, if that's not feasible within the bill, then at least campus pubs, campus bars, anything like that. And socials as well.

**Mr. Kinew:** I'm also impressed by the both incisive and insightful nature of your comments, so thank you for those.

Also a follow-up question to the same sort of line of inquiry: With these educational workshops, do you think that they should just be, you know, a mandatory type of thing? Or do you think that it would be better if they'd actually be sort of a requirement for graduation?

And what I mean by that is, like, every university has, like, an orientation that's mandatory and not everyone really goes; however, some institutions have things like academic writing requirements which are not for credit but are required to be taken in order to complete your program of study. So just wondering if you could offer some insight into that.

**Ms. Curry:** I believe a required course would be an excellent way of getting this policy out there, and building awareness about it not only on campuses but in the greater world, as well. It would be a great opportunity to bring it into real life once students graduate, as well.

In the meantime, workshops are an excellent alternative, and—especially during student

orientation. If you spent an hour talking about this, that would be very—that'd be a good use of time, I believe.

**Mr. Kinew:** Thank you for that.

When you talked about that institutions should consult experts on sexual violence, you listed a few types of experts. Most of them work sort of in the public health field.

Do you feel that also, like, academics would qualify as experts? I'm thinking of, like, maybe people in women and gender studies, some other humanities fields. Would they also kind of fit in your rubric of what qualifies as an expert on sexual violence?

**Ms. Curry:** Yes, I would absolutely say academics are a great resource as well. The ones I listed are more for a practical policy development approach for the hands-on issues and they would have plenty of experience dealing with the matter. But academics also for the theorizing and for that portion be, also, a great resource.

**Ms. Squires:** Thank you for your presentation. And I'm really intrigued about your comments about the educational component and educating all of our students on the policies.

I'm wondering if you could put some thoughts together on who do you see would be the best deliverer of that educational workshop? Would it be the institution, the experts or, perhaps, the student representatives from the student bodies themselves to deliver and disseminate this information to the new students on campus? And how could we deliver that information in ways that would be well-received?

**Ms. Curry:** I mean, the students would be the best conduit for this information if only because there's more familiarity and comfortability—comfort with students. They also are usually somewhat closer in age, so they'll know the slang and Tinder and those kind of issues that face young people.

Having the workshops—I believe set times would probably help and, again, the requirements, like, if you have to do it within your first term of university or, yes, something like that. I haven't quite thought of that aspect.

**Madam Chairperson:** The time for questions has expired.

Thank you for your presentation.

I will now call on Rosemarie Gjerek, Klinic Community Health.

Ms. Gjerek, do you have any written materials for distribution to the committee?

**Ms. Rosemarie Gjerek (Klinic Community Health):** Yes, I do. And I've made 20 copies.

Thank you very much for this—

**Madam Chairperson:** Sorry. Ms. Gjerek, please proceed with your presentation.

**Ms. Gjerek:** Thank you very much for this opportunity to speak to this very important bill this evening.

My name is Rosemarie Gjerek, and I'm the director of Community Health & Counselling Services at Klinic Community Health. And I am here today as a representative of my organization.

Some of you may be aware of Klinic, but we are a community health facility that has had a long-standing commitment to addressing issues of violence in our communities and our homes, and so we're very proud to be a part of this process. You may also recognize I have a bit of a cold that is never going away, so I apologize if my voice comes in and out.

What I would like to do for you today is to highlight the areas that we would deem as integral components of a campus-based sexual assault response protocol, and the document I've shared with you is a document that Klinic was a partner in the development of, and this is from Ending Violence Association, BC, and it is their campus sexual violence guidelines for a comprehensive response.

So, again, I would like to acknowledge—the previous speakers, I think, have really spoken to the issue of sexual violence and the importance of acknowledging that, and my presentation is really focused on what we see as the—as I said—the integral components of what has to happen with a policy development.

And so there are, I believe, 10 components, and I will try and be brief. But the first area is leadership. It is important for institutions to develop strong leadership and an inclusive and diverse working group that will guide the development of a comprehensive response to sexual violence, including the drafting of institutional policy and protocol. This would demonstrate the institution's commitment to addressing campus sexual violence by ensuring that

both proactive and reactive responses are led and announced publicly by the senior administration. This should involve key stakeholders and it should include representatives from all members of the campus community, including students, staff and faculty, as well as those involved in various aspects of student life; so that can include anything from housing, security, various student services that are on campus, and to also include the resources and expertise of community-based sexual assault response services, whether those are available on campus or in the community.

There should be the development of a common language so—to ensure that there is clear definition of what constitutes sexual violence, a shared understanding of the nature and impact of sexualized trauma and a common language that is trauma informed and survivor centred and gender inclusive. It should also acknowledge and be responsive to intersecting forms of oppression based on gender, colonization, race, ethnicity, age, ability, sexual orientation and occupation, as some populations statistically face increased risks of sexual violence and barriers to disclosing and/or accessing services.

The next component is the campus sexual violence policy. This should be developed and implemented as a stand-alone violence policy outlining the institution's position, intentions and guiding principles. The development and implementation of a stand-alone policy clearly—that clearly condemns sexual violence, rather than addressing sexual violence within other existing policies. A stand-alone policy signals to the campus community that the institution takes the problem of sexual violence seriously and acknowledges that sexual violence is a crime with distinct features and consequences, and demonstrates an understanding that post-secondary students are, as a group, especially at high risk of sexual violence and sexual assault.

I also want to add here that I think we've been talking a lot about students, but it's important for institutions to recognize that sexual violence happens at all levels within that institution, so these sorts of protocols and policy development should impact all levels within the institution.

\* (18:50)

The next component is the campus sexual violence protocol. This should be—a development and implementation of a sexual violence protocol out-

lines who is responsible at each level and stage of response and intervention. The protocol must outline the clear and transparent step-by-step actions that are to be taken when a member of the campus community discloses sexual violence.

The protocol should outline roles and responsibilities of the various departments and services, staff and faculty following a disclosure of sexual assault. Such a protocol should take into consideration the immediate safety of the victim or survivor, access to medical care if required, transportation and accompaniment, emergency housing, financial aid, access to 24-hour support and advocacy services, reporting options, information about the various options that are available, and follow-up care.

The next area is confidentiality and information sharing. There should be clear institutional guidelines pertinent to confidentiality and information sharing in cases of sexual violence and assault. These must address privacy, confidentiality, and information sharing by outlining when members of the campus community can share information and when they cannot, what information can be shared and with whom that information can be shared. And also should include written consent from the survivor of the sexual assault.

Every effort should be made to respect the wishes of the victim—or, the survivor in this case, protecting their privacy and identity. And again, I think it's very important to have standards in place around reporting, around incidence of sexual assault but, again, that should maintain the confidentiality of survivors.

Disclosure and reporting options should be clearly outlined with a full range of options, including formal reporting options, available to survivors both on and off campus. There should be interim protection provisions in place to ensure the safety of survivors while the investigation is under way. And as an example, if there is an assault that occurs in residence and the survivor and the assailant live in the same residence, what happens to that individual during the course of the investigation? There should be set criteria in place where accommodations for survivors that should clearly articulate the full range of academic and non-academic accommodations available for survivors of sexual violence.

And then the next step is, then, the provision and coordination of services for survivors. There should

be a plan in place for service delivery in terms of everything from accessing of sexual assault counselling, but also it should include responder training so that everyone involved should be trained in sexual assault response protocols, in sensitivity and awareness training, as well as how to handle disclosures as well as information available around referral services.

The final component is training and education and, again, we would strongly encourage that this be a mandated component of the protocol, that there be on-going training and education to students, faculty, staff and student services in the areas of sexual violence prevention, and this should include awareness of what sexual violence is, consent awareness campaigns, awareness of what the policies and protocols are in place at that institution, healthy relationship education, assertiveness training and boundaries, and even, in some cases as deemed appropriate, some self defense training.

There should be sensitivity training as well as—around responding to disclosures of sexual assault to ensure that that response is both compassionate and an empowering response, as well as bystander intervention. That would help, I believe, to shift some of the social attitudes and, perhaps, address some of that locker room conversation that we've been hearing so much about lately, but that would also go a long way to promoting consent culture within our institutions.

So that covers the 10 recommendations that come out of the guidelines, and I would also like to certainly lend our support for the importance of K-to-12 curriculum development and some mandated curriculum around healthy relationships. One of the programs we offer at Klinik is a youth health education program and that value and the importance of having dialogue with youth that is both age-appropriate and sensitive to their developmental needs. But I think that would go a long way to starting to establish that consent culture. I think it's incredibly important for universities and other educational institutions to be developing that, but I think we need to do a better job in implementing that education much earlier on.

So, thank you.

**Madam Chairperson:** Thank you for your presentation.

Do members of the committee have questions for the presenter?

**Mr. Wishart:** Thank you very much. I certainly appreciate your presentation.

You obviously have a lot of experience in this area, which is unfortunate in that you have had to have this experience, but we do appreciate learning from it.

I think it's—and you talked a lot about the prevention. What we were attempting to do with this bill is put in place some broad guidelines and then let the institutions customize effectively within certain parameters to their own needs, because, as you know, every institution is somewhat different. There are certainly similarities, and I appreciate the fact that you seem to have caught on to that.

The issue of confidentiality is one that is very difficult for institutions and for individuals. I just wondered if you would care to share with us all roughly where you would see the issue of confidentiality—sorry—confidentiality come down in terms of sexual assault issues on campus.

**Ms. Gjerek:** What is important—I think it is very important to have information available and accessible, and for institutions to be held responsible in reporting incidents of violence on campus. I think what is important is to protect the confidentiality and the privacy of the survivor, and so I think—as you can share a lot of information without necessarily revealing who the survivor is. And I think there have been a couple of instances that we have been involved with where the individual, the survivor in question, had no idea that there would be a media release happening, or those kinds of things.

So I think part of it is obtaining the consent, sharing the information that there will be information reported, obtaining permission, but I think we have to respect PHIA legislation. And—but I think there are ways to collect information and share information that still respect the confidentiality of the survivor.

**Mr. Kinew:** Thank you for your presentation. Also, thanks for all the great work that Klinik does in the community on public health, it's amazing.

I was talking to one of the presidents of an institution in western Manitoba, and he—his question about this legal framework has to do with one of the issues you raise, and you describe it as a protocol. So, like, essentially a chain of who's responsible when. His concern specifically was when does the responsibility of a university administration stop and

when does the responsibility of police and, you know, other people in the justice system begin.

I can sort of see a tension between that and what you're suggesting around putting the victim—the requirement to obtain the consent of a victim before reporting. Specifically, like, what I want to know is what principle should we be using in a case where an administration finds out about a serious sexual assault but the victim may be hesitant or not wanting to give consent, how do we navigate that terrain?

**Ms. Gjerek:** That's a very good question, and certainly a situation that I know universities have encountered already.

I think what we have to respect is the survivor's right to choose whether or not they wish to pursue a legal outcome and if they want to make a formal complaint to police. So I think it is working with the survivor, and so regardless of which path that survivor may take there are steps and implementations that universities do have responsibility for.

But I understand it runs into this—there are so many issues around this, and that's why the development of guidelines is important because it's important for universities to have this dialogue, to have this conversation to know how they will respond to certain situations. I think the opportunity to have an annual review or debrief of situations is also important because every opportunity is an opportunity to learn.

**Mr. Wishart:** Thank you, and I appreciate that.

I wanted to assure you that the intent of the bill isn't only students, it includes all people working in one form or the other on campus in particular, and we certainly don't want to leave anyone out in that. In fact, that was one of the reasons we actually went beyond the public institutions to the private ones. We want to be sure that we're putting safety in place for students and for staff wherever they may work in an education facility.

\* (19:00)

**Mr. Kinew:** Returning to the earlier case that I raised, on the other side, is there some sort of obligation on the part of an administration official to act if they know that something is going wrong? Perhaps it's not about making a police report but, if they hear of a colleague or they hear of a staff member or they hear of a student in an unsafe

situation, is there some sort of—if not legal, but moral obligation for them to act?

**Ms. Gjerek:** Yes, I would agree there is and I think those are the important components to establish a new protocol to have that dialogue at the onset and to look at what is the obligation of a university because, even if there isn't a police complaint filed, there is still a safety issue; there is still a critical issue around addressing the impact of that violence or that act.

So, yes, I would agree that there is still an obligation for any institution to follow through.

**Madam Chairperson:** The time for questions has expired.

I want to thank you for your presentation. I will now call on Sehar Nurpuri, Justice for Women (University of Manitoba).

Okay. I'll call a second time upon Sehar Nurpuri, Justice for Women (University of Manitoba).

Seeing that she is not in attendance, we will conclude the list of presenters before me.

Are there any other persons in attendance who wish to make a presentation?

Seeing none, that concludes public presentations.

\* \* \*

**Madam Chairperson:** We will now proceed with the clause-by-clause consideration of this bill.

During consideration of a bill the preamble, the enacting clause, and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions, or amendments to propose. Is that agreed? *[Agreed]*

We will now proceed to clause-by-clause consideration of the bill.

Does the minister responsible for Bill 15 have an opening statement?

**Mr. Wishart:** Madam Chairman, I'm pleased to be here today to discuss Bill 15, The Sexual Violence Awareness and Prevention Act.

The issue of sexual violence is a serious problem, and this bill is designed to address the

issue within our post-secondary institutions. Post-secondary students should be able to pursue their education in a safe environment wherever they choose to study in Manitoba.

This bill is the result of several consultations undertaken by our government with both students and post-secondary institutions. The bill amends the Advanced Education Administration Act and the Private Vocational Institutions Act to ensure that all post-secondary institutions in Manitoba, whether public or private, have policies in place to prevent and respond to incidents of sexual violence.

Currently, there are 59 institutions that would be covered by this legislation. The policies developed by institutions will need to raise awareness of sexual violence, including sexual violence through the use of social media, a very important distinction that we think this bill is valuable for.

Policies will also have to address prevention and training and establish complaint procedures and response protocols. Institutions will be required to consult with students during the development of the policy and during the review of policy, which must occur at least every five years.

I'm pleased to listen to the feedback here tonight. There's been some really good input and many suggestions for those who have been in attendance today, and I would like to thank them for bringing that forward.

Our government values the perspectives of all Manitobans and I thank members of the public, and other stakeholders, for taking the time to contribute to this important part of our legislative process.

Madam Chair, the government—the Manitoba government stands against sexual violence in any form. This bill is an important step in ensuring the safety of our post-secondary campuses for the benefit of all students and learners.

**Madam Chairperson:** We thank the minister.

Does the critic from the official opposition have an opening statement?

**Mr. Kinew:** Yes. Thank you. I think it's an important piece of legislation, and I would want to thank all the student voices who have been advocating in this space, for years, really. It's through their advocacy work, and, you know, the good perspectives that they've brought forward that we're at a place now to act and bring forward legislation in this area. And I mean that both in the provincial



context, through the work of some of the people we've heard from tonight, but also nationally, you know, this sort of initiative has been pursued in other jurisdictions as well. So there's been a lot of student input, a lot of student advocacy and mobilization around this.

I also want to acknowledge the courage of survivors of sexual violence. You know, it's through their courage to tell their stories to, you know, sometimes face up to weathering stressful situations that really brought this issue to light. And so I think it's important to acknowledge them.

I also want to thank the presenters tonight who've touched on a few common issues. I think there was overall just a tremendous tenor to the quality of the remarks given. But to hear time and time again, you know, the issue of a culture of consent being built on campuses as a priority was good to hear. To hear people weigh in on the timeline for reviewing the legislation and reviewing policies, I thought, was important to hear. To also hear, I guess, a broader discussion of some of the specific ideas which may not actually come into the legislation itself but may be developed as regulation later on, I think, were also important perspectives.

So I just want to thank everyone who's contributed tonight and again thank my colleagues for bringing this forward.

**Madam Chairperson:** We thank the member.

Clause 1—pass.

Shall clause 2 pass? Clause 2—oh, I heard a no.

**Mr. Kinew:** Okay, yes, I want to discuss 2.2(3).

**Madam Chairperson:** Okay, Mr. Kinew.

**Mr. Kinew:** Okay, there were a number of comments that were given tonight on this area, because 2.2(3) really, I guess, spells out what the legal requirements will be for the policies that the—I believe this is the public universities will have to—yes, and so it's the public institutions, so—and I guess my comments would apply to both the public and the private institutions.

So we heard a few of the presenters talk about providing greater specificity, specifically around, I guess, the type of training that's provided on the issues of sexual violence. So I'm curious to know whether the minister is open to amendments that might provide greater specificity or just spell out more directly what that training should look like.

**Mr. Wishart:** We're certainly open to having a look at—we heard some very good suggestions tonight and we're open to look at further refining some of the actions that would be undertaken as part of this particular section of the bill. And we don't wish to get, as I said earlier, we have sort of broad guidelines is what we're attempting to put in place here with the bill. And we do hope that the institution themselves will take a very active role both with the staff and with the students in developing policies on the institution.

But we're certainly prepared to look at some report-stage amendments that might help strengthen this bill. We know that this is an area that there are other jurisdictions that have pieces of legislation already and we certainly reviewed many of those in the development of this. But it is also an area where things are continuing to develop, and we want to maintain enough flexibility, yet still be specific—it's sort of a balancing act—specific enough that we make sure that there is no outs for institutions.

**Mr. Kinew:** So one of the presenters brought up the idea of educational workshops, like, a very clear kind of a proposal, I thought. So I'm just wondering whether there's a willingness to consider that under 2.2(3), section (d), because right now, again, it contemplates training, which might mean any number of things.

So is there an openness to consider the idea of workshops and just specifying that?

\* (19:10)

**Mr. Wishart:** Certainly, the issue of training addresses training. Workshops would certainly fit within that, and that would be something I think we could examine, whether we can strengthen that and get the wording right around that.

**Mr. Kinew:** Another presenter—earlier presenter brought up the idea of including policy information in syllabi for courses. Strikes me as, like, a pretty effective way to make sure that every student at an institution is made aware of the policy, because as they're checking out the book list, whatever, they see that there is a sexual misconduct policy on campus. Curious whether the minister thinks that that's something that might best be spelled out as legislation, or perhaps a regulation, or should that be left to the policies themselves?

**Mr. Wishart:** We're certainly interested in having that as part of the process, but we believe it would

certainly be something stronger in regulation. And my deputy here has just pointed out that under the Liquor & Lotteries laws, it is any person who is serving liquor in Manitoba required to complete a responsible service program training, which would cover also some of this, I suspect.

**Mr. Kinew:** So, with the idea of the policies being mentioned in the syllabi, though, should that be something that is left to the policies of the institutions themselves, or something that should get into—under legislation or should that be regulation?

**Mr. Wishart:** I, as I said earlier, we're certainly looking to have broad frameworks and leave some discretion to the institutions, but we certainly want to make sure that they are covering the base to make sure that there's enough information out there on prevention and the reporting procedures so that there can be no misinterpretation.

**Mr. Kinew:** Moving on to 2.2(3)(e), I think it was the last presenter talked about a protocol and addressing that sort of chain of responsibility between the person who receives the complaint and then the other people who may be responsible there. Do you feel that this language here properly addresses the concerns that were raised by the presenter, or should—or do you feel that perhaps there's some work to be done to improve the language there?

**Mr. Wishart:** Well, certainly, this provides some flexibility in terms of complaint procedures and response protocols, but it does lay out that there should be both. And I think, though, we'll certainly review the suggestion on the part of the presenter. I—my first reaction is it probably has enough flexibility to allow that to happen. What we want to do is make sure that we have enough strength in place to make sure that it does get done.

**Mr. Kinew:** Yes, I think the first presenter had a very clear set of amendments that he almost, you know, we could pull them verbatim out of Hansard, and they'll almost be ready to be presented as amendments. So maybe we could just consider those separately. I think the first one had to do with 2.2(4)(d) and talked about the policies and just providing greater specificity to them and kind of defining the way that the public reporting happens.

Is the minister open to, like, obviously not committing a hundred per cent to the wording that was presented by the presenter tonight, but is the minister open to an amendment with a similar goal of

providing more clarity on what is required of the public reporting from the institutions?

**Mr. Wishart:** I can tell you that we will certainly be reviewing the very specific suggestions that came forward from the representative from the Canadian Federation of Students. We'll certainly look at how the wording will fit in. I mean, some of that I suspect that the legislative lawyers will want to have a look at, and we'll have a look at whether we can incorporate them as report stage amendments to get the results that we want.

In terms of making the legislation stronger, we're open to making this legislation as strong as possible. *[interjection]*

**Madam Chairperson:** Oh, sorry, Mr. Kinew.

**Mr. Kinew:** And then under a similar, I guess, vein, there was a suggestion to add subclause (e) that would just, I guess, make sure that the—or, reasonable steps taken not to disclose personal information. That was the language proposed, and I think it kind of aligns with what another presenter talked about when they said that, you know, the consent of the survivor should be respected.

So, again, just a willingness to consider an amendment like that.

**Mr. Wishart:** Absolutely. We're out to make this legislation as strong as—effective as possible, but we would certainly have to consult on the legality of it making additional information available in terms of protecting privacy. And that is the two issues of transparency and privacy, as are often the case are a little bit at odds and you have to find that middle ground that looks after the victim, but also protects the rights. *[interjection]*

**Madam Chairperson:** Sorry, Mr. Kinew.

**Mr. Kinew:** Thank you, Madam Chair.

The third presenter talked about consulting experts in the design of the sexual violence policies at the institutions. Is there a willingness to consider adding that. I guess, would fit in under, maybe, you know, subclause (a) there, where it's talking about the policies developed in consultation with students, et cetera, and then adding that it's also designed in consultation with the relevant experts.

**Mr. Wishart:** Well, I certainly will consider that but I would hope that the institutions themselves would take that step and, perhaps, we can do something that suggests that we do that in here.

But as to make it a legal requirement for them to do that, I think we'd rather stick to the approach of encouraging them to do that and keeping a broader framework in place. We will certainly look at that, but that's my initial reaction to that one—that may be a little too specific.

**Madam Chairperson:** Clause 2—pass.

Shall clause 3 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** Clause 3—oh, I heard a no.

**Mr. Kinew:** Yes, again, I think already addressed it, but I think that this is a—the part that lays out the review process?

Or, no, sorry, I'm mistaken. Sorry.

**An Honourable Member:** Go for it.

**Mr. Kinew:** Yes. I just want to make sure I'm referring to the right section here. If you'll indulge me for half a second here.

So, yes, let's let it pass.

**Mr. Swan:** Would there be leave to revert to clause 2.2(5) just to allow my colleague to ask a question which comes out of one of the presentations?

**Madam Chairperson:** Does the committee agree to revert to clause 2 for discussion? *[Agreed]*

**Mr. Kinew:** Thanks, appreciate the dispensation there.

So, again, a few of the presenters suggested moving to a three-year—some even said an annual review. Is there a willingness to change that?

**Mr. Wishart:** Certainly, we're open to looking at how often these things would be reviewed. We did hear three years, we heard five, we heard annual, and we have certainly looked at legislation in other provinces as well. We can certainly have a further review of the level of frequency.

We would—really hoping when we put this in place as sort of a broad framework that the policies of the institutions would be reviewed internally on a more frequent basis rather than have to have spelled out in legislation, because, of course, when you spell

out in legislation there's a much stronger reporting process.

So we'll look at the, I guess, the range of what we're suggesting here and the level of requirement.

\* (19:20)

**Mr. Kinew:** And was there a specific rationale for adopting a five-year period for the review?

**Mr. Wishart:** I can't remember.

The feeling was that anything more frequent than that may not give enough time for policies to be developed, and the review, and, sort of, the institution to get comfortable with using the process. Maybe we can look at something a little quicker down the road, but, like I said, our original thinking here was that the institutions themselves, internally, would be much more proactive in terms of reviewing this in conjunction with the students.

**Ms. Judy Klassen (Kewatinook):** My question blends the using—updating the elementary school sex education in part with the subsection 2.2(4)(ii) in that the—reflects the perspectives of those most vulnerable.

When we're leaving for post-secondary education off our First Nation, we are so overwhelmed when we come to the urban areas. There is so much to take in, and having a workshop regarding the sexual policy that will protect us and enable us to stay in school, because there's so many times where the sexual assault happens within the first couple of weeks. We lose so many kids who just want to go back home after that happens. These are largely unreported because they don't know this.

And so my recommendation: for some of those workshops to occur at the grade 12 level in First Nation communities and, in general, northern and remote communities so that way they have that knowledge walking into any post-secondary education.

**Mr. Wishart:** I thank the member for the question. We heard this suggestion earlier, which I think is a good one.

This particular bill doesn't—it deals with post-secondary institutions. And certainly most of them have in place orientation and that sort of thing. That may not be enough, but I would hope that they would expand on that in the future. I think we're going to take back the suggestion of looking at the K-to-12 system and seeing if there's some further

opportunities to do that, but I think it would be outside of the context of this particular bill.

**Madam Chairperson:** Mr. Kinew—we're good? Okay.

Clause 2—pass; clause 3—pass.

Shall clauses 4 through 7 pass?

**An Honourable Member:** No.

**Madam Chairperson:** Okay, I heard a no.

**Mr. Kinew:** Thanks for indulging me.

I guess, maybe, just sort of like a general question. A lot of these clauses are very similar to the section which applies to the public institutions. We kind of went into step-by-step consideration of potential amendments on a public institution.

Assuming that any of those amendments would be pursued on the public side, would there be a willingness to implement them on the private side as well, I guess would be the general question, just to make sure that they're—the public requirement matches up to the private vocational requirement?

**Mr. Wishart:** I think that would be logical. Should we make any changes on the one side, we would certainly attempt to align them.

We recognize that for the private—many of the privates, not all of them, but many of the privates are very small institutions. And what—we're working with the association that represents about 90 per cent of them, trying to get a sort of a standard format in place so that they have a template to follow. So certainly we would attempt, I think, to align the template with what the public institutions are doing as well.

**Madam Chairperson:** Clauses 4 through 7—pass; clauses 8 and 9—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 7:25, what is the will of the committee?

**An Honourable Member:** Committee rise.

**Madam Chairperson:** Is that agreed? *[Agreed]*

**COMMITTEE ROSE AT:** 7:25 p.m.

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