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**Official Report
of Debates
(Hansard)**

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des débats
(Hansard)**

SP-6

**Standing Committee on
Social Policy**

Strengthening Post-secondary
Institutions and Students Act,
2022

1st Session
43rd Parliament

Tuesday 22 November 2022

**Comité permanent de
la politique sociale**

Loi de 2022 sur le renforcement
des établissements
postsecondaires et les étudiants

1^{re} session
43^e législature

Mardi 22 novembre 2022

Chair: Goldie Ghamari
Clerk: Vanessa Kattar

Présidente : Goldie Ghamari
Greffière : Vanessa Kattar

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Tuesday 22 November 2022

Mardi 22 novembre 2022

The committee met at 0800 in committee room 2.

**STRENGTHENING POST-SECONDARY
INSTITUTIONS AND STUDENTS
ACT, 2022**

**LOI DE 2022 SUR LE RENFORCEMENT
DES ÉTABLISSEMENTS
POSTSECONDAIRES ET LES ÉTUDIANTS**

Consideration of the following bill:

Bill 26, An Act to amend various Acts in respect of post-secondary education / Projet de loi 26, Loi modifiant diverses lois en ce qui concerne l'éducation postsecondaire.

The Chair (Ms. Goldie Ghamari): Good morning everyone. The Standing Committee on Social Policy will now come to order. We are here for public hearings on Bill 26, An Act to amend various Acts in respect of post-secondary education.

As a reminder, the deadline for written submissions is 7 p.m. on Tuesday, November 22, 2022. Legislative research has been requested to provide committee members with a summary of oral presentations and written submissions as soon as possible following the written submission deadline.

The deadline for filing amendments to the bill is 5 p.m. on Thursday, November 24, 2022.

The Clerk of the Committee has distributed committee documents virtually via SharePoint.

Please wait until I recognize you before starting to speak. Are there any questions before we begin?

**MINISTRY OF COLLEGES AND
UNIVERSITIES**

The Chair (Ms. Goldie Ghamari): I will now call on the Honourable Jill Dunlop, Minister of Colleges and Universities. Minister, you will have 20 minutes to make an opening statement, followed by 40 minutes of questions from the members of the committee. The questions will be divided into two rounds of seven and a half minutes for the government members, two rounds of seven and a half minutes for the official opposition and two rounds of five minutes for the independent member. I will give reminders of the time remaining during the presentation and the questions.

Please state your name for Hansard, and then you may begin.

Hon. Jill Dunlop: Jill Dunlop, Minister of Colleges and Universities.

Good morning, everyone. I'm pleased to have this opportunity to discuss our proposed changes in more detail today. Our government believes that Ontario has one of the best post-secondary education sectors in the world and that our institutions are hotbeds of innovation and entrepreneurship. They support the local economy, they attract international talent and they are places that encourage creativity and respectful debate.

The students and graduates of our high-calibre institutions are what give this province its competitive edge. Our colleges, universities, Indigenous institutes and private career colleges are key drivers of economic growth, prosperity and competitiveness. Campuses across the province, from the GTHA to rural and northern Ontario, are not only places of learning, but centres of employment and economic growth for their communities, cities and the regions they call home. And they are pillars of their local communities and leaders in preparing the people of Ontario for the jobs of today and tomorrow.

The people of this province are our greatest asset. As a government, our priority is to support Ontario's students and help them access the high-quality education that will help them develop the knowledge and skills they need to get good-paying jobs and support the growth of our economy. But in order for students to flourish in post-secondary education and beyond, we first need to provide them with a solid foundation that fosters success, and following consultations, communications and engagement with the post-secondary education communities, we know that there is more that we can do to protect students on campus.

That's exactly what both of the initiatives in Bill 26 are looking to accomplish to create the right conditions for student success through inclusive, respectful and safe environments for learning—an environment where they don't have to worry about harassment while learning. For those of you who do not know, this is something that I hold particularly near and dear to my heart given my prior and current roles with our government, but, more importantly, as a mother to three young women in post-secondary education.

The first set of amendments in Bill 26 would introduce changes that underline our government's zero tolerance position on sexual harassment, assault and any other form of violence or sexual misconduct in our communities. A

2018 survey showed that Canadian women experience disproportionate rates of sexual and physical violence, about 10% more women than men have been physically or sexually assaulted by an intimate partner or a non-intimate partner in their lifetime and around 30% of younger women, aged 15 to 24, were physically or sexually assaulted by a non-intimate partner, compared to 40% of women 25 years or older. Keeping those statistics in mind, this legislation seeks to enable institutions to better address faculty and staff sexual misconduct against students. Firstly, it would equip publicly assisted colleges and universities and private career colleges with stronger tools to address instances of this nature when they arise. For example, sexual abuse of a student by faculty would be deemed just cause for dismissal.

Secondly, it would prevent the use of non-disclosure agreements, which can be used to hide the prior wrongdoing of an employee when they leave one institution for another. You may recall a relevant case covered in the media a few years ago, a case where a faculty member was dismissed for just cause following an investigation into allegations of sexual violence and was hired by another institution while the investigation was under way. There are more examples of this type of misconduct occurring, but this is the type of scenario that we want to avoid.

Preventing the use of non-disclosure agreements at publicly assisted colleges and universities and private career colleges will help to limit instances where an employee leaves an institution to be employed at another institution and their prior wrongdoing remains a secret. This would help provide greater transparency with respect to faculty and staff who are found to have committed sexual abuse of a student.

Thirdly, it would require publicly assisted universities and colleges and private career colleges to have employee sexual misconduct policies that provide rules for behaviour between employees and students and examples of disciplinary measures for employees who break those rules. These measures would help address instances where faculty oversteps a teacher-student relationship with inappropriate behaviour, such as an instance a few years ago when an independent review found that a professor gave alcohol to and made sexual advances toward a student.

If passed, the legislative amendments would come into force on July 1, 2023. Together, these changes would require publicly assisted colleges and universities, as well as private career colleges, to have specific processes in place that address faculty and staff sexual misconduct on campus and make these processes transparent.

After introducing these amendments in Bill 26 a few weeks ago, I'm pleased to see so much immediate support from the post-secondary sector, as well as coverage in the media. The Toronto Star penned an article with the bold headline, "Ontario to End Secrecy Behind Campus Sexual Misconduct Cases and Let Universities Fire Faculty Who Abuse Students." That article included input from the president of the Ontario Undergraduate Student Alliance, who said this: "Students in general are very concerned about sexual and gender-based violence," and the proposed changes are welcome.

Additionally, it was excellent to see campus media's interest in Bill 26. The Varsity, U of T's long-standing campus newspaper, published a piece on the proposed legislative amendments earlier this month. The Varsity spoke with executives from the Prevention, Empowerment, Advocacy, Response, for Survivors Project, or PEARS. This is a grassroots, trauma-informed group providing support for survivors of sexual violence across U of T's three campuses. The founder and director of the organization was quoted saying, "I was very pleased to see that further attention is being paid to the issue of sexualized/gender-based violence in post-secondary, as it is so often disregarded."

Ultimately, the measures in Bill 26 are focused on improving student safety and ensuring the best environment for students to excel in the high-quality education our post-secondary institutions provide. It has been truly encouraging to see how much support we've already garnered for these proposed changes.

Beyond the legislation we're examining today, I'd like to note other government actions to address sexual violence and misconduct on campuses, so you have the full picture of the important work and progress that has been made. We know that a healthy campus environment is crucial to student success. At a fundamental level, no student in Ontario can reach their full potential unless they are learning in a safe environment and, importantly, they feel safe in that environment. Our government believes that everyone should be able to pursue their studies, on or off campus, without having to worry about sexual violence, harassment or misconduct. This is not something we merely believe in but, as a government, we've acted on. And the measures included in Bill 26 further build on our government's actions to address the safety of students since forming government.

0810

I'd like to take you back to 2018, when our government conducted the Student Voices on Sexual Violence Survey. This survey was an opportunity to gather information about how respondents perceive, understand and respond to instances of sexual violence, as well as their level of satisfaction with their institution's sexual violence supports and services. More than 160,000 students across Ontario participated in this voluntary survey, which has helped inform our government's work in this area. For example, since July 2019, publicly assisted colleges and universities are required to report annually to their board of governors, including on the number of incidents and complaints of sexual violence reported by students, as well as the supports, programs and initiatives that are available to their students.

Publicly assisted universities and colleges and private career colleges must now also have a publicly posted stand-alone sexual violence policy, which must be reviewed at least every three years and amended as appropriate. Student input must also be considered during the development of the policy and every time the policy is reviewed or amended. These are measures that will ensure these conversations continue and that students have their voices heard.

Additionally, our government required each publicly assisted university and college in Ontario to have a task force devoted to addressing sexual violence on campus. On the investment front, I'm proud to say that, since 2019, the government invests \$6 million annually in the Campus Safety Grant. These funds assist and support publicly assisted colleges and universities with campus safety programs, including campus sexual violence prevention programs and supports. But we haven't stopped there.

Last year, we made additional policy changes to strengthen supports for post-secondary students reporting sexual violence or harassment. We introduced regulatory amendments that required publicly assisted universities and colleges and private career colleges to update their sexual violence and harassment policies in order to shield students from irrelevant questions during sexual violence investigations at institutions. These amendments support students to safely bring forward complaints without fear of disciplinary action. This may include instances where, perhaps, a student was drinking underage and the fear of those consequences deterred that individual from coming forward. It also barred irrelevant questions that had a potential revictimizing or shaming effect, including questions about past sexual history. Our government took action to put an end to these issues, and these changes came into effect this past spring.

I want to note that these have been well-received by leaders in the post-secondary education sector and by students I've spoken to, with shows of support from the Council of Ontario Universities, Colleges Ontario and Career Colleges Ontario. It is clear that across our institutions, these changes have been welcomed and appreciated for going further than ever before to combat sexual violence on campus.

Building on this work, I'd like to speak briefly about the consultations that we had to address faculty and staff sexual violence against students—consultations that form the foundation of the bill we are examining today. We pride ourselves on being a government that is responsive to the evolving needs of its people, and we know that these issues as pervasive as sexual violence and harassment aren't addressed by quick fixes. Specific instances of sexual violence and misconduct committed by post-secondary faculty and staff against students have been exposed in recent years due in part to investigative reporting in the media. In many cases, survivors have come forward to report instances years after the sexual misconduct occurred, with allegation details varying from case to case. A picture has emerged of general frustration about the disciplinary actions taken and the lack of transparency taking place at institutions following reports of sexual conduct by a faculty or staff member. Cases of sexual misconduct by faculty or staff against students undermined the essential conditions for learning, and as evidence of these cases emerges, the public's trust in the ability and commitment of post-secondary institutions to keep students safe is also affected.

As I mentioned, not only do we need to create safe campus environments; we also need to make sure students

feel safe as well. In August 2021, following some media attention regarding sexual misconduct cases in post-secondary institutions and the calls to strengthen existing measures, our government engaged with colleges, universities, private career colleges, and faculty and student groups to develop a plan of action that could build on and expand the existing measures. Our consultations helped us determine the extent of the issue and what we could do that would constitute an effective response to further ensure student safety. These consultations provided a clear signal that there was more work to be done to grant students a safe learning environment, especially as they return to campuses full-time.

While the steps we have taken since 2018 have strengthened support for post-secondary students reporting sexual violence or harassment in campus communities, the measures introduced in Bill 26 would give publicly assisted universities and colleges and private career colleges greater tools to address acts committed by faculty and staff toward students. We are working to do everything possible to combat issues of sexual violence or misconduct on campuses and we will continue to do so. That is why these measures are being put into place to protect our students and support their well-being.

The Chair (Ms. Goldie Ghamari): Five minutes left.

Hon. Jill Dunlop: I would be remiss not to mention that publicly assisted universities and colleges and private career colleges are also taking important steps to address student safety and respond to these concerns. Many post-secondary institutions are proactive in doing exceptional work to address sexual misconduct. I want to be clear: We have—and we all know—remarkable faculty, and the vast majority of our faculty and staff conduct themselves with complete professionalism and strive to foster a safe environment for our students.

However, concerns have been raised on whether increasing measures go far enough to address faculty and staff sexual misconduct against students in the post-secondary education sector. That is why these measures are being put in place to protect our students from those who don't live up to the standards of conduct with respect to student safety and well-being. The proposed changes would make Ontario one of only two Canadian jurisdictions that require institutions to have these types of policies: policies requiring rules for behaviour between faculty, staff and students, and policies that outline disciplinary measures that may be imposed on faculty and staff who break these rules. I hope everyone present today will be supportive of the steps that we're proposing.

In my last couple of minutes, I'd like to talk about the name change for Toronto Metropolitan University. Our government supports a post-secondary education system that is accessible, respectful and inclusive for all learners, including Indigenous learners. We work with colleges, universities, Indigenous institutes and Indigenous partners to create the conditions that make it easier for everyone to access a high-quality education. We do this because we want to build a post-secondary education system that embraces inclusivity and promotes success for all learners, so they can find rewarding careers.

The second set of amendments in Bill 26 would change the name of Ryerson University to Toronto Metropolitan University. The institution created a task force to engage with community members on reconciling its namesake's legacy. After extensive consultations with the university and the broader community, including an online survey with over 30,000 responses, the university determined that a new name would better reflect its current values, aspirations and directions. The school's renaming was one of 22 recommendations in the final report of its task force. The university has formally requested that our ministry bring forward amendments to make Toronto Metropolitan University the official legal name of the institution. We are pleased to support the university's name change to Toronto Metropolitan University by proposing amendments to the Ryerson University Act, 1977, and other affected statutes to reflect this change.

The university's renaming is one of many steps the university is taking to move beyond the legacy of its namesake and his role in the design of Canada's residential school system. The university's new name comes at a time of great expansion and growth for the institution as well. As part of our proposed changes, we are also supporting the university's request to increase its number of elected senate members and add the positions of deputy provost and vice-provost to the university senate. This senate expansion reflects the recent evolution of the university given the addition of the Lincoln Alexander School of Law and the soon-to-be-established school of medicine.

0820

As the Minister of Colleges and Universities, my focus is on supporting programs and initiatives in post-secondary education that will promote access and success for Indigenous learners. We know there's an attainment gap in post-secondary education between Indigenous and non-Indigenous learners. Approximately 53% of Indigenous learners, young people aged 25 to 64, hold a post-secondary credential compared to 65% of non-Indigenous population.

The Chair (Ms. Goldie Ghamari): One minute left.

Hon. Jill Dunlop: There is a widespread agreement by Indigenous leaders, communities and education professionals that investing in culturally responsive post-secondary education opportunities for Indigenous learners will have tremendous benefits and reduce this gap. To this end, colleges and universities across Ontario are committed to improving Indigenous learners' access to and inclusion in post-secondary education.

In closing, in my last few seconds here, we are ready as a government to take bold, decisive action in order to do what is best for Ontario and Ontario's students, and at the heart of this action is the post-secondary education sector and the students. That is why the measures that we are proposing in Bill 26, first and foremost, are student-focused. If students don't feel safe or a sense of belonging, this will impact their success on campus.

I'm confident that after considering the bill in more detail today, its benefits for the future of students will be very clear to all.

The Chair (Ms. Goldie Ghamari): Thank you very much, Minister.

We'll now turn to our round of questioning. We'll start with the official opposition for seven and a half minutes. MPP Pasma, you may begin.

Ms. Chandra Pasma: Thank you for being here, Minister. I don't think there's anybody in the province of Ontario who doesn't think that it's important that we address the issue of sexual violence and harassment on campus. I think the question is whether this bill actually puts forward the best measures to do that, particularly whether the focus on punishment rather than prevention is appropriate.

You mentioned that the foundation of the bill was consultations with faculty, staff and students. But I'm wondering, who specifically did you consult with in developing the bill?

Hon. Jill Dunlop: Thank you, MPP Pasma, for your question. The bill is being put forward today, and the measures build on the work that our government has already done. I mentioned about the regulations that came into effect this past March, as well as the investments we're making in the campus safety group.

We had over 100 participants in the consultations. OUSA was one of the groups who presented who was part of the consultations. I know OUSA was here last week, and I would hope that everybody on the committee had a chance to meet with those students and hear first-hand from them about the issues of sexual violence on campus. It was clear from the consultations that more work needed to be done in the area of faculty and staff against students sexual violence. That's why the focus of the bill has been on that. So OUSA was one of the groups and, as I mentioned, 100 groups participated in that.

Ms. Chandra Pasma: Did you consult with faculty and staff unions like OCUFA, CUPE and OPSEU?

Hon. Jill Dunlop: Faculty and staff groups were part of that as well as post-secondary institutions. I don't have the full list of groups that participated, but we did hear from a wide range of groups to participate in this bill, with their feedback and recommendations on moving forward.

Ms. Chandra Pasma: But individual faculty, not groups representing faculty and staff.

Hon. Jill Dunlop: I can't specifically mention the names of the groups. I don't have those in front of me right now, but we did hear from faculty and staff.

Ms. Chandra Pasma: Okay. Student groups have done a lot of work on this issue; so have faculty and staff unions. There has actually been a lot of work done, a lot of recommendations put forward, over the past few years. That included a report that was done by 24 student organizations last year, including the Canadian Federation of Students; OUSA, which you mentioned already; the College Student Alliance; University of Ottawa Students' Union; University of Toronto Students' Union; the Wilfrid Laurier students' union. They had a comprehensive report called Our Campus, Our Safety, with 10 calls to action, including four focused on provincial and territorial governments, and none of those recommendations are included in this bill.

So my first question is: Did you read that report?

Hon. Jill Dunlop: Yes, I did read the report. The recommendations on the regulations that were put forward last year were recommendations that had come from OUSA, and that was specific to what was happening on campuses. We took the recommendations and put those regulations forward to ensure that there were more supports to support students—with sexual violence on campus.

Ms. Chandra Pasma: But none of the recommendations in this report coming from 24 student groups is included in this bill. Why not include the recommendations that students themselves are asking for in this bill?

Hon. Jill Dunlop: We are always committed to working with the sector, the students and the faculty in the post-secondary institutions, to continue to strengthen the sexual violence protections on campus. We will continue to work with groups and listen to their recommendations and work with them.

Ms. Chandra Pasma: Students, faculty, unions, staff unions and sexual violence experts have all said that more needs to be done on prevention. Why does this bill focus just on what happens after sexual abuse has already taken place instead of taking steps to prevent it from happening in the first place?

Hon. Jill Dunlop: I know you're going to hear from Western University today. It's one of the groups that's coming forward. I want to comment on some of the work that I know they're doing right now with consent for their students in that first week of school—so schools are already doing good work. They are autonomous so they take those measures themselves in what they're doing. I mention Western because I know Western was also here recently and talked with many members about the work that they're doing on campus.

There is work being done. It is a priority for colleges, universities and private career colleges to ensure that campuses are safe for all students and for their learning.

Ms. Chandra Pasma: I agree that Western is doing great work. I had the opportunity to learn about it when they were here for their lobby day.

To me, it seems like a lost opportunity—to then take a great idea like that and expand it across the province. They may be autonomous institutions, but you're able to put in place these changes around punishment. So why not also put in place changes that mandate prevention activities, like consent, education and bystander training, and all sorts of things that would actually prevent sexual abuse from taking place in the first place?

I have a specific question about section 3(5) in the bill. You stated earlier in your comments, and I believe you've said it in the Legislature as well, that it bans non-disclosure agreements, but it actually doesn't ban non-disclosure agreements. It only bans them once an adjudicator or a court has ruled that sexual abuse has taken place.

In the really high-profile case at the University of Windsor that happened a couple of years ago, I believe the alleged perpetrator left of his own volition before a process was finished. That was part of the whole problem about what happened.

This leaves a huge amount of territory where non-disclosure agreements can still be used and implemented. In fact, a respondent can see the writing on the wall, know that a judgment is coming, and insist in their negotiations with the institution, "I'll leave quietly if you put a non-disclosure agreement in place." Why not just ban non-disclosure agreements completely? Why wait for that adjudicator or court ruling?

The Chair (Ms. Goldie Ghamari): One minute left.

Hon. Jill Dunlop: This bill is giving institutions additional tools to ensure that students are protected on campus. The use of the non-disclosure agreements, that would be up to the institution, but we're giving them the tools to be able to do that.

The bill is looking at everything that we can do to continue to support students on campus. Working with institutions and I think—as a committee, when you're looking at the bill, these are important things for you to consider as well.

Ms. Chandra Pasma: Right. Non-disclosure agreements have caused a lot of harm, not just in the post-secondary sector. I would think that we would want to put in a fulsome ban instead of allowing institutions to have the wiggle room to do it before a judgment is made.

Hon. Jill Dunlop: We can all agree—and I know the institutions are looking at the best interests for their students to ensure that campuses are safe, that they're a safe learning environment. Those faculty who are—

The Chair (Ms. Goldie Ghamari): Thank you very much. That's all the time we have for this round.

We'll now turn to the government for seven and a half minutes. You may begin.

Ms. Patrice Barnes: Thank you, Minister, for your presentation and the details of the objectives of this legislation, if it is passed.

I'd like to just touch base with you a little bit. You've been Associate Minister of Children and Women's Issues. You also serve as the Minister of Colleges and Universities. You're also a mom with three daughters. So I just wanted for you to just share why this bill is so important to you and your personal connection to having this bill pass.

0830

Hon. Jill Dunlop: Thank you, MPP Barnes. As you say, I do have many, I guess, personal connections to this. As a mom of three daughters who are in post-secondary, this is important. All of us, when we send our children off to school, want to ensure that those campuses are safe.

Prior to coming into politics, I worked at Georgian College, and I can tell you, every spring when we had our open house and you had students and parents from across the province coming in to view your college, the one thing we always heard from parents was about the safety of the campus, the safety of the residents, of the community. That was what was top of mind. As excited as the young people were to come in and see the campus and everything that it had to offer and the programs, parents were also talking about safety.

I can tell you, when my daughters were looking at universities and colleges, it was for me, as well, and wanting to make sure that they had the best learning environment. We hear too often of cases of sexual violence on campuses and of faculty. Even my daughters have said they have heard about this. That's not something you want to hear as a parent.

In my former role as Associate Minister of Children and Women's Issues, I was visiting many of the centres across the province: sexual and gender-based violence, women's shelters, sexual assault centres. I heard first-hand from them the work that they were actually doing in conjunction—this was before I was involved with the colleges and universities—the work that they would do not only within their communities but also in conjunction with colleges and universities in those areas—so those community supports that were there, with exceptional leaders in those areas, professionals who were working with the student bodies as well to ensure that students had the supports in their area, within their new community as well.

So I think, in many ways, I do have a personal connection to this and really want to ensure that all students are safe on campuses, because as I said, when students feel safe, then the learning happens much easier than when you're concerned about your safety on campuses and safety in a classroom or with your professors.

The Chair (Ms. Goldie Ghamari): MPP Jordan.

Mr. John Jordan: Thank you, Minister, for the presentation. There's a lot of good work in this bill addressing faculty-on-student sexual abuse. I'm wondering if you can expand a little bit more on why it excludes student-on-student abuse.

Hon. Jill Dunlop: Thank you, MPP Jordan, for that question. There's academic misconduct and non-academic misconduct. The academic misconduct—we're probably all more familiar with that; it's things like cheating on exams and essays and those kinds of things, and there are disciplinary measures for those. In this case, this looks at the non-academic discipline. There's already a mechanism in place at post-secondary institutions for the non-academic discipline, which would include student-to-student misconduct. So in that case, that's where it could be a TA to a student. Those are already in place. That's why the amendments in the bill are different than the disciplinary actions that are already on campus for student-to-student.

Mr. John Jordan: Thank you.

The Chair (Ms. Goldie Ghamari): MPP Martin.

Mrs. Robin Martin: Thank you, Minister, for the presentation. I know our government is quite worried about sexual violence and misconduct on or off campus, and we've been trying to make some changes to make sure that doesn't happen. Everybody thinks that students should feel safe and supported on campus and have a good environment to learn in and certainly shouldn't be subject to some of these activities that we've seen some terrible stories about, which are completely inappropriate. I know you mentioned a bit about what we had already done to

create a better learning environment for students to feel safe and supported, but I'm wondering if you could talk about how this bill builds on that previous work that you've done and the Ministry of Colleges and Universities has done.

Hon. Jill Dunlop: Thank you, MPP Martin, for that question. I mentioned earlier the Campus Safety Grant. We've actually doubled that twice. It was \$1.5 million; we doubled it to \$3 million and have since doubled it to \$6 million. The Campus Safety Grant is funding for post-secondary institutions to increase safety on campuses, and that is to their discretion. That could be adequate lighting on trails. It could be counselling for students. We leave it to their discretion in how that money is used.

The Chair (Ms. Goldie Ghamari): One minute left.

Hon. Jill Dunlop: This also builds on the regulations that we brought into place last March, and those were ensuring that all campuses have a sexual violence policy in place. It also ensures that a student is not asked irrelevant questions if they bring forth a case, such as their past sexual history. It also allows students to be exempt from any drug and alcohol policy that is in place at the post-secondary institution, if drugs or alcohol were involved at the time of the sexual harassment. Those were the regulations that we had in place before the campus safety grant, and then also building with the amendments in this bill.

In this case, as a result of the consultations, we heard from the students, faculty and post-secondary institutions that more needed to be done in the area of faculty and staff sexual misconduct toward students. We are always willing to work with the sector to—

The Chair (Ms. Goldie Ghamari): Thank you very much. That's all the time we have for this round.

We'll now turn to the independent member. You have five minutes. You may begin.

Mr. Adil Shamji: Thank you very much. Good morning, Minister Dunlop. I was wondering: Would you be supportive of amendments that would call for additional measures to prevent sexual abuse?

Hon. Jill Dunlop: To prevent sexual abuse of students?

Mr. Adil Shamji: From faculty to students, which, as pointed out, is conspicuously absent from this bill.

Hon. Jill Dunlop: I'm always open to meeting with the sector, hearing more and learning how we can ensure that students are safe on campuses.

Mr. Adil Shamji: So, to be explicit, if I were to include an amendment that legislated colleges and universities, public and private, to implement sexual abuse prevention programs, would you be supportive of that in this bill?

Hon. Jill Dunlop: I think at that point it would be left to the committee to make those decisions on amendments that are being brought forward.

Mr. Adil Shamji: But how would you feel about that, Minister?

Hon. Jill Dunlop: I am supportive of anything that we can do to ensure that students are safe on campuses.

Mr. Adil Shamji: Okay. Thank you. Are you, by any chance, joined by any members of your staff this morning?

Hon. Jill Dunlop: Yes, I am, from my government staff, my ministry staff.

Mr. Adil Shamji: Yes, of course. Thank you. Would you kindly ask them if there were any faculty associations that were consulted in the drafting of this bill?

Hon. Jill Dunlop: Yes. One second.

Mr. Adil Shamji: Sure. And which ones?

The Chair (Ms. Goldie Ghamari): If Scott wants to respond, he'd have to come to the mike and provide his response. Yes, come to the mike and introduce yourself. State your name for the record and then you can respond.

Mr. Adil Shamji: Thank you, by the way.

Mr. Scott Ramsay: Good morning, everybody. I'm Scott Ramsay. I'm Minister Dunlop's director of issues, legislative affairs and public appointments. Yes, there were a variety of faculty associations that did appear. I believe OCUFA did also do a written submission, but I'm happy to take that back and verify.

Mr. Adil Shamji: A written submission in advance?

Mr. Scott Ramsay: Both in advance and after their appearance during the consultation.

Mr. Adil Shamji: Thank you.

Hon. Jill Dunlop: We'd be happy to get the list of those who participated, as well, for the whole committee.

Mr. Adil Shamji: Yes, I would deeply appreciate that.

Along that vein, last week we had the pleasure of seeing each other during the review of the expenses for the Ministry of Colleges and Universities. At that time, we had spoken about the Auditor General's report from December 2020-21, which had called for additional supports for international students, which would, of course, help with things around sexual abuse and violence.

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At that time, we didn't have an update on the status of that. You had mentioned that you would be able to provide an update within a week. I was wondering—it's been a week now—whether you might have an update.

Hon. Jill Dunlop: I know my officials are getting that information for the committee—

The Chair (Ms. Goldie Ghamari): Sorry. The comment—that's about estimates and it's not relevant to the current hearing, which is about Bill 26.

Mr. Adil Shamji: Sorry, the Auditor General's report had called for increased supports for students, which would include things around sexual abuse, and so I would respectfully contend it has immense relevance.

The Chair (Ms. Goldie Ghamari): We can't follow up on estimates questions, so you would have to ask questions about Bill 26 specifically. That relates to estimates and that cannot be asked because this hearing is specifically about Bill 26.

Mr. Adil Shamji: Sure—understood. Thank you, Chair.

I wondered if I could ask you to elaborate a little bit on the excellent question from the government side in regard to student—I hope I'm saying this right—student-on-student sexual abuse. You had provided the example of, for example, a TA that commits an act of sexual abuse on

students. I wasn't aware that there are measures in place already—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Adil Shamji: Are those individual, like on an institution-to-institution level, or are they legislated the way we're doing here today for faculty?

Hon. Jill Dunlop: The disciplinary actions are institution to institution, but they are in place at all institutions.

Mr. Adil Shamji: Is there a reason that we're choosing to legislate on the faculty side but not the student side?

Hon. Jill Dunlop: From the consultations, what we hear loud and clear was that it needed to be the faculty and staff towards students, so this is where we've had the focus. The work that we did that came into effect this past March was regulations that were in place.

Mr. Adil Shamji: Thank you very much, Minister.

The Chair (Ms. Goldie Ghamari): Okay, we'll move on, then. We'll turn to the official opposition for seven and a half minutes. You may begin.

Ms. Chandra Pasma: I want to follow up on the question from MPP Jordan. You mentioned that there's already non-academic discipline mechanisms in place for students, but there's already also discipline and termination mechanisms in place for faculty and staff and, in fact, institutions already do discipline and terminate employees. So why does the legislation need to overrule rights that have been collectively bargained over decades and remove the rights of workers to appeal to an adjudicator in order to allow institutions to discipline and terminate employees?

Hon. Jill Dunlop: Well, this is taking it one step further and giving institutions the tools in place, if they choose to do so. I hope that institutions will work with their collective bargaining agents to ensure that this policy is put in place. We should all be 100% behind supporting student success and student safety on campuses. I know this is something we've heard, obviously, from students, but it's also important that I'm hearing from institutions that they want to ensure that students are safe on campuses and that faculty who do this type of thing—like I said before, we have amazing faculty in this province, but there are the bad actors, and those are the ones that we want to ensure do not commit sexual harassment or violence of any type on students.

Ms. Chandra Pasma: Absolutely, but institutions already have power to discipline and terminate them. In fact, often, the process for that is laid out by the collective agreement, which is now being set aside by this legislation.

Hon. Jill Dunlop: Well, we're giving institutions the tools to ensure that students are safe on campus.

Ms. Chandra Pasma: Okay. I want to follow up on a related angle, because we, in this conversation so far, have been talking about faculty and staff and students as if they're two separate groups. But on many campuses, as many as a third of the employees are actually students. Students also play instructional roles, and yet this legislation is totally silent on that relationship. I think that leads into the larger question about the fact that there are so

many relationships on campus: faculty, staff, alumni, visiting researchers, guests, contract employees. This legislation focuses only on one relationship, as if that relationship is static and unchanging. Again, it comes back to the question of why not take a comprehensive, prevention-oriented approach that actually makes the campus a safer environment for everyone who works there, regardless of what their relationship is and how the relationship changes over time.

Hon. Jill Dunlop: Well, we've put the regulations in place. We have the amendments in the bill. I think that would be to the committee, then, to look at submitting further amendments.

Ms. Chandra Pasma: Okay. Similarly, the legislation is completely silent on the matter of where behaviour takes place, whether it has to be at campus, whether it has to be in class or whether it could also be a social event that's related to the institution. The government has been pushing experiential learning, but there are no protections in place for students when they're part of that experiential learning. Why not, again, take a comprehensive approach and say, "These are the activities that are covered, these are the locations that are covered and these are the places where you can count on being protected"?

Hon. Jill Dunlop: It is on or off campus. I think, then, as a committee, if amendments are put forward into breaking that down further, then I would leave that to the committee to make that decision.

Ms. Chandra Pasma: Okay. The act applies to not only publicly funded universities and colleges, but to private career colleges. Why not private universities?

Hon. Jill Dunlop: It includes private career colleges, as well.

Ms. Chandra Pasma: But not private universities.

Hon. Jill Dunlop: That's something that we could consider in the amendments.

Ms. Chandra Pasma: Okay. Students, faculty unions, staff unions, sexual violence response coordinators and other experts have also called for data collection, so that we can actually monitor what's happening, whether we're making any progress in eliminating and addressing sexual violence. Why is that not part of the legislation?

Hon. Jill Dunlop: Looking at data collection? That is a good point. We had the 2018 survey that was done, and as I said, 160,000 respondents on that. I think it's obviously a priority for students to participate and have their voice heard in that. That's something I recently spoke with OUSA about, looking at that survey again. I believe in data collection as well. It's important to see where we started and where we're going, and then the success of that.

Ms. Chandra Pasma: Right, but one of the gaps that has been identified—I believe it was identified in the Our Campus, Our Safety report; it has definitely been identified by Courage to Act and other organizations—is that there's no requirement for post-secondary institutions to actually release aggregate data on how many complaints have been made, what the nature of the complaints is, what the outcomes of them have been. It really becomes impossible for student groups, unions, sexual violence

experts and others to actually monitor the response of a post-secondary institution and see whether they're actually making any progress in both addressing but also preventing sexual violence from taking place.

Hon. Jill Dunlop: That is reported to the boards, and as I mentioned earlier, campuses have the task force as well. As I said before, we're always looking to put measures forward to strengthen policies on campus, so that could be a consideration.

Ms. Chandra Pasma: Okay, but a board and a public release are two pretty different things.

Hon. Jill Dunlop: And as I said, as a parent, visiting campuses and talking and wanting to make sure that they're safe, that information is important.

Ms. Chandra Pasma: Okay. I want to come back to the issue of the overlap between workers and students again, because section 3 of schedule 1 refers to "employees," allowing for the discipline and termination of an employee, but there's no reference to the fact that employees could also be students.

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Chandra Pasma: And so, do you think there needs to be any nuance or specific provision here to address that reality? A student is an employee could be terminated, but still sitting next to the survivor in class.

Hon. Jill Dunlop: As I mentioned before, the non-academic discipline could come into effect, I guess depending—I mentioned as a TA. Are you talking about working on campus in another area specifically? I think that, as a committee, that needs to be looked at.

Ms. Chandra Pasma: Okay. Thank you.

The Chair (Ms. Goldie Ghamari): We'll now turn to the government for seven and a half minutes. MPP Pierre, you may begin.

Ms. Natalie Pierre: Thank you, Minister. Just shifting gears a little bit, can you talk briefly about the Ryerson/TMU change and why you decided to move forward with the change?

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Hon. Jill Dunlop: Thank you, PA Pierre, for the question. As I mentioned earlier, the university had a task force as well as did online consultations, where they had over 30,000 respondents come back as part of that consultation. We worked closely with the university. I know it was very important to them, and that's why they put the task force together, which came back with 22 recommendations, one of those being a name change.

I think they have been quite responsible, but they also were very open and receptive to the issues that were brought forward. I'm 100% committed to the work that they have done. I'm happy with their decision to move forward with the name change. It looks at the direction that the university is taking, and I'm happy with the work that they've done. They've listened to the community and been responsive to that.

Ms. Natalie Pierre: Thank you.

The Chair (Ms. Goldie Ghamari): MPP Quinn.

Mr. Nolan Quinn: Thank you, Minister. What do you believe is the most important part of putting legislation

like this together? Is it the policy objectives, the consultations? MCU is not known as a heavy legislative ministry, so I would love to hear your perspective on this.

Hon. Jill Dunlop: Thank you, MPP Quinn. I believe it's the consultations. Whether it's my ministry or any other ministry, I think the consultations are the most important part. We need to hear from those people who are on the ground, who are living and breathing and part of this. That's why it's important, in this case, for our ministry to hear from the student groups, to hear from faculty, to hear from the post-secondary institutions themselves, and what we can be doing to ensure there is a safe learning environment, to understand from things that may have happened in the past, what we can do to make it better, and put those processes in place, the legislation in place, regulations, whatever it may be. But really, I think it's the consultations and hearing from those people. It's one thing for us to sit back and say, "Oh, we think it should be done this way," but that could mean something completely different to somebody who is actually living it at that time. So to hear from those people and to ensure that what we're doing is actually going to make it a better place for those people is important.

Mr. Nolan Quinn: Thank you.

The Chair (Ms. Goldie Ghamari): MPP Rae.

Mr. Matthew Rae: Thank you, Minister, for being here this morning. Obviously all your work you've done on this bill and your passion for it, I can really tell it comes out in your testimony this morning.

Building on my colleague's question on the consultations, what have your conversations with student groups been like, and given that we've seen schools like Western, which is in my backyard from my riding, and how they've responded to large-scale allegations of sexual violence on campus, what do you believe are the key steps in prevention of sexual violence and other aspects like that and what have you heard from student groups?

Hon. Jill Dunlop: Thank you, MPP Rae, for that question. I know we've had the Western group here recently, as well as McMaster. So I hope everybody had a chance to speak with those groups but, for me, more importantly, it's speaking with those students when they were here, as well as being on campus and hearing from students.

What I've heard recently with the bill that we put forward is that students felt they were being protected, that their voices were being heard, that this was an issue that, we heard from them, was important, that they feel safe on campuses and that we were continuing to put measures in place to ensure their safety.

I'm also a Western alumni. I also have a daughter who is in her third year at Western right now. I want to make sure that all post-secondary institutions, private career colleges are safe learning environments. We heard from Western recently about the measures that they're putting into place regarding consent awareness. They now do a course for students that's mandatory in their first week—for those students who are living in residence. I know there's always more to be done. I know that our campuses

are working with the students to hear their voice, to make sure those are in place and that more can always be done. I think the work that is being done with our post-secondary institutions and their community partners is also important.

You're the PA of education. The work that's being done in our new health and physical education curriculum is important, too. We're talking about consent at an early age now that was never done before. Starting as early as grade 6, I believe, we're talking about consent awareness. That builds on the curriculum through into high school.

Prevention is very important. The more that we can do early on to prepare our young people to enter post-secondary to have respectful relationships—it's very important. I think the earlier we can do that, working in conjunction with K-to-12 education and building on that in university, will help to build safer campuses across Ontario.

The Chair (Ms. Goldie Ghamari): MPP Rae?

Mr. Matthew Rae: Minister, are you able to build on some of the examples you heard from the consultations? You mentioned Western working with community partners. Are there any other good examples across Ontario with our post-secondary partners working within their local communities?

Hon. Jill Dunlop: I mentioned I met with students who told me some of their stories, that students knew this kind of thing was happening on campuses, which is sad to hear.

The Chair (Ms. Goldie Ghamari): One minute left.

Hon. Jill Dunlop: They have to find out from other people if that faculty member is safe to work with in a lab setting. You don't want to hear that from students or for students to know that that is happening. That's why this bill is important, so that those people aren't getting away with that.

In my prior ministry, children and women's issues, obviously working with those groups that were supporting women who had experienced gender-based violence, it was great to see that they do work with the campuses in their communities. I think that's really good to see, because these are professionals in their field who are dealing with this every day. They have the best practice and the best knowledge. So for them to be working with those students, in those instances, is very important, because I can't imagine, as a student, something like this happening and being alone and away from your family and home and that—

The Chair (Ms. Goldie Ghamari): Thank you very much. That's all the time we have for this round.

We'll now turn to the independent member for five minutes. You may begin.

Mr. Adil Shamji: Thank you, Minister. I just wanted to ask, just to be sure that I understand the spirit of this bill: In subsection 16.1(2), it says, "If an employee of an institution commits an act" of sexual abuse, "the institution may discharge or discipline the employee for that act...." I just wanted to be sure that I understood correctly. Is it an option to discharge, or is this legislation calling for that employee to be immediately terminated?

Hon. Jill Dunlop: This is an option. It is an additional tool that institutions will have. But I am sure that institutions, as I know—I've talked to many presidents at the schools, and this is a priority item, that we want to ensure that students are safe. I have no doubt that they will take these measures to heart and use them.

Mr. Adil Shamji: Okay, great. But it's an option that they can exercise—

Hon. Jill Dunlop: Yes, it's an additional tool.

Mr. Adil Shamji: —which, we anticipate, they will often use. That's fair.

I also wondered if you could just explain—honestly, because this is a new concept for me—the implications of switching from the terminology of a “publicly funded university” to a “publicly assisted university,” and what the consequences of that bill be for our publicly funded institutions currently.

Hon. Jill Dunlop: Sorry. Can you repeat that question?

Mr. Adil Shamji: Sorry, I tend to be long-winded. My question is: Are there any real-world consequences of switching the terminology “publicly funded university” to “publicly assisted university”? Does it make a difference or is it literally just changing some words around?

Hon. Jill Dunlop: I believe it to be changing words around.

Mr. Adil Shamji: Okay. Are there currently any provisions, or will there be any provisions, for preventing people who had previously been convicted of sexual abuse from being hired at post-secondary institutions in the first place?

Hon. Jill Dunlop: I guess, if NDAs were currently in place and the institution hiring did not know of any former behaviour or accusations, then they wouldn't know. So that's taking that off the table now, that NDAs would not be in place, and that you couldn't have a faculty member leave one school and be hired by another without that past knowledge.

At this point, if an NDA was in place, then nobody would know. I gave the example of the University of Windsor, where that did happen. So we want to ensure that that's not happening.

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Mr. Adil Shamji: Yes, absolutely. I guess what I actually meant was, if someone is coming from a non-post-secondary institution, like if they come from another line of work. Is there any requirement for universities to, for example, insist that all potential faculty go through an enhanced criminal records check or something like that before being hired?

Hon. Jill Dunlop: Well, as you said, they are autonomous institutions. We're not involved in the hiring process. That might be a good question for some of the presidents you may be seeing before committee.

Mr. Adil Shamji: Okay. Thank you very much, Minister.

I yield the rest of my time.

The Chair (Ms. Goldie Ghamari): Okay. Thank you very much.

That concludes this round of questioning. I'd like to thank the minister for joining us this morning and for answering the committee's questions.

Hon. Jill Dunlop: Thank you.

The Chair (Ms. Goldie Ghamari): You are allowed to leave.

WESTERN UNIVERSITY

TORONTO METROPOLITAN UNIVERSITY

POSSIBILITY SEEDS

The Chair (Ms. Goldie Ghamari): Before we begin, I would just like to make a quick reminder: Each presenter has seven minutes for their presentation. Following all three presentations, there will be 39 minutes of questioning for all three witnesses, divided into two rounds of seven and a half minutes for the government members, two rounds of seven and half minutes for the official opposition members, and two rounds of four and half minutes for the independent member.

I will now call upon Mohamed Lachemi from Toronto Metropolitan University. Please state your name for Hansard, and then you can begin. You will have seven minutes.

Interjection.

The Chair (Ms. Goldie Ghamari): We cannot hear you. Are you on mute? We'll go to the next presenter while we try to figure it out, to get the audio working. Do we have representatives for Western University?

Dr. John Doerksen: Good morning. Yes. Can you hear me?

The Chair (Ms. Goldie Ghamari): Yes. Can you please state your name for the record, and then you may begin. You will have seven minutes.

Dr. John Doerksen: Thank you. My name is John Doerksen and I'm vice-provost of students at Western University. I'm joined by my colleague Sophie Helpard, who is, I think, in the room with you.

Thank you for this time. Western is very proud to testify in support of the Strengthening Post-secondary Institutions and Students Act. As an Ontario university with a thriving campus for our students, we understand that student safety is paramount. By creating a safe and supportive environment, you set students up for success academically, but also in all aspects of life. At Western, we have got strong measures in place to educate students on prevention and consent, and we have a trauma-informed process for supporting survivors as well.

Western supports the goals behind the bill and is pleased to be a partner of this government in the effort to keep post-secondary students across this province safe. Today, I'd like to encourage the expansion of the bill to emphasize the importance of educating all students on the importance of consent. Based on our experience at Western, we recommend adding mandatory consent training for students to this effort, to create a respectful environment amongst all members of campus communities.

This year, Western introduced mandatory training in consent, personal safety, and gender-based and sexual

violence awareness and prevention for all incoming students, and then we provided additional training for the 5,300 students who are living in residence. We've also extended training on receiving disclosures to all faculty and staff. The core element of this training for students was an online module. The curriculum covers gender-based and sexual violence as a societal issue and its impact, and it also includes a lot of discussion of rape culture, drug-facilitated sexual assault, sexual violence, consent, the law and of Western's own gender-based and sexual violence policy.

Following that online module, students participated in collaborative small-group discussions as part of a residence orientation. These sessions are designed to help students understand what constitutes GBSV; to help them build skills in how to identify consent and sexual coercion, and know how to handle disclosures and how to intervene and provide support; and to develop what's called "upstander" skills that build a culture of looking out for one another and proactively helping others in need, so students also learn supportive ways to identify and respond to disclosures of GBSV and know how to access supports and resources. Western developed this curriculum in consultation with Western's Centre for Research and Education on Violence Against Women and Children—I'll just call it CREVAWC—which is a research centre that is a national and international leader in research preventing GBSV assault and supporting survivors. We also partnered with Anova, in London, Ontario. That's a not-for-profit organization that delivers evidence-based, trauma- and violence-informed essential services to address and prevent gender-based violence.

In response to the launch of this initiative, I'll just quote Katreena Scott, who is the director of CREVAWC at Western: "It's essential from the outset that students be provided with clear messages and opportunities to understand about consent, sexual violence, and how bystanders to violence can take action and offer support." We're really happy to have such expertise on campus and in the community that we can draw on.

We have a fairly thorough and innovative approach, providing consent training to thousands of our students. This has contributed to a safer and a more supportive campus environment. I'm pleased to report that we have full compliance in the training, and we got a lot of positive feedback from students and residence staff on the benefit of beginning proactively, starting these conversations early on in a student's journey as a member of our community.

Let me just conclude, then, by commending Minister Dunlop and the government for shining a light on this really important issue. And I want to offer our support and expertise with further measures that make our campuses a safe and welcoming place for all students.

The Chair (Ms. Goldie Ghamari): Thank you very much.

We'll now turn to President Mohamed Lachemi.

Dr. Mohamed Lachemi: Good morning. Can you hear me?

The Chair (Ms. Goldie Ghamari): Yes, we can hear you now—excellent.

Dr. Mohamed Lachemi: Okay. My name is Mohamed Lachemi. I'm president and vice-chancellor of Toronto Metropolitan University. Madam Chair and distinguished members, thank you for the opportunity to be here today to speak with you about the proposed amendment to the Ryerson University Act, 1977, to legally change our name to Toronto Metropolitan University.

While the university's new name, Toronto Metropolitan University, was adopted and registered immediately upon approval by our board of governors on April 26, 2022, the Strengthening Post-secondary Institutions and Students Act, 2022, contains recommended amendments to the Ministry of Training, Colleges and Universities Act along with requested administrative amendments to the Ryerson University Act to allow us to be recognized legally as Toronto Metropolitan University.

To begin, I would like to provide some context as to why the university chose to move forward with the naming process and why we believe the name Toronto Metropolitan University embodies the values of our university and our community. Being a university named after Egerton Ryerson, with his linkages to the colonial administration of 19th-century Ontario, was troubling to many of our community. Countless students, faculty, staff, alumni and friends had told us time and again that the name of our university was a source of division, frustration and pain. Putting a colonial figure at the centre of our university's life did not align with our values or our aspirations and does not represent a path to reconciliation with Black and Indigenous peoples. Ultimately, we decided that we needed a name that elicited a sense of pride, plus, making a name that would unite our community rather than divide it.

The search for our new name began with consultations that caught the imagination of our community. The university's Standing Strong Task Force was formed in November 2020 and approached this mandate through an Indigenous lens, guided by the belief that everyone's voice is equally valued.

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More than 30,000 individuals responded and a few common threads became clear. People wanted our new name to be attached to a location—Toronto, Ontario or Canada—and to reflect our university's values and aspirations.

In August 2021 the Standing Strong Task Force published their report along with 22 recommendations, including that the university be renamed in a process that engages community members and university stakeholders.

From its earliest days, the city of Toronto, our home, has been a gathering place. Toronto comes from the Mohawk word "Tkaronto," meaning "the place in the water where trees are standing"—a place where people came together.

Located in the heart of our country's biggest and most diverse city, our university also represents all that it is to be metropolitan. We are a gathering place for people from

all over the world, from all walks of life, with broad and diverse perspectives, lived experiences and aspirations. “Metropolitan” also defines our university’s aspiration to offer new opportunities for collaboration, for scholarly research and creative activity and for building connection and community. Take, for example, our recent additions, including our new Lincoln Alexander School of Law, our first international campus in Cairo, Egypt, and our plans for a future school of medicine in Brampton.

The name “Toronto Metropolitan University” reflects all that we are and our commitment to continue being a destination for the great minds, partnerships and discoveries that we are already known for.

We know that our city’s name is recognized internationally, a fact that supports our vision to increase our global impact. I was born in Africa and have studied and/or worked in Europe, Asia and North America, and I can say from a personal perspective that including “Toronto” in the name gives it more than instant resonance with people around the world—it comes with the incredibly positive impression of a city that is diverse, innovative, creative and open-minded.

In summary, our university has always been a product of an evolution that began almost from the moment of our founding and continues to this day. Now our new name, Toronto Metropolitan University, signifies that we are an institution that continues to respond to the needs of society.

Thank you for the opportunity to appear before the committee today. I look forward to your questions.

The Chair (Ms. Goldie Ghamari): Thank you very much, President Lachemi.

We’ll now turn to Possibility Seeds. Please state your name for the record and then you may begin. You will have seven minutes.

Ms. Farrah Khan: My name is Farrah Khan and I’ve worked in the field of gender-based violence for over 20 years. I’m the CEO of Possibility Seeds, a social purpose enterprise that looks at addressing gender justice. Through Possibility Seeds I’ve been leading, for the past five years, a project called Courage to Act, which is the national project to look at how to address and prevent gender-based violence at post-secondary institutions.

I’m so happy to be here and I thank the committee for inviting me to talk about this important issue.

With Courage to Act we have 3,500 stakeholders—faculty members, students, survivors, parents and administrators—naming all the time what we could do to better address this important issue. We know that 71% of students at post-secondaries have either witnessed or been subjected to sexualized violence—71%.

Part of my job, too, is that I’m a trusted adviser to organizations, institutions and governments on gender justice policies. I served as a co-chair of the provincial Roundtable on Violence Against Women, with the G7 on their gender equality council and on the government of Canada’s advisory council on the strategy to prevent and address gender-based violence.

I would be remiss if I did not say that I also work at Toronto Metropolitan University with President Lachemi as a sexual violence and support education manager. I’m not speaking on behalf of that employer today; my comments are addressed with Possibility Seeds.

Last fall, we were part of the Ontario government’s consultation around this bill as it was coming together. We heard time and time again from students, advocates, professors, faculty and staff that this was a concern, and we heard time and time again that there wasn’t clearer delineation of what should be done. We created a white paper to look at personal relationships between instructors and students that we put out this fall, naming a lot of the things that came up in this bill. But we will say that this bill falls short.

We are concerned about a number of things in this bill. I will start with subsection 1. We are concerned about the broad definition of “sexual abuse.” We recommend that there’s a change of the words “sexual abuse” to “sexual violence and sexual harassment,” as it speaks to the actual reality that students face, and sexual harassment actually is the more common thing that happens to students on campus. It also is in line with the colleges and universities act, which uses “sexual violence.”

We also want to raise that, at present, the legislation does not ban student-employee relationships outright if those relationships don’t violate the Criminal Code, the Human Rights Code or the institution’s own policy. We urge the government to amend the bill, so that they can mandate that PSIs develop a clearer stand-alone statement of expectations regarding student-employee relationships, the primacy of the student and staff relationship, and protocols to follow when an employee’s conduct amounts to abuse of power and undermines the integrity of the educational environment.

There also needs to be mandatory education, I agree with Western, but for everyone on campus—that includes employees—that explicitly highlights the connection between the integrity of the educational environment and the harm that sexual violence does.

Also, I would like to talk about subsections 5 and 6. There is an urgent need to regulate NDAs in Canada. PEI has already passed a bill, Bill 118, and Manitoba is on its way. We urge the government to address NDAs in full—not piecemeal, sector-by-sector, but in full. Why we look at that is that similar to the PEI legislation, this bill could include a clause to make it survivor-centred, because it is not right now. It actually centres institutions and employees, but does not centre survivors, which I hear time and time again we want to do. To be survivor-centric, we must consider the express wish of the survivor and protect against undue influence. Survivors must also have the opportunity to obtain independent legal advice and be encouraged to do so. All of these are captured under the provisions that could be used for this bill under 4.2 and 4.3 of the PEI NDA bill, Bill 118.

Currently within this bill, the NDA clause only comes to post-adjudication NDAs, but we know that respondents leave before arbitration or before an investigation occurs.

This needs to be amended. Investigations following settlements are often how sexual violence and harassment claims are handled. Unclear language in legislation allows for the engagement of NDAs depending on investigation states. It's unclear right now what type of findings of fact or adjudication triggers this. For example, does the completion of an investigation satisfy this? The internal decision by a university decision-maker? An external adjudicator? We propose amendments that would protect the interests of all parties, including the complainants, and can draw directly from the PEI Non-disclosure Agreements Act, Bill 118. I can go through it later if you have more questions about that one.

We also have questions about how, additionally, the bill includes phrasing "court arbitrator or other adjudicator." Adjudicators must clearly be defined in this bill, and internal and external investigators must be included in that phrasing.

Section 7 also requires institutions to form employee sexual misconduct policies. We really urge inclusive language, recognizing that employees can be students—that students are TAs, that they're GAs, so we need to have that conversation here. It actually protects everyone to have policies like this, because faculty and staff experience harassment at high rates. There was a study in 2019 by Statistics Canada that found that 40% of people subjected to sexual harassment on campus were Indigenous, Métis and Inuit faculty and researchers, compared to 27% of non-Indigenous staff and researchers. This is an intersectional conversation.

Lastly, I would say about section 9 that it states—

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Farrah Khan: Yes—that the employee misconduct policy must be part of the larger campus sexual violence policy. Currently, there are no minimum standards for sexual violence policies in Ontario. We need minimum standards and we urge the government to work with groups like the COU, OCUFA, OUSA and CFS and the Ontario network of university sexual assault centres to create those minimum standards. OUSA has actually done an exceptional job putting out 20 minimum standards that could be in this bill and we can have them going forward.

0920

We urge you to really rethink this bill and put in amendments that will be survivor-centred, support communities and work to end sexual violence so I can lose my job. I don't want to do this work anymore. I want to stop sexual violence.

The Chair (Ms. Goldie Ghamari): Thank you very much.

We'll now turn to our questions. I will start with the independent member for four and a half minutes. You may begin.

Mr. Adil Shamji: President Lachemi, I just want to say, to begin with, you likely don't remember, but I certainly remember you. We had a conversation less than a year ago, before the name of TMU was announced. I remember you hinting that you knew what the new name was going to be and leaving us all in suspense. I just

wanted to take a moment to congratulate you and the rest of the organization on what was a courageous move and audacious move, which I really salute, because I think it does send the right message about the values of TMU now. I just wanted to take a moment to acknowledge that.

Dr. Mohamed Lachemi: Thank you so much.

Mr. Adil Shamji: I wanted to turn to Mr. or Dr. Doerksen—forgive me if I've got the title wrong. I wondered if you could elaborate a little bit more about some of the preventative measures that are getting incorporated at Western and the lessons that have been learned from that and what we can try to copy and paste for other post-secondary institutions.

Dr. John Doerksen: Yes, thank you for that. I'm very happy to try to elaborate. Maybe I'll just start to say that we had some very concerning allegations a little over a year ago on our campus that actually galvanized our campus to action. I think it brought us together as a community to say we have to work together very strongly to shift the culture.

So we did a lot of things. Let me just name a couple: We commissioned a couple of reviews, an internal and an external independent review, and that brought us some great recommendations that we've been working on implementing. But we turned our mind immediately to safety. We added more overnight staff in residence. We added a couple of more special constables, and we looked at the built infrastructure and made some changes there. But I'm going to say, most importantly, we started the first round of training for students who were in residence at that time, and we built on that. That's what led us then to develop, with CREVAWC, this online module that every incoming student then completes. And I'm just going to say, on that module, we've had great feedback. We did a bunch of surveys, of course, about how it was received, and students felt, on the whole, in very significant numbers, that they learned a lot. I think we're seeing that this is the beginning of good step for our community.

The last thing I'll say—this is maybe a little inside baseball; I don't know. A very key celebration on our campus is orientation week, which is led by our student leaders. We have wonderful student leaders. I'm going to say that we had some probably built-in traditions that we just needed to examine. So we worked very hard with our student leaders to reorient, to reimagine what OWeek, orientation week, would be like with that transition. So all of our student leaders, about 900 of them who participate in OWeek, got extensive training, two weeks' worth of training—actually, we paid them a stipend—so, much better prepared in terms of GBSV and a number of other things but a lot of focus on understanding issues of consent and supporting students.

The Chair (Ms. Goldie Ghamari): One minute left.

Dr. John Doerksen: Thank you.

Mr. Adil Shamji: Thank you very much.

Then, finally, Ms. Khan or Dr. Khan, number one, I'm just so amazed by all of the work that you're doing, and I really just want to commend you for that.

Thank you for highlighting a number of opportunities to improve this bill. It's interesting that you pointed out

about sexual abuse versus sexual violence or sexual harassment, and all of a sudden, it makes just a little bit more sense why I had a little bit of a reaction when I read “sexual abuse,” and your comments are noted.

You had mentioned a little bit more about incorporating some more minimum standards. I think it was around the area of subsection 9. I wonder if you could elaborate a bit on that.

Ms. Farrah Khan: Yes. Thank you so much for that question, because it’s something that I think about all the time. I think minimum standards around the scope of who is included in the campus community and how that’s done—so things like experiential learning or understanding faculty, staff and students, visitors—I think another piece that we could look at—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes all the time we have for this round.

We’ll now turn to the official opposition. Who would like to begin? MPP Stiles.

Ms. Marit Stiles: Hi. Thank you very much, and thank you all for being here. I’d like to start, actually, by just allowing Ms. Khan to finish what she was just about to say in her response there, so I’ll just start there, and then I have a couple of other questions.

Ms. Farrah Khan: Sure. I think there are a lot of amendments we could ask for, but I think one of them could be having consistency in how policy reviews are done, so including students meaningfully. Right now there’s an ask in the Legislature on that. It doesn’t talk about how meaningful that is and what that looks like. I think how data collection is done, who investigators are and what training they have—because, you know, judges and lawyers get lots of training on sexual violence, but we don’t know what these investigators are—anybody can be an investigator.

Ms. Marit Stiles: Thank you very much. I do have another question for you. I’ll get back to it in a second.

I wanted to turn for a moment to President Lachemi. My name is Marit Stiles. Again, I’m the member of provincial Parliament for Davenport. My colleague Kristyn Wong-Tam, MPP for Toronto Centre, would have liked to be here today but unfortunately had a conflict, so I’d like to welcome you on their behalf. Thank you for all the work that you did. I understand that this was a very lengthy and comprehensive consultation that resulted in this change, and I wondered if you could talk a little bit more about any lessons you might have learned that we could apply in other cases to the work of decolonization in the post-secondary sector. I note, as well, I think, that you are also the chair of the Council of Ontario Universities.

Dr. Mohamed Lachemi: Thank you very much. I’m the past chair of the COU, so I just finished my tenure last summer.

Thank you so much for your comment. Yes, it was a very lengthy process, but it was very consultative. As I mentioned in my introduction, we started the process in November 2020, so actually, this was way before the discovery of those unmarked graves in former residential schools. We really wanted to give an opportunity to our

community to engage in conversation that was needed about the legacy of Egerton Ryerson, but also to talk about things that are important for our future.

The Standing Strong Task Force that was formed in November 2020 consulted with all stakeholders, and they came up with 22 recommendations. I know that we are talking today about the name change; one of the 22 recommendations was really to change the name, but other aspects of education, because we are a post-secondary institution, are extremely important.

This is in line, actually, with the issue of sexual violence. We need more education, and we need to talk about history—without denying the history; I think the history is part of reality. But we need to build a better future, and that better future really has to be done in consideration with all stakeholders and to confront the realities of colonization. Part of what we are doing is also to include elements of decolonization in the curriculum, because we need to educate future generations about our past and ensure that we don’t repeat the mistakes of the past.

Ms. Marit Stiles: Thank you very much. I appreciate that.

I would like to turn back to Ms. Khan for a moment, if I may. This is the third time that the Ontario government is legislating in this area. It’s the second time for this particular government, so I’m sure folks here can appreciate the frustration of the opposition, as well as many stakeholders, that there’s another opportunity to get this right, to do more, to do better, and if we don’t get it right in this legislation, it’s a missed opportunity.

You had mentioned a little bit about the need to address NDAs in full. I wonder if you wouldn’t mind expanding on that a little bit.

Ms. Farrah Khan: Sure. I was a part of the 2016 Liberal government’s work around sexual violence on campus, and I was disappointed with some of the work that was done, because we did not go far enough. We have an opportunity here to go further, and I think, actually, the current government—some of the bill that has come forward is really exciting, because it’s bringing forth the change we need, but we need to go further.

The regulation of NDAs—look at Hockey Canada. Look at the conversation of Hockey Canada. I have a son who’s three years old, and I think about him being in sports and in places where he might see those things. We need to address NDAs, so that we protect all genders, all communities. Having a regulation of NDAs will protect folks.

The bill actually is really important, because the way that they allow and regulate a non-disclosure agreement within that bill actually gives provisions to protect everyone, especially people who are harmed: that they won’t have undue influence; that they won’t feel like they have to sign an NDA that waves away their rights.

0930

NDAs silence survivors too often and make it so difficult for them to access healing, access support and

access community, so we need to address NDAs head-on. We can't tinker with it; we have to address it head-on.

The Chair (Ms. Goldie Ghamari): MPP Pasma?

Ms. Chandra Pasma: You mentioned specific changes that you wanted to see to the language in this bill on NDAs. I'm wondering if you can expand on that a little.

Ms. Farrah Khan: Sure. I think, again, we should look at subsections 4(2) and 4(3) of the PEI Non-disclosure Agreements Act. They say in the act, "A party responsible or a person who committed or who is alleged to have committed harassment or discrimination may only enter into a non-disclosure agreement with a relevant person in accordance with this section if such an agreement is the expressed wish and preference of the relevant person concerned." That means that the person who is harmed gets to decide if they want a non-disclosure agreement or not, and it's their expressed wish. I think that is really amazing language we can have in there.

Another piece that I think is really important: that there are not "undue attempts to influence the relevant person in respect of the decision to include a requirement not to disclose any material information...."

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Farrah Khan: Another part is thinking about the health and safety or public interest. The bill is there; the language is there. We don't have to reinvent the wheel. It's there. We need to use it.

Ms. Chandra Pasma: Right. Thank you so much.

The Chair (Ms. Goldie Ghamari): Any other questions? All right

We'll turn, then, to the government. MPP Wai, you may begin.

Mrs. Daisy Wai: Thank you to all three presenters for coming in today and sharing with us. This is a very important issue, when we say, "What can we do to control sexual violence on campus?" I'm just as excited as you are that this government is really doing something to address it even further.

For this question, I'd like to ask Mohamed Lachemi. I thank you for your presentation just now. I would also like to have very clear from you to tell us: Do you support the objectives of this bill? And, if it is passed, can you also elaborate a little bit more on some of the ways that you might institute to keep the students safe on campus?

Dr. Mohamed Lachemi: First of all, as was mentioned by Farrah Khan, she's actually the person who is dealing with all the issues on campus, and I want to commend her for her leadership. I know that she's talking to this committee not on behalf of TMU, but I want also to take this opportunity, really, to thank her for her leadership. We work very closely with Farrah Khan and others to make sure that our campus is a safe place for our students.

The challenge that we are facing for our university is that we are in downtown Toronto. Most of the incidents are happening outside the walls of our campus because of our location. We do have a robust system that was put in place. Our policy for sexual violence, actually, was rated a number of years ago as one of the best policies in the country in a survey that was conducted by students. So I'm

in support of what the government is proposing. I think it's a move in the right direction.

We need to do more, and that more also has to be done through education. I think we need to educate all members of our communities, when we talk about universities: students, staff, faculty. Everybody has to be educated, and the training programs that are proposed by different universities are the right thing to do, but I think we need to do more, for sure.

Mrs. Daisy Wai: Thank you very much for supporting this objective. Our government will be working closely with all of you.

The Chair (Ms. Goldie Ghamari): Next question? MPP Barnes.

Ms. Patrice Barnes: This is for Western University. I know your university came under a lot of attention in regard to what happened on campus. You've talked a bit about the steps that you've implemented so far. I just wondered if you could go into a little bit about the reporting mechanisms that you've probably put in place—what they look like now—and whether or not you are doing any kind of data collection to see how the changes have been done and how it's been effective.

Dr. John Doerksen: Thank you very much for the question. Yes to both parts. We are collecting data. It's early and so we don't have trend data, but I would say that we feel we're moving in the right direction.

In terms of the efforts we've put, we've tried to make disclosure, number one, much easier for all students—I'm going to say disclosures and complaints; I'll make the distinction. Also, we have in our gender-based and sexual violence policy expectations that everyone on campus who receives a disclosure—that is, staff and faculty, either from them or from students—is required to bring that forward, anonymously. The survivor remains anonymous. It's a survivor-driven process.

What I will say just on the complaints side: That's a report where the university actually asks whether the survivor wants the university to act, to investigate. We've made a great deal of effort to ensure that our investigative process is trauma-informed. Our investigators internally have trauma-informed training, and in fact, where we bring in external counsel, we ensure that they also have gone through the same kind of training so that we listen to a survivor in a way that aligns with the experience that we've had, rather than some linear narrative that we're expecting a survivor to generate about a traumatic incident.

Ms. Patrice Barnes: Thank you very much.

The Chair (Ms. Goldie Ghamari): MPP Jordan.

Mr. John Jordan: Thanks to all of you for your presentations, and congratulations to Toronto Metropolitan University on your name change.

This question is directed at Western again, regarding your consent education. I'm wondering about the accountability and the requirement for students to take that training and how Western tracks whether that training has actually gotten to the students we're directing it at.

Dr. John Doerksen: Thank you very much for the question. The online module is easy to track, in the sense

that every student who is registered also has an identity on our learning management system. So it's through that learning management system that we can identify who has done the work and who hasn't. We were very pleased to have full engagement from all the students.

I will say here, as a tangent, that there are a couple of students—students can apply to not do the training if it's triggering. So if we have a survivor for whom this kind of training would be very difficult, they meet with our colleagues in mental health support, and we—

The Chair (Ms. Goldie Ghamari): One minute left.

Dr. John Doerksen: That was the tracking question. Sorry; I think I forgot the other part.

The Chair (Ms. Goldie Ghamari): Next question? There are 45 seconds. MPP Martin.

Mrs. Robin Martin: Just if you wanted to continue elaborating, Dr. Doerksen, on that program. It was very interesting, what you've done. Can you tell us more about the online training?

Dr. John Doerksen: Yes. It was developed, again, with CREVAWC, in particular, the expertise—they developed the content, and internally we had our own e-learning people then build out a module. And I think students can complete it in somewhere around half an hour, just to give a sense of the training. I think I mentioned briefly that it covers a wide range of things, but with a very particular focus on consent and consent training.

I'm trying to think if there's—

The Chair (Ms. Goldie Ghamari): Thank you very much.

We'll turn now to the independent member for four and a half minutes. You may begin.

Mr. Adil Shamji: Ms. Khan, I wonder if I could bother you again.

Ms. Farrah Khan: Sure.

Mr. Adil Shamji: I wanted to return to your comments around the suitability, or lack thereof, of the term “sexual abuse” versus “sexual harassment” and “sexual violence.” Is the point that you're making a semantic one, that it should be substituted, or are you calling for a material change in the definition in this document?

Ms. Farrah Khan: Well, there is a difference between the two. “Sexual abuse” is oftentimes used only to talk about child sexual abuse or sexual abuse of younger people—which I understand some students are, but not all are.

0940

Also, the bill that we're looking at, the colleges and universities act, uses the words “sexual violence” to be broader, so it encompasses way more forms of sexual violence that can happen. Also, with students, that's the language that they're using, “sexual violence” and “sexual harassment,” recognizing that the majority of complaints that come forward, as someone who works on a campus, are sexual harassment.

When we're having a bill that's talking about this, we have to use language that (1) is grounded in what is happening on campuses, and (2) is language that can be recognized by the people that are going to be using this the

most: students. Changing that can look like an easy, cosmetic thing, but it actually is a deep change.

Mr. Adil Shamji: So to be clear—and I think what you're saying has absolute merit—there is a definition here of “sexual abuse.” Are you satisfied with that definition?

Ms. Farrah Khan: No. I think we actually should go back to the definition that's used in the colleges and universities. I also think that there need to be, when we talk about minimum standards, the definitions of “consent,” of “sexual violence.” Those need to be across all institutions, so if a student goes to Brock or McMaster or Laurier or Western or TMU, they have similar pieces in their policies that speak to language. That's a minimum thing we can do for students and survivors. That's a minimum thing we can do for respondents.

Mr. Adil Shamji: Can you point us in a direction of where you think there is a more suitable definition?

Ms. Farrah Khan: I think TMU has a great definition. I think Courage to Act does. There are lots of ways. I'm happy to send that to the committee in my written statement.

Mr. Adil Shamji: It would be helpful. Thank you.

One final question—for me, anyway—around the tightening of this legislation around non-disclosure agreements: Can you just identify a few of the specific parameters or clauses that you would like to see that would help to tighten that legislation?

Ms. Farrah Khan: I think the fact that it applies only post-adjudication is a problem. Lots of things happen before adjudication occurs, and so we need clarity around that. When we say “adjudicator,” we need to include investigators as well and clarify that piece. Another thing is that we need to make it survivor-centred; it isn't right now. Looking at the PEI bill and those clauses, 4(2) and 4(3), are really important.

Lastly, you can have the best policy, but if we are not funding these sexual assault centres on campus and in the community that are so underfunded, we are not going to support survivors, because survivors need to go somewhere to talk to someone before they make a big decision to report someone in a position of power, such as a faculty or staff member who they feel can actually harm their career. So we actually need to also think about funding here, and nothing in this talks about funding—really funding—sexual assault centres.

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Adil Shamji: Thank you. That's good. I'm fine.

The Chair (Ms. Goldie Ghamari): You're done?

Mr. Adil Shamji: Yes.

The Chair (Ms. Goldie Ghamari): All right. Thank you.

We'll turn to the official opposition for seven and a half minutes. MPP Pasma, you may begin.

Ms. Chandra Pasma: Thanks, Chair. I want to pick up on that line of questioning, Ms. Khan. While we've identified that the bill doesn't address the prevention end, also, the only measures that it has in response are punitive, rather than supportive.

Ms. Farrah Khan: Yes.

Ms. Chandra Pasma: I'm wondering if you can talk a little bit more about the challenges that we're seeing on campuses in providing supports to survivors, the work that sexual violence response experts like yourself are doing, and the impacts on people who are doing the work when the funding is not there to provide the necessary supports.

Ms. Farrah Khan: Yes. I'm just taking a moment to take a breath, because I get emotional about this one.

When a survivor goes to a hospital and is told that they have to wait 24 hours, to sit in the clothing that they were sexually assaulted in to keep the DNA on their bodies, because emergency rooms cannot take them—the sexual assault and domestic violence care centres—we have a problem.

We have a problem when survivors can't access independent legal advice because the lawyers have too many people on their caseload, and we haven't expanded who can be a part of that lawyer group in a long time.

We have a problem where on campus, because campuses are all-gender centres—we don't have places outside of campuses where male survivors and trans men can go oftentimes, so they're using the centres a lot.

We have a problem where we're not looking at this holistically and bringing stakeholders together. In Nova Scotia, they're currently going to be funding a pilot project where the government is funding training for all sexual assault centres to look at how to work with people who have caused harm. The thing is that we can't just kick people off. They don't go to an island, people that commit sexual violence. They're here in our communities. If they're kicked off our campus, they go somewhere else. So we need to invest in accountability counselling, working with people who have caused harm so they don't do it again. I don't want people fired and nothing happens; I want people to not do it again, to their children, to the people in our community, to their families, to their friends.

Another thing that we could be looking at is also establishing, again, comprehensive education around consent education. I heard Minister Dunlop talk about that, and I'm so glad, but the thing is, if you opt out of gym and health class after grade 9, which I did, you don't get any consent education at the critical time you need it, from grade 9 to grade 12. We set up students to fail when we don't look at this comprehensively, and especially young men. I have young men come to me all the time, saying, "Can I give consent? Am I allowed to say no? I don't know. I was making out with her. I don't know. Her body language said yes, but I don't know how to figure out how to talk about sexual communication." The first week of university is not the time just to talk about consent; we need it throughout, and it isn't just health class.

I would look at the work of High School Too, who is a group of high school students—started in Ontario, in Niagara Falls—who have been working on this issue for a long time and are asking for changes in high school. It starts young. One in three grade 9 and 10s who are in a relationship experience intimate partner violence. Those

are our children. We are not protecting our children right now. So there's so much more we need to do.

Ms. Chandra Pasma: Absolutely. I know as a parent and someone who didn't get great consent education myself, it's a struggle to provide that to my kids, to know how to do it appropriately, to have age-appropriate conversations, and knowing that they would get that education not just at home but in school would be such a relief.

One of the things that I've learned working in this area over the past few years is there's a real problem of burnout and trauma among people who are doing the work of responding. I'm wondering if you can talk about that and how the failure to provide them with the tools, the failure to provide them with the funding results in a situation where people are being burnt out and leaving the sector quite quickly because they can't continue to do the work.

Ms. Farrah Khan: We know in the GBV sector there's been an exodus of executive directors in sexual assault and women's shelters of late because people are burnt out after the pandemic. We saw in Ontario alone an 84% increase of women and girls killed by men in their lives last year—an 84% increase of women and girls, including a baby, killed last year.

So yes, many of us are burnt out. We are tired of hearing that there's an 18-month wait-list to see a counsellor. We have a two-tiered system right now in Ontario for survivors. You pay for counselling, or you wait—sometimes over a year. What we know about this is that when we wait, trauma festers, harm festers and hurt people hurt others. So that's the thing about working with respondents that I always say: that we're working also with survivors, because many people who cause harm also have been the ones who have been harmed.

There are so many of us who are burnt out, who are tired of saying again and again we need real funding, core funding, sustainable funding. We shouldn't have to look at this as a partisan issue; sexual violence is something that hurts everyone we know. One in three women, one in six men and one in two trans or gender non-binary people will be affected by sexual violence in their lifetime. I know this intimately as a survivor, and I don't want to see more generations come forward.

What I also know, too, is that we're burnt out because the system makes us burnt out. It's not because of failure of us individually. Our institutions can do better, and this bill could do better to support survivors. It is not survivor-centric right now, and you have an opportunity to make it such. And I say this again and again: We cannot leave survivors on the sidelines and tinker with this. These are people's lives. These are our children's lives, who are coming in, excited about school, and then school is sometimes a hunting ground in which they are preyed upon. Students should not be people who are prey; they are students who deserve to learn, and educational environments should be that.

Ms. Chandra Pasma: Absolutely. I know we've talked about consent education already and changes to the NDA section. Are there other changes that you would like to see to the legislation that would actually address that prevention side and make sure that students who are coming

in—and not just students but faculty, employees, contract workers, guests, alumni, visiting researchers, everyone who is part of the campus community has a safe experience?

Ms. Farrah Khan: Yes. I think one of the things, when we talk climate surveys—right now, the climate surveys focus on students. That previously was—with the past government. We need to include everybody in the climate survey, and we also have to include provisions within the climate survey about what happened before you came to university or college. There's this idea that sexual violence magically happens when people start university or college, but it starts in high school and grade school. So we need to look at that too.

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Farrah Khan: I think we also need to look at how we're doing education-wide plans with institutions coming together. Western's doing some great work. TMU has had an online module for students for the past five years, for 10,000 students every year, but we need to do that at all campuses. Why don't we look at what Quebec's model is, where they have one model that everybody can use, not reinventing the wheel all the time?

0950

I think, lastly, is making sure that we're prioritizing the work of sexual violence service centres, the knowledge of those centres, the knowledge of sexual assault services in the community. And fund and resource them sustainably—not a bump here and there, but sustainably.

Ms. Chandra Pasma: A super-quick question to end: What kind of consultation with student groups and unions do you think institutions need to engage in?

Ms. Farrah Khan: Meaningful ones, ongoing ones, and that it is mandated, so every time policy changes happen, students have to be a part of that from a meaningful place, so not one or two members, but also educating them on how policy works and how it goes with students, and making sure all unions are part of the conversation—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time that we have for this round.

We'll now turn to the government. Who would like to begin? MPP Pierre.

Ms. Natalie Pierre: Thank you to the presenters this morning. My question is for President Lachemi. The minister, in her opening remarks, emphasized the role of consultation in her work to formulate this legislation. Can you talk about your work with the minister and how the consultation process worked with her on anything relating to Bill 26 or any other initiatives that you'd like to speak to?

Dr. Mohamed Lachemi: Thank you so much for the question. I would start by commending the minister for being very proactive with our sector. I have witnessed her engagement with our sector for the past couple of years. I mentioned I was also, for a couple of years, the chair of the Council of Ontario Universities, and we are very lucky to have Minister Dunlop very engaged with us.

I know that, also, she is very engaged with students, which is a very positive thing for a minister because I think

it's important for the minister to hear directly from students. I know, on many occasions, she has been engaged in those conversations, including, actually, some conversations on our campus where she visited our campus and she insisted—of course, we hosted her on our campus, but she insisted, also, to talk to students and hear about their preoccupations. So it's a very positive note and I wanted to commend the minister for doing that.

The Chair (Ms. Goldie Ghamari): MPP Quinn.

Mr. Nolan Quinn: Another question to follow up with President Lachemi. You've already touched upon it earlier, but we're all aware of the name change from Ryerson to Toronto Metropolitan wasn't without a bit of public controversy. That said, we can recognize why your institution deemed it necessary to have this process. I know the Standing Strong Task Force will be joining us this afternoon, but can you please tell us, from your perspective, why the university went down this road and what it means for your future?

Dr. Mohamed Lachemi: Thank you so much for the question. As I mentioned, we wanted to have a conversation because the former name, Ryerson University, was a source of frustration and division among our community members. I have been at this university for the past 24-plus years, and as a president for the past six-plus years, and this is not something new. I have heard this type of conversation on our campus about the name, Ryerson University, being a name that identifies with the colonial era and also the link to Egerton Ryerson himself, to the colonial era of the 19th century.

We really wanted to have a conversation on our campus, and we heard from more than 30,000 community members, all stakeholders. We have had the Standing Strong Task Force that, as I mentioned, started in November 2020, and the purpose of that conversation was really to define a better future for our university in terms of the type of conversation and also to talk about the legacy of Egerton Ryerson.

One of the recommendations, as I mentioned, of the Standing Strong Task Force was to change the name. We have, after that, engaged the community in terms of searching for the new name, and we had thousands and thousands of people engage in the renaming process. We got 2,300 different names suggested by our community members, so I would say the renaming committee did an excellent job in really finding a way through 2,300 names to finally get one name.

You mentioned the controversy: I think it's important to confront those realities, but I can tell you the overwhelming majority of our community wanted a name change, and the name that we are proposing and asking for legislation to adopt it legally is a name that actually represents unity for our university. I think we are moving in the right direction. We need to do more education, but also not erase our history. Our history will always stay with us.

Mr. Nolan Quinn: Thank you.

The Chair (Ms. Goldie Ghamari): MPP Rae?

Mr. Matthew Rae: Thank you to all of you for being here, virtually and in person, and for all your work on the

various aspects of Bill 26. The passion really comes through, and we appreciate that very much, and your suggestions.

My question is for our Western colleagues and Dr. Doerksen. You elaborated obviously a little earlier about the program that you instituted for your first-year students, the online consent. And so, I'm just wondering if Western and the leadership team have considered—are you planning to formally submit this program as an amendment, or have you recommended it to Minister Dunlop, as well?

Dr. John Doerksen: No, we haven't recommended it as a formal change. In fact, I would say that for us, we've rolled this out—I guess it's now the second version of it—and we're continuing to refine it.

But I think where my thoughts lie on this—and I'm just aligning with our TMU colleague, as well—is that it would be awesome to have a provincial framework where all of us participate from best practices. We have our colleagues internally and in CREVAWC who have guided us, but there's wonderful expertise across our Ontario higher education sector. So that would be, I think, a great outcome, if we could have a shared approach.

Ms. Sophie Helpard: And if I could just add, as Dr. Doerksen's colleague from Western: Our president, Dr. Alan Shepard, was—

The Chair (Ms. Goldie Ghamari): Sorry. Could you just state your name for the record?

Ms. Sophie Helpard: Sophie Helpard, from Western University.

The Chair (Ms. Goldie Ghamari): And, also, you have 50 seconds left.

Ms. Sophie Helpard: Just to add that our president, Dr. Alan Shepard, was previously a president of an institution in Quebec, and I know the Quebec model was referenced. Some of what Western has been doing has grown out of Dr. Shepard's experience in that province and he has now proudly taken the mantle from my colleague President Lachemi as the chair of the Council of Ontario Universities and is happy to engage in that capacity, as well.

Mr. Matthew Rae: Great. Thank you very much.

The Chair (Ms. Goldie Ghamari): MPP Martin.

Mrs. Robin Martin: I don't know if there's much time left, but that sounds very interesting, that the council of universities chair also has this experience and focus on best practices in this area.

Dr. Doerksen, you mentioned survivor-informed and trauma-informed training as part of what your training has. I wondered if you could just give us a little idea of what that is, if we have time.

Dr. John Doerksen: Yes—

The Chair (Ms. Goldie Ghamari): Unfortunately, we will have to end on a cliff-hanger, MPP Martin, because we are out of time.

With that, I'd like to thank our presenters today: Dr. Doerksen, Sophie Helpard, Farrah Khan and, of course, President Mohamed Lachemi. Thank you for joining us.

This concludes our time for today. The time being 10 a.m., the committee will recess until 3 p.m., when the committee will resume public hearing consideration on Bill 26.

The committee recessed from 0959 to 1500.

The Chair (Ms. Goldie Ghamari): Good afternoon, everyone. We are here to resume public hearings on Bill 26, An Act to amend various Acts in respect of post-secondary education.

As a reminder, each presenter will have seven minutes for their presentation. Following all three presentations, there will be 39 minutes of questioning for all three witnesses, divided into two rounds of seven and a half minutes for government members, two rounds of seven and a half minutes for the official opposition members, and two rounds of four and a half minutes for the independent member.

COURAGE TO ACT

STANDING STRONG TASK FORCE

ONTARIO CONFEDERATION OF UNIVERSITY FACULTY ASSOCIATIONS

The Chair (Ms. Goldie Ghamari): I will now will now call upon Courage to Act. Please state your names for the record, and then you may begin. You will have seven minutes.

Ms. Britney De Costa: Thank you very much. My name is Britney De Costa and I'm here today on behalf of Courage to Act. Thank you for having me and allowing me to speak on this important piece of legislation.

Courage to Act is a national collaboration addressing gender-based violence at Canadian post-secondary institutions. Over the past five years, the Courage to Act project has engaged over 3,500 stakeholders, and will have produced 82 tools by September 2023.

In my role with Courage to Act, I draw on my legal policy research and social work expertise to lead the first national research-to-action project looking at sexual harassment faced by students in experiential learning. I also co-lead the complaints processes team where I focus on creating safer trauma-informed complaints processes.

Last year, I co-authored a best-practice guide with foundational standards and strategies for procedurally fair, trauma-informed processes to reduce harm. It is being used at post-secondary institutions across the country and has been recognized by many provincial governments as a national best practice. For instance, the Alberta government issued a directive to their PSIs to use the guide in reviewing their sexual violence policies.

Today, I will be speaking to Bill 26 and the provisions regarding sexual abuse by employees at post-secondary institutions. First, I would like to acknowledge that Bill 26 contains many important steps in working against sexual violence on Ontario campuses, but there are significant shortcomings that need to be addressed. As it stands, Bill 26 is not survivor-centred and does not address sexual misconduct effectively. We are concerned that, should the bill move forward without amendments, the gaps it leaves in student protections will have unintended and harmful consequences.

Subsection 1 outlines a minimum definition for sexual abuse. I would like to echo the recommendation made by

Farrah Khan, CEO of Possibility Seeds, to change the language to “sexual harassment” and “sexual violence,” looking to definitions from Courage to Act, TMU and section 17 of the Ministry of Training, Colleges and Universities Act that this bill seeks to amend. I would also like to highlight the need for consistent definitions across institutions as the current provisions allow each institution to establish their own definition, meaning inconsistent protections for students and unclear policies for complainants and respondents throughout the province.

Subsection 5 raises a number of concerns for us as well. While we agree that the use of non-disclosure agreements requires careful regulation in order to protect survivors, in its current form, the bill is impractically narrow and does not address one of the primary misuses of non-disclosure agreements.

Our concerns would be addressed by the following amendments. First, an amendment should be made to regulate how all forms of nondisclosure agreements are used throughout a complaints process, including prior to an investigation and in student-to-student cases. The bill should also include an explicit prohibition against requiring a survivor to sign a nondisclosure agreement in exchange for a reasonable outcome or resolution, including in informally resolved cases. Additionally, it is important that this bill allows for confidentiality agreements as requested by the survivor. When the survivor is leading the decision, confidentiality agreements can be a trauma-informed tool, so long as there is no undue influence.

Turning to subsections 7 through 9, which require an institution to have an employee sexual misconduct policy: We support the need for institutions to have clear policies for sexual misconduct, but recommend amendments to explicitly recognize that both employees and students can be subjected to harassment, have dual roles or be engaged in experiential learning opportunities where the scope of the policy can be unclear.

The provisions also state that the employee sexual misconduct policy may be part of a larger policy such as the campus sexual violence policies that are already required under the MTCU Act. However, there are significant gaps in the minimum standards currently required for institutional sexual violence policies. This does not ensure that students at all institutions are receiving the same protections. Therefore we ask that the government work with COU, OCUFA, OUSA, CFS and the Ontario network of university sexual assault centres to create minimum standards, education programs and protocols to address and prevent sexual violence and harassment on campus. This work could build on the draft action plan commissioned by the COU and developed by Possibility Seeds to support institutions across the province to address this issue.

Finally, we are concerned about the limited focus of the bill and the lack of inclusion of recommendations from experts, including student leaders, faculty and staff, front-line workers, researchers and advocates that would more effectively address the issue of sexual violence on campuses.

I would specifically like to highlight the current gap in protections for students in experiential learning positions. Experiential learning is a cornerstone of many academic programs. Students rely on these opportunities to complete their education and gain meaningful employment post graduation. Unfortunately, students are uniquely vulnerable to sexual harassment in the workplace due to the power differentials between students and employers, supervisors and instructors. Students have shared with us that they feel sexual harassment is the price they have to pay to be in their industry or that they have decided to leave their chosen field because it isn't safe for them. This is a serious issue that we're not paying enough attention to, especially the disproportionate impact on Black, Indigenous and racialized women.

We know this government is prioritizing experiential learning. Just this month, they announced a \$10-million investment to create 2,700 research internships.

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Britney De Costa: However, as exemplified in the gaps in this bill, there's a missed opportunity to address the significant barrier to safely accessing experiential learning opportunities. A first step is ensuring that the scope of sexual misconduct policies explicitly includes students participating in on- and off-campus experiential learning.

Consent education and sexual harassment training are especially important in the context of experiential learning. Students, staff and instructors need to understand their rights, responsibilities and supports and protections available.

On behalf of Courage to Act, we urge you to consider the amendments proposed today and take up our recommendations and those that have continuously been advocated for by students across the province for a more comprehensive and effective approach to meeting our shared goal of ending gender-based violence on campus.

The Chair (Ms. Goldie Ghamari): Thank you very much for the presentation.

We'll now turn to our next presenter, Standing Strong Task Force. Please state your names for the record and then you may begin. You will have seven minutes. Thank you.

Ms. Joanne Dallaire: Thank you very much, Madam Chair, for the opportunity to address the committee today. My name is Joanne Dallaire. I'm the elder senior adviser, Indigenous relations, at Toronto Metropolitan University. As the co-chair of Standing Strong Task Force, I'm happy to join with you today with Dr. Catherine Ellis in support of the adoption of the new name for the university.

As President Lachemi noted earlier today, the task force was struck in the fall of 2020 to oversee research about the life and legacy of Egerton Ryerson and to engage with the community to determine the role of commemoration and the principles that should guide commemoration on campus. This was the overarching topic of the task force mandate.

The membership of the task force included students, staff, faculty, alumni, external supporters of the university

with diverse backgrounds, areas of expertise and experience. Dr. Ellis and I developed a process that amalgamated Indigenous ways of knowing and doing, as well as more traditional scholarly research and governance.

Over the course of the eighth months, the task force membership was extraordinarily committed to the process and met weekly, with incredible attendance. Meeting times were not only to provide updates and determine action items; they were used to collectively learn and unlearn from a wide range of guided topics, including commemorative practices, history, public art and education systems.

Concurrently, the task force oversaw a skilled research team and an all-in-depth community engagement exercise. The research team created an extensive review of primary resources and peer-reviewed publications to develop a timeline of Egerton Ryerson's life and legacy. The community engagement was guided by the circle process, where all community members, regardless of their affiliation with the university, were invited to share their thoughts and ideas. Thousands of community members participated in the engagement process.

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Over the course of the task force project, pressure mounted and demands to change the name of the school and remove the statue of Egerton Ryerson increased significantly. However, the task force remained true to their process and to honour the participation and deliver informed and responsive recommendations. By developing the principles to guide the university's decisions about commemoration on campus, the task force was then able to consider whether the commemoration of Egerton Ryerson was appropriate when moving forward. Relationship building with all task force members and transparency were our integral foundation.

I'd like to turn it over now to my co-chair, Catherine Ellis.

Dr. Catherine Ellis: Thank you, Elder Dallaire. Thank you, Madam Chair, for the opportunity to speak today. My name is Catherine Ellis. I'm a history professor at Toronto Metropolitan University, and I was, with Elder Dallaire, co-chair of the Standing Strong Task Force. I also served on the University Renaming Advisory Committee that recommended our university's new name to President Mohamed Lachemi, who spoke with you this morning.

The task force's mandate required us to conduct extensive and transparent community engagement, to conduct historical research to understand Egerton Ryerson's work and legacy, and also to explore how other universities addressed calls for reckoning with their colonial legacies. I oversaw the historical research team's work that Elder Dallaire described. We found that, while Egerton Ryerson was not directly involved in establishing the Indian residential school system, he shared the views underpinning that system, particularly that different forms of education, including residential or boarding schools, were required for Indigenous children separate from other children. Moreover, as Ontario's first superintendent of education, Egerton Ryerson tolerated segregated schooling for Black students and he demonstrated a number of

other views about education that do not reflect our society's or our university's values of equity, accessibility, diversity and inclusion.

From our extensive community engagement, as well as a much longer record of concerns expressed on campus, we also learned about the ongoing trauma and pain that are caused by the commemoration of colonial figures such as Ryerson. We learned that the university's name had become a source of division rather than unity.

The Standing Strong Task Force made 22 recommendations, including the renaming of the university. All of our recommendations were informed by our historical research, but the recommendation to rename was primarily driven by an understanding of the complexity and limitations of commemorative naming within our very large and diverse community. Critically, our recommendations are based on the distinction between history and legacy. History is an evidence-based and analytical understanding of the past. Legacy is both the impact of something or someone, and the ways in which that impact is experienced, understood and remembered publicly over time.

We understood the decisions to stop commemorating someone are based on whether their legacy aligns with present-day values. Through our research and our community engagement, the task force learned that Egerton Ryerson's legacy does not reflect current values, nor does it reflect the aspirations of the community for the future.

The Chair (Ms. Goldie Ghamari): One minute left.

Dr. Catherine Ellis: So our new name, Toronto Metropolitan University, is a critical step, not only to remove the trauma and pain of our former name but also to allow the university to address the other 21 recommendations that were made by the task force, which enable us, together, to continue down the path toward a more inclusive campus culture and environment. This change of name is about optimism for the future. It answers the question of what kind of university we want to be—or, in Indigenous terms, what kind of ancestors we want to be.

In closing, I want to emphasize that the new name is not an attempt to change or erase the past. In fact, our new name builds on the university's history and strengths. Since its founding in 1947 as a new form of post-secondary education in Canada, an institute of technology, our university has repeatedly reinvented itself to remain relevant to the needs of our students and our society. And with this name change, we continue to build for the future and reflect the aspirations of our community.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to our final presenter, the Ontario Confederation of University Faculty Associations. Please state your name for the record, and then you may begin. You will have seven minutes. Thank you.

Dr. Susan Wurtele: Good afternoon. My name is Susan Wurtele and I'm here representing the Ontario Confederation of University Faculty Associations or OCUFA. Thank you for the opportunity to speak.

We are heartened by the government's interest in addressing sexual violence in university communities, but

we're concerned that this bill will not accomplish all that it could to eliminate sexual violence.

I'm both a professor and a mother, so I speak from a unique vantage point. I'm deeply dismayed by the prevalence of sexual violence on our campuses, and I want to see a culture of consent and I want to see sexual violence prevention prioritized in all workplaces.

As a mother with children who have navigated the post-secondary system in Ontario, I ask you these questions in earnest:

What is Bill 26 doing to prevent all forms of sexual violence on university campuses?

What is Bill 26 doing to address the complexity of gender-based violence, especially against marginalized women, on university campuses?

What is Bill 26 doing to build a healthy culture of consent on university campuses?

Finally, what does Bill 26 do to promote any means of restorative justice? This is the question that student groups continue to ask.

If the answer to all these questions is "nothing," then this bill might be more of a problem than a solution. Parents need answers, our students and university communities deserve answers, and we all need action. We need to make it clear: We support survivors. We want to protect survivors. We're unequivocally and fervently against the threat of campus sexual violence.

But the government has put us in a tight spot. We can't support Bill 26 in its current iteration because it does not do enough to protect students. Governments can and must do more.

Bill 26 lays out a punitive approach as a supposed means of deterrence against sexual violence. Retribution may be emotionally satisfying, but it alone does not stop sexual violence. We cannot rely solely on a simplistic, punitive approach.

The most effective and principled way to deal with all forms of sexual violence in university communities is to prevent it—primary prevention by stopping it before it occurs. For prevention to happen we need to target risk factors at all levels, and this includes at the community level. Resources for prevention education must be allocated to universities to inform all university community members about sexual violence and sexual violence prevention.

According to the Canadian Women's Foundation, while the majority of Canadians believe all sexual activities should be consensual, only one in three Canadians understand what consent actually looks like. How do we change this? We change it by providing supports to a chronically underfunded sector, to educate the community. Ontario's post-secondary educators are world-class, and in their hands the system can become a bastion of prevention education for the community.

I work at Trent University. Our Consent at Trent program, though underfunded, is making strides to build a culture of consent on our campus. With adequate funding, I can only imagine how it can grow and expand.

Bill 26 also poses some serious challenges that I want to speak to briefly, about labour rights. This is a unique

moment in the labour movement. Norms related to workers' rights are being challenged and tested, and processes that were taken for granted, entrenched in the movement, are being questioned. But the erosion of workers' rights in any sector is a threat to workers' rights across the labour movement.

Removing arbitration or the arbitral process for workers accused of sexual violence is an attack on workers' rights and an attack on the importance of due process in democratic societies. However, the collaborative nature of unionized environments can actually help. Collective agreements operate in the spirit of transparency, and can change and develop based on input from workers. Individual provisions and collective agreements are revised tirelessly to shed light on any grey areas. In nurturing a bona fide consent-based culture founded in preventative action, input from the community is an imperative. This legislation has potential to protect sexual violence survivors and work in tandem with established collective agreements and existing arbitral processes.

In support of workers' rights, we want all community members to be privy to the disciplinary processes laid out in collective bargaining agreements. We don't need to choose between enforcement and prevention; these concepts can work together. Primary prevention can honour enforcement. In fact, we want more transparency, and working within existing collective agreements will do that. Arbitral awards are made public. Collective agreements, by nature and as constructed, are tools that herald and revere clarity and transparency.

In Bill 26, there's ambiguity about where the decision to fire and/or not rehire faculty rests. The bill needs more clarity about how such processes would work, to ensure they're fair and that they're developed in a survivor-centric and preventative fashion.

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Here's what OCUFA would like from government today:

- keep working on Bill 26 to improve it; one day at committee is not enough to refine this important legislation;

- fund preventative education to promote a culture of consent on university campuses and to eradicate campus sexual violence;

- strengthen the language around NDAs, working through a lens of survivor-centrism; and

- remove and refine provisions in Bill 26 that erode workers' rights and obstruct arbitral processes.

The Chair (Ms. Goldie Ghamari): One minute.

Dr. Susan Wurtele: In further discussion and consultation, we can give our children and Ontario's post-secondary students the answers that we can be proud of. Let's work together to prevent campus sexual violence.

The Chair (Ms. Goldie Ghamari): Thank you very much.

We'll now turn to our first round of questions, beginning with the government. Who would like to begin? MPP Wai, you may begin.

Mrs. Daisy Wai: Thank you very much to the presenters. This question is for Britney from Courage to Act. I appreciate that you are excited that we introduced this bill and how this is going to help a lot, and I appreciate the recommendations that you bring.

I just heard about the percentage that would also like NDAs to be included in this bill. I would like to ask, perhaps, if Britney can share how you think Bill 26, when we include the NDAs—how this impacts on the survivors of sexual violence.

Ms. Britney De Costa: Thank you very much for your question. First, I would like to say that there are some significant amendments, I'll reiterate, that need to be made to the NDAs section of this legislation, as well as the other subsections of this legislation pertaining to sexual abuse by employees against students. Right now, as it stands, the non-disclosure agreements subsection of the bill does not address the real concern when non-disclosure agreements are misused and used to silence survivors.

Currently, the bill allows for non-disclosure agreements to be prohibited after arbitration or after a decision is made, when we know that non-disclosure agreements are often entered into prior to an investigation, when an employee decides to leave of their own volition or in other cases where institutional reputation is a primary factor for the post-secondary.

Our amendments ask to ensure that the prohibition of NDAs happens at all stages of the complaints processes, so that survivors can be protected. Our second ask is that it includes student-to-student cases as well. We know that NDAs can also be used when students are inequitably resourced and survivors become vulnerable to litigation. We are also asking for an explicit prohibition against requiring a survivor to sign a non-disclosure agreement in exchange for a reasonable outcome or resolution, and that the bill also allows for a confidentiality agreement where requested by the survivor.

These changes to the NDAs section of the legislation would help address some of our concerns, although we also ask that more be done. Similar to OCUFA, we believe this bill has the potential to do a lot with more amendments and careful consideration beyond today's hearings.

Mrs. Daisy Wai: Thank you.

The Chair (Ms. Goldie Ghamari): Next question? MPP Barnes.

Ms. Patrice Barnes: This question is to Joanne from the Standing Strong Task Force. You talked about the consultation process that happened and how robust that was, and the good pieces around the feedback from the task force. Can you tell us a little bit more about the process that was done—how did you do that feedback process; how do you do the reach-out—and some of the lessons learned from that.

Ms. Joanne Dallaire: We had a third-party consultation, which did a lot of the asking of the community, come up with all the materials. We also had—people could email us; there was a place for them to send in their responses, their questions, whatever. That was looked at on a regular basis. We constantly had updates on

that. It was a huge process in that we started off every day with—we were very routine. We had an opening, we had a check-in, we did an opening prayer, we did a land acknowledgement, and we shared and we talked. It wound up being such a good process that we wound up meeting so many extra times near the end of the task force in order to accommodate all the information.

The big fundamental difference on the task force: It wasn't about majority vote; it was about consensus. The consensus meant we had to hear everyone and understand everyone. Even if we disagreed with them, that didn't lessen their input and their thoughts. It took a lot longer to convince people who may have been totally against the name of the university being changed to understand that keeping the name of the university was harmful to Indigenous, Black and so many other people. That was the most difficult part of the process. People are very used to, "We have a vote, and that's it; we go." But the Indigenous approach is about consensus, and it about the relationship that you build on that.

The task force members themselves asked for a time for us to come together on the weekend to prepare a lunch, and we'd all sit around and have a lunch that we made in our own home, on Zoom, and we would do warm-up games and got to know each other and really build the foundation of relationship. That is, I'm sure Catherine would agree with me, what made this so successful, what made the commitment from everyone. We had people coming in on airplanes, over other countries, to make sure that they attended the task force meetings. That kind of commitment I have never witnessed in my 40 years of doing this kind of work.

Ms. Patrice Barnes: Thank you.

The Chair (Ms. Laurie Scott): MPP Martin, you have one minute.

Mrs. Robin Martin: Oh, dear. That's not going to give justice to my question. I was going to ask Professor Ellis, as a student of history but not an expert, you made a distinction between history and legacy. I was wondering if you could elaborate a bit on that, whether that's something that the task force came up with or you came up with or you drew from somewhere else.

Dr. Catherine Ellis: That is not something that the task force came up with. As an historian, what I do as a scholar is to work with a variety of sources that provide us with evidence from the past and enable an analysis of the events of the past, an interpretation of the events of the past. The legacy is very much about where we are now. It's the current impact of someone or something, and even more importantly, it's how that impact is still felt. What we learned from through the community engagement on the task force was that a great deal of pain and trauma and concern was expressed about the naming of the university after a figure of the colonial administration, Egerton Ryerson.

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes the time for this round.

We'll now go to the independent member. You may begin.

Mr. Adil Shamji: Good afternoon, everyone. Thank you very much for your very helpful and illuminating presentations.

I had a few questions. I wondered if perhaps I could start first by asking a question to Elder Dallaire. Elder Dallaire, my name is Adil Shamji. We had the honour of having a conversation about a month ago, when you were educating me about a number of things but a number of Indigenous issues. I really enjoyed that.

I hope I'm not putting you on the spot. I did want to ask—I know that you have been speaking to the name change to TMU today. But another really important part of this bill is around addressing sexual harassment, violence and abuse. I know that Indigenous people have been disproportionately impacted by that. We've heard about that through the missing and murdered Indigenous women working group and commission. I wondered if you had any advice for us on things culturally sensitive and special considerations that we should be considering for this bill to help protect Indigenous women in particular from sexual violence.

1530

Ms. Joanne Dallaire: Thank you very much for that question, and I'll attempt to answer it as best as I can. I think we have to, when we're dealing with all victim of sexual violence, understand that they're dealing through a trauma lens. For Indigenous people and Black people, we're dealing with a historical trauma, as well as the current trauma.

For Indigenous women—we have long been exploited into being sold into the sex-trade slave route on the Great Lakes, all of that. So we've been devalued as even a human being and really have been disempowered, and that's so deeply entrenched in the subconscious of all Canadians, that we have been exposed to this idea of the value of Indigenous women.

When we're dealing with anyone, we need to take away the idea of race and colour and put yourself or someone you love in that position and deal with them accordingly. The only thing that changes intolerance is empathy. When you can put yourself in someone else's shoes, then you have a better idea on how to help that person heal.

And we have to really stop putting the face of the victim out there to say, "I've been abused." We need to put the abuser out there and hold them accountable. So many times, as is evident here today, it is the victims who are bringing forth. It's time the rest of society started championing victims. It's time that the men in our community stood up for their mothers, their grandmothers, their sisters, their daughters, their friends in the community and started championing them. Anything that we can tolerate in society will run rampant, and we've got to stop tolerating, making it okay or socially not talked about, to abuse people in any fashion but particularly sexually.

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Adil Shamji: Thank you, Elder Dallaire, for that very powerful statement.

Briefly, Susan and Romina, if I may, I wondered if I could bother you to just elaborate on what the labour

process ought to look like as described in this legislation in cases of sexual harassment, violence or abuse.

Dr. Susan Wurtele: Romina, can I invite you to start off on this one?

Ms. Romina Cortina: Sure. I can speak to—and thank you for the question, MPP—

The Chair (Ms. Goldie Ghamari): Can you please state your name for the record so we have it in Hansard?

Ms. Romina Cortina: Absolutely. Romina Cortina.

Thank you for the question, MPP Shamji. I just also want to preface this by saying that post-secondary students and workers have spent countless hours sharing their lived experiences to highlight the systemic need for sexual violence on campuses. They put so much time into forwarding recommendations to address and prevent this culture of violence on campuses, and though my first consideration is this might not be something that the committee would be addressing, or those who have—

The Chair (Ms. Goldie Ghamari): Sorry. The time is up. So we'll have to wait for the next round.

We'll now turn to the official opposition for seven and a half minutes. MPP Pasma, you may begin.

Ms. Chandra Pasma: Thank you to all the witnesses for being here. I found your testimony very fascinating and helpful.

I just want to start by letting Romina finish her remarks.

Ms. Romina Cortina: Thank you so much. A point that the committee might not have considered is that, through Bill 26, we're actually dismantling some hard-won victories of survivors and allies across campuses in Ontario, which include campus-specific policies and collective agreement articles, and that is part of the problem with this bill, especially as we worked so hard to make something that is survivor-centric from all aspects. All amendments should be considered from this point of view.

What's particularly troubling about the arbitral processes is the election or the lack of clarity around who an arbitrator or adjudicator is in the language of this bill, and that's something extremely troubling. We do know for a fact that a lot of individual institutions might not have the most qualified staff to make these kinds of deliberations from a learned perspective, and that is something that is exceptionally scary. There has been uptick in the past 10 years of investigations of sexual assault and a business, so to speak, of monetizing this process, of being able to process it into various institutions. That's what we want to work against, and that's what collective agreements and arbitral processes do work against. Arbitrators are appointed based on experiences and based on merit. That's what we're hoping that the legislation is amended to do, to give qualified individuals, ones who are operating from survivor-centrism and on a basis of expert opinion—to help these processes.

Ms. Chandra Pasma: So one of the things that we heard this morning from witnesses was the desire to see some minimum standards set out for sexual violence policies across the post-secondary sector. When I'm hearing you speak about the concerns about the lack of standards for investigations and the adjudicators, and who

is making these decisions, it seems to me that that's one of those things that could be addressed by a minimum standard: basic standards that apply across the sector to how investigations are conducted, what kind of training or credentials are required by the people who conduct those investigations. Would you agree with that?

Ms. Romina Cortina: I think we do agree with that, but in tandem with collective agreements that already exist. Again, minimum standards that erode workers' rights don't do anything. It also complicates—there's lots to consider in this bill with regard to the Ontario health and safety act and how it works in concert with that when those standards are already set out in various provisions in those acts, and that act as well. That's something that we're hoping this committee takes a long, hard look at.

And again, we really compel the committee to spend as much time as you possibly can. One day is not enough, and we have lots of sector experts that are here to help. We're hoping that our voices are heard, especially—thank you so much, Britney, for your compelling presentation.

I have a theatre background, and for me, experiential learning and the theatre are kind of one and the same. I've learned through doing, and we must not discount experiential learning and the experiences of those who have studied in that way. I think that through experiential learning, we do understand the systemic problem of sexual violence on campuses.

Ms. Chandra Pasma: To build on what you're saying, one of the other things that we heard this morning was that the minister said that the clause allowing collective agreement rights and adjudication rights to be set aside was necessary in order to give institutions the tool of being able to discipline and dismiss workers who were found to have committed acts of sexual violence. But universities and colleges already have that tool. Employers already have the power to discipline and dismiss employees. In fact, the processes for how that is done are usually laid out in a collective agreement, correct?

Ms. Romina Cortina: Correct, absolutely. And as we said, retribution is emotionally satisfying in the interim, but if processes aren't set out well and transparently, then that's an issue, because I think the outcomes can be clouded if investigations are not done properly. And yes, minimum standards do exist, and collective agreements, especially in individual circumstances across campuses at different schools and among our different faculty associations, really do work uniquely to those environments as well. We can look to the University of Ottawa for all the exceptional work they have done in bargaining and in the kind of clarity they have gone through with their collective bargaining agreements. There are lots of good examples about how these processes are set out and how they are functioning very well on campuses.

Again, we want those things to work in concert. We want prevention and we want to actually make sure that people are given their due process.

Ms. Chandra Pasma: Right. Thank you.

Dr. Ellis and Ms. Dallaire, my colleague Kristyn Wong-Tam, who is the MPP for Toronto Centre, wanted to be

here today to welcome you, but unfortunately, they had a conflict, so I'd like to welcome you on their behalf. I certainly heard from Kristyn about the great work that you did, and you've shared a fascinating overview with us today of the work that you did and the historical engagement, the community engagement. I'm wondering if you feel that there are lessons that could be applied to the work of decolonization by other post-secondary institutions in Ontario from the process that you undertook at TMU.

Ms. Joanne Dallaire: Yes. Go ahead, Catherine.

Dr. Catherine Ellis: Sure. I'll just answer that briefly. I think one of the key, distinguishing features of our task force process was the incorporation of both Indigenous alongside more traditional colonial structures, in particular the welcoming of all voices in our community engagement on an equal footing, with no one ahead, no one behind, no one above and no one below.

1540

The Chair (Ms. Goldie Ghamari): One minute left.

Dr. Catherine Ellis: So rather than inviting people to be experts or identifying certain people whose views we would give more priority to than others, we took all input from the community anonymously, and we tried also to work through a trauma-informed lens and to give people a wide range of ways in which they could contribute to the community engagement and make their views known, including through community conversations. So we did not hold town halls, which can tend to shut down open dialogue or be quite intimidating sometimes. We gave people a wide [inaudible] of different ways to contribute views, and then the task force received those on an equal footing. I think that's something that has been carried through to the universities [inaudible] consultations and is something that was distinctive and really [inaudible] recommendations and the way [inaudible] by the university.

Ms. Joanne Dallaire: And one thing I'd like to add to that is that I think it's very important to remember—

The Chair (Ms. Goldie Ghamari): My apologies, Elder Dallaire. The time is up. We'll have to wait for the next round. I didn't mean to interrupt, Elder.

We'll now turn to the government for the next round of questions. MPP Jordan, you may begin.

Mr. John Jordan: Thanks, everyone, for your presentations. My question is for the Ontario Confederation of University Faculty Associations. It's regarding the non-academic discipline and just your thoughts on how you feel many of the issues, such as instances of student-on-student—are the systems of the colleges and universities across the province adequate?

Dr. Susan Wurtele: I can take a start at this, and then I may pass it over to Romina.

We think this is an oversight in this bill, to not address the student-on-student elements of sexual misconduct. These are challenging issues, but you will be missing a very significant portion of the problems on campus if you don't amend this bill to expand it in that regard. It is challenging, but in a student-on-student situation, you

don't have the ability to access collective agreements and arbitral processes, which, as my colleague Romina Cortina mentioned, they are very robust mechanisms that—for anyone who sat through an arbitral process, they are very robust processes that will really get to the bottom of any particular situation that's at issue.

Romina, did you want to add anything to that?

Ms. Romina Cortina: A little bit of clarity on the non-academic-discipline part of the question, if I can get that, just so I can answer more thoroughly.

Mr. John Jordan: Well, this bill has a focus on the academic. So the question is relative to what the colleges and universities have autonomy in, have put in place already. Do you feel that there's an adequate response to student-on-student claims?

Ms. Romina Cortina: Okay. Absolutely, no; unequivocally, no. The majority of campus sexual assault is student-on-student and happens off campus. The bill doesn't address it at all. So what we need is prevention, and we need funding towards preventative programs. That's how it will address student-on-student sexual violence. The bill simply does not go far enough.

The Chair (Ms. Goldie Ghamari): Next question? MPP Pierre.

Ms. Natalie Pierre: Thank you to today's presenters. My question is for OCUFA. Your organization has referred to the bill as "a narrow and punitive vision for addressing the serious problem of assault and harassment." Do you believe that there should not be any punishment or recourse for those who commit sexual violence?

Dr. Susan Wurtele: Absolutely not. We do not believe that. We think that all forms of sexual violence ought to be addressed appropriately and through the processes that exist. We believe that the collective agreement processes and the arbitral processes that are referred to within those collective agreement grievance and discipline processes are largely adequate for this portion of the issue at hand. When you talk about expanding it, as we really rightly believe it ought to be expanded, to include student-on-student violence, those perspectives are not covered. So no, we do not stand in any way in support of faculty perpetrators of violence, where those exist.

Ms. Natalie Pierre: Just to follow up in terms of faculty who have committed sexual violence against students: your thoughts on them staying in their roles and the use of non-disclosure agreements in those situations?

Dr. Susan Wurtele: First of all, I think non-disclosure agreements have to be used from a survivor-centric perspective, and in some cases there are survivors who need those NDAs to be available to them, so that would be one piece. I don't think—and we don't believe—that NDAs ought to be used to shield perpetrators of violence from the consequences of their actions. We're very clear on that, but the lack of a survivor-centric perspective has the capacity to do a great deal of damage if it's applied in the way that it's framed in this bill.

I'm sorry, there was another part of your question and I've just lost it. Romina, did you pick up on it? Do you want to add anything?

Ms. Romina Cortina: I think the second part of the question was if we're shielding people who've been—I think we're talking about re-employment of those who have offended. What we're talking about today or what we're advocating for today is the process that gets us to that outcome. We don't want to shield anybody who has offended—especially if proven guilty, for lack of a better term—but we do want due process that is fair, that is informed and that is conducted by those who understand survivor-centrism and who understand what sexual abuse is and the complexities of investigating these cases. We don't want this to be left in the hands of people who are not qualified to conduct these investigations, and that's what we're advocating for today.

Go ahead, Sue.

Dr. Susan Wurtele: If I could just add one piece: The piece that I think may be leading to some misunderstanding is that arbitration processes are public. They're public in the hearings and the awards are public. They're searchable. You can search on CanLII, which is a database of all legal decisions in Canada, and you can find the names of individuals who have been involved. So we feel that those processes are quite adequate to address this question of reemployment elsewhere. If there was an award granted by an arbitrator against somebody, odds are it will be found and may influence the reemployment of that individual, provided it's of a significant severity.

The Chair (Ms. Goldie Ghamari): One minute left. MPP Quinn?

Mr. Nolan Quinn: Thank you, Chair. This is for the Ontario Confederation of University Faculty Associations. I'll make this as fast as possible so I can get an answer. With the many examples of faculty-on-student sexual violence in the media over the years and how many stakeholders have raised this issue privately with the ministry because of how delicate the issue is, do you not believe that faculty members across the board should welcome Bill 26 when it only targets the bad actors?

Dr. Susan Wurtele: First of all, the many cases in the media, I think, actually misrepresent the situation. I think there are many, many more—the stats will stand up to suggest there are many, many more—situations of student-on-student violence. So I think it's a misrepresentation—

Mr. Nolan Quinn: But my question was with regard to faculty-on-student violence. We've already touched upon the student-on-student, so I'm just curious as to whether it should only be the bad actors who are worried about Bill 26.

Dr. Susan Wurtele: I think we're all worried about Bill 26. I'm not sure I'm following the question.

The Chair (Ms. Goldie Ghamari): Sorry. That's all the time we have for this round.

We'll now turn to the independent member for four and a half minutes. You may begin.

Mr. Adil Shamji: Sue, did you want to finish your remarks?

Dr. Susan Wurtele: Sure. I'm not sure that I fully grasped the question in a way that I can answer helpfully without just repeating what I've said before.

Romina, did you want to throw something out? No?

Mr. Adil Shamji: That's okay. I can proceed with my next questions. I just wanted to make sure you had an opportunity to respond.

Ms. Romina Cortina: Okay.

Dr. Susan Wurtele: Thank you.

Mr. Adil Shamji: Of course. It's my pleasure. Actually back to you, Sue and Romina: We spoke about the value of primary prevention, experiential learning, and I know, reflecting on my time as faculty, about the importance of faculty development and those sorts of initiatives. I was curious to know whether there are any such initiatives in place for preventing or educating around sexual harassment, abuse, violence, that kind of thing, and whether that's one of the opportunities that we should be considering in this legislation.

1550

Dr. Susan Wurtele: I would say there certainly are opportunities to enhance the kind of education that takes place on campuses, that targets faculty. There's no doubt. But I would also say that it's very well understood, the consequences, the concept of consent and of sexual violence. As we and others have spoken to, there's a great deal of expertise on university campuses, and sharing that expertise, I think, is what's needed and what would be helpful.

Romina?

Ms. Romina Cortina: Absolutely. There are programs that exist; they are underfunded. And that's what we're here to ask for today, is funding towards those programs.

If I can actually address that former question, it's not just bad actors that are concerned about this legislation. OCUFA is not a bad actor; we are concerned. Britney's organization is not a bad actor; Britney is concerned as well. Farrah Khan and Possibility Seeds: not bad actors; genuinely concerned about this legislation. It is across this sector and across a lot of sectors that are concerned about any legislation that works against workers' rights and established arbitral processes already.

Sorry, MPP Shamji, to distract from that—once again, yes, we have lots of programs that exist. Also, the University of Ottawa has turned quite a page, especially on the rampant student-on-student sexual violence that was happening, and their programs are working perfectly against those things. I think that there are lots of organizations in this community that are bastions for sexual violence prevention, and that's what we should look to. That's who and how we should fund them.

Mr. Adil Shamji: Great. Thank you. I don't have any further questions.

The Chair (Ms. Goldie Ghamari): Okay. Thank you very much.

We'll now turn to the official opposition.

Ms. Chandra Pasma: I just want to follow up on that, because I certainly hope you don't feel like your motives have been questioned in coming here to committee today. I can assure you that the NDP shares your concerns about this legislation. It's what we've been hearing from stakeholders across the sector.

I know, because I came from this sector before being elected, that there has been a lot of work done over the past few years by student groups, by faculty and staff unions, by sexual violence experts, looking at the issue and developing comprehensive recommendations. Unfortunately, the bill that we've got here doesn't include any of the recommendations that have been set forward by the sector.

I want to start, Britney, with a question to you. I had the privilege of being engaged with Courage to Act over the past couple of years, so I've seen some of the amazing conversations that have taken place, the kind of expertise that you brought together. But I was really struck when you mentioned engagement with 3,500 stakeholders, with over 80 tools developed to put forward best practices regarding this issue. Was Courage to Act consulted by the government before they developed this legislation?

Ms. Britney De Costa: I don't believe Courage to Act was consulted, but I don't want to misspeak here. From my knowledge, we were not.

Ms. Chandra Pasma: Okay. It certainly seems like a lost opportunity to embrace many of the recommendations that Courage to Act has put forward, that Our Campus, Our Safety, the coalition of student groups, put forward over the summer.

One of the biggest shortcomings that people have identified is that it focuses on a punitive approach instead of a preventative approach, which is certainly what I've heard from you this afternoon. And so, both to Britney and to Sue and Romina, what would you like to see in this legislation from a prevention perspective?

Dr. Susan Wurtele: Britney, did you want to start off?

Ms. Britney De Costa: Thank you, yes. I'll speak to a couple of things and then pass it on over.

One of the first things that we would like to see is the implementation of minimum standards—not minimum standards that are created by the government but minimum standards that are created by important stakeholders in this conversation—OCUFA, student leaders like OUSA and CFS, the Ontario network of university sexual assault centres—to make sure that things like educational programs are consistent across institutions, so all students, all faculty, all staff are receiving the same education, the same support and the same information that they need to create healthy and safe campuses.

Another piece is funding, as Sue and Romina pointed out. Our sexual violence work is severely underfunded both in the community and on campuses, and we need consistent, ongoing funding to be able to put in place all of the amazing work that's happening across the country and be able to build on that expertise.

I'll pass it over to Sue and Romina and give you a chance to speak as well.

Dr. Susan Wurtele: Sure. The coherent definitions within this bill would be a very important step. And then, as I've mentioned several times from our perspective, drawing on using the existing arbitral process, which we think works very well—the examples that hit the media are probably not examples where that arbitral process has

actually been used and worked effectively. I think that there is no reason that that process shouldn't be used. I've sat through many arbitrations on many different issues before, and I can tell you it's a very thorough and very rigorous process and there is plenty of room for addressing this.

The other piece that we've spoken to, which I'll just reiterate, is the survivor-centred approach to non-disclosure agreements. We think that's extremely important.

Romina, did you have anything that we might have missed?

Ms. Romina Cortina: I don't think so, off-hand.

I'll just reiterate something that Britney has said, though: Ambiguity around the definition of sexual violence is exceptionally important. One would have to ask themselves: If this bill only works to punish offences, but doesn't work to prevent any offences from happening, then what is the bill actually functioning to do? That, I think, should raise alarm.

Ms. Chandra Pasma: Right. Thank you.

The bill, as it's drafted right now, gives institutions wide latitude to develop their sexual misconduct policy. It doesn't require any kind of consultation. Do you think development of these policies actually requires consultation with students, faculty, staff and sexual violence experts? I see lots of head-nodding. The second part of this question is: What kind of consultation do you think that requires? What would be reasonable consultation?

Ms. Romina Cortina: I'd love to turn this over to an expert, and I do consider Britney one.

Dr. Susan Wurtele: Yes, Britney, your list of those who should be consulted, I think, we would strongly support. I'll let you speak to that.

Ms. Britney De Costa: Thank you. Yes, I would say that engagement and consultation need to be meaningful. It needs to be ongoing, and it needs to include all the folks who are affected by this issue. As we said, COU, OCUFA, OUSA, CFS—we need folks in the room who aren't just there, invited to show that consultation has happened; those conversations have to be happening ongoing, all the time.

Students need to be listened to in particular. As we've heard today, students have put forward so many recommendations about what these policies look like.

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Britney De Costa: OUSA has a very great policy on 20 components of a sexual violence policy that should be implemented. So far, the government has implemented eight of those 20. Really listening to the voices that are already speaking is a huge piece of this.

Ms. Chandra Pasma: Great, thank you.

One quick last question, because there's 40 seconds left: Britney, you mentioned that the current text doesn't address what is actually the primary concern with NDAs, because of the moment they actually come into effect. Can you talk a bit more about what the primary concern with NDAs is as they currently exist?

Ms. Britney De Costa: Yes, absolutely. Currently, NDAs are used as a tool to both silence survivors, as well

as to hide instances of sexual misconduct and protect the reputation of an institution over the safety and voice of survivors. When an NDA is only prohibited after the—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time that we have. I'd like to thank our presenters for joining us today, especially Elder Dallaire, as well. Thank you for taking the time to join us.

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ONTARIO UNDERGRADUATE STUDENT
ALLIANCE

ASSOCIATION OF PROFESSORS OF THE
UNIVERSITY OF OTTAWA

THE PEARS PROJECT

The Chair (Ms. Goldie Ghamari): We'll now turn to our next round of presenters, starting with the Ontario Undergraduate Student Alliance. Please state your name for the record and then you may begin. You will have seven minutes, thank you.

Ms. Jessica Look: Hi, everyone. My name is Jessica Look. Thank you, Madam Chair, for the opportunity to speak today. I am here on behalf of the Ontario Undergraduate Student Alliance, where I am president this year, and I am joined by Octavia, our research and policy analyst.

The Ontario Undergraduate Student Alliance is a coalition of student associations from institutions across the province, representing over 150,000 students. OUSA appreciates the work that the Ministry of Colleges and Universities has done over the past few years to strengthen gender-based violence policies at post-secondary institutions. We are in support of elements of Bill 26, including the name change of the Toronto Metropolitan University, as well as the spirit of the amendments to section 17, on sexual violence against students.

As we are aware, sexual violence is an ongoing issue on post-secondary campuses. It has certainly become one of the top concerns of students across Ontario. Most instances of gender-based violence go unreported, but a majority—over 70%—of students experience or witness gender-based violence.

The Student Voices on Sexual Violence survey that was put out in 2018 by the government had a lot of data collection and it showed us that 63.2% of students disclosed an experience of sexual harassment, 23.7% disclosed an experience of stalking, and 23% disclosed a non-consensual sexual experience. It's also important to recognize that there are certain demographics of students who are most likely to experience gender-based violence: women aged 18-24; racialized, Black and Indigenous students; two-spirit and LGBTQ+ students; as well as students with disabilities.

So it's very important, and OUSA has always advocated for gender-based violence policies to be trauma-informed and survivor-centric. Bill 26 is very much a welcomed first step, but it needs to be more trauma-informed and survivor-centric, especially regarding the NDA stipulations.

Ms. Octavia Andrade-Dixon: Our first concern lies within section 5, regarding the disbaring of the use of NDAs after the completion of—

The Chair (Ms. Goldie Ghamari): Sorry. Can you just please state your name for the record, for Hansard?

Ms. Octavia Andrade-Dixon: Yes. My name is Octavia Andrade-Dixon. I am with the Ontario Undergraduate Student Alliance.

The Chair (Ms. Goldie Ghamari): Thank you.

Ms. Octavia Andrade-Dixon: Our first concern lies within section 5, regarding the disbaring of the use of NDAs after the completion of arbitration. Banning non-disclosure agreements, or NDAs, after judiciary processes does not prioritize the safety or respect of survivors. This provision does not account for the NDAs that are introduced prior to adjudication proceedings.

Commonly, NDAs or confidentiality agreements are enacted at earlier stages of the investigation and can cause further isolation for students or complainants endeavouring in this process. While this provision aims to limit the aforementioned harm caused by NDAs, it does not encompass all instances in which they are used against complainants. Additionally, rulings out of the NDAs are not entirely survivor-centric in their approach. In some instances, NDAs may be wanted by complainants, and barring their access to privacy can be re-traumatizing, cause harm and discourage survivors from coming forward in the first place.

Trauma-informed, survivor-centric adjudication processes are important because they work to enhance the procedural fairness of both the complainant and the respondent. If students do not feel safe and do not have a safe environment that is responsive to their trauma, they cannot fully or authentically participate in adjudication processes, putting them at a disadvantage.

Bill 26 offers a promise of resolution for faculty-perpetrated gender-based violence, but would actually be more cumbersome for survivors needing to go through judiciary processes to avoid an NDA. OUSA recommends the language of section 5 be expanded to encompass all instances in which NDAs are used, including prior to adjudication processes. OUSA also recommends that the ministry look toward PEI's NDA bill, Bill 118, for a best-practices framework in instances when NDAs may need to be used, specifically in section 4(2), which reads:

“A party responsible or person who committed or who is alleged to have committed harassment or discrimination may only enter into a non-disclosure agreement with a relevant person in accordance with this section if such an agreement is the expressed wish and preference of the relevant person concerned.”

Again, OUSA is in appreciation for the attempts at covering NDAs, but more needs to be done to make them comprehensive. I'll pass it over to Jessica.

Ms. Jessica Look: Our second point of concern lies in section 7, which calls on all institutions to have a sexual misconduct policy with minimum inclusions of rules relating to sexual behaviour involving employees and students, as well as disciplinary actions when it comes to

breaching the policy. OUSA is very pleased to see that the ministry is mandating the inclusion of disciplinary action and rules around misconduct and sexual violence, but we are, however, concerned at the vagueness of this amendment.

When the Ministry of Colleges and Universities involved OUSA at consultations, our immediate response to questions about disciplinary measures was that they must be trauma-informed and survivor-centric. However, leaving each institution to create their own set of guidelines without best practices does not necessarily ensure that all institutions will be working in a trauma-informed and survivor-centric manner.

Additionally, the amendments to this bill operate under the use of the term “sexual abuse.” This also allows institutions to define sexual abuse in their policies in section 8, so there is this lack of unified and standardized language on how all post-secondary institutions should be approaching gender-based and sexual violence, which could lead to discrepancies across the sector. So OUSA recommends that the ministry continue to work with sector stakeholders such as COU, OCUFA, OUSA, Possibility Seeds, as well as the Ontario network of university sexual assault centres to create best practices.

We would also like to recommend that the Ministry of Colleges and Universities adopt the language of “sexual violence and sexual harassment” over “sexual abuse,” which is the standard used in section 17 currently and ensure that there is a standard definition used across institutions.

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Jessica Look: Additionally, we would like to recommend the ministry consult previous materials provided by OUSA regarding sexual violence policies and adopt the remaining amendments to build a more robust trauma-informed and survivor-centric framework for Ontario institutions.

Again, OUSA is pleased to see the efforts made by the Ministry of Colleges and Universities, but more needs to be done to ensure the safety of students is protected through this legislation.

The Chair (Ms. Goldie Ghamari): Thank you very much.

We'll now turn to our next presenter, from the Association of Professors of the University of Ottawa. Please state your name for the record, and then you may begin. You will have seven minutes.

Ms. Natasha Udell: Natasha Udell. Hi. Thank you for having me present before the standing committee today. I am in-house legal counsel for the Association of Professors of the University of Ottawa. My client represents 1,300 full-time professors, librarians, language teachers, counsellors and continuing special appointment professors, and we are in support of the purpose of Bill 26 and the government's efforts in addressing the increase of sexual violence incidents on Ontario college campuses. Yet this bill does not do enough to protect sexual violence survivors, and rather, instead of addressing, providing education on and responding to sexual violence with a

trauma-informed resource and support system, the bill is highly punitive. The bill is actually more severe than the Criminal Code by eliminating all elements of due process, duplicating existing legislation, such as the Occupational Health and Safety Act and interferes with collective bargaining rights.

At the University of Ottawa, my client is lucky to have a strong relationship with the student union, which represents 40,000 undergraduate students. We are both concerned regarding the prevention of sexual violence on campus. A letter has been forwarded to the standing committee here today, from both APUO and UOSU, strongly opposing the current draft of the bill, stating that what needs to be done is increasing deterrence, rehabilitation and prevention.

As a former assistant crown attorney and working on the domestic violence team, I am well aware of the challenges that sexual violence survivors face, and a strictly punitive approach does not work. The government has addressed these issues in the past. Back in 2009, when I first took this position at APUO, there were amendments made to the Occupational Health and Safety Act that obligated employers to address workplace harassment and violence in a formalized way. And what did my client do? My client negotiated language in the collective agreement to help support that change.

In 2016, Bill 132, Sexual Violence and Harassment Action Plan Act, came into force. The concept of sexual violence and the definition was included and imposed obligations on the employer. And what did my client do? APUO worked with the employer and updated their collective agreement to address and respond to the concerns of the government.

APUO is in support of a safe and healthy work environment, which is necessary for the entire university community, since professors' working conditions are also students' and our children's learning conditions. But what is missing from the bill is the need to have due-process principles. I encourage the standing committee to have a look at the Occupational Health and Safety Act. Although it is not perfect, it does involve due-process principles, and forces the employer to develop measures, programs, procedures, reporting mechanisms and investigation processes that allow all parties involved in sexual violence offences to be heard and responded to.

Additional concerns with the current Bill 26 is the definition of "sexual abuse" is so vague that it can also capture behaviours that appear to be unusual. It also includes automatic termination for just cause, which is a legal term that means the onus to prove termination has a high standard of proof on the employer. It also means that no termination pay and notice periods are available to the employee and that just cause dismissals can haunt an employee for the rest of their career. Therefore, there are no rehabilitation possibilities in that option.

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The bill also removes the ability for trained arbitrators, boards, adjudicators to substitute any other penalty for discharge, meaning an accused no longer has the right to

file for judicial review and question an arbitrator's decision. And furthermore, it undermines an arbitrator's responsibility, whose fundamental role is to assess the credibility of the victim and the accused in light of the available facts, law and legislation.

APUO also notes that the committee might be looking into concerns and questions about re-employment of offenders, but re-employment of offenders only occurs after there's a finding of guilt and after an arbitrator who is trained to analyze the circumstances and the law has determined that re-employment or reinstatement, in legal terms, is not possible. Reinstatement will only occur if it's workable or safe to do so—and I can tell you, based on my experience, it's very unlikely that members who have been subject or found guilty return.

The problem with Bill 26 as it currently stands is that really turns the justice system on its head by failing to provide any due process mechanisms. What it does is that it renders faculty members guilty before being proven innocent, and you've removed the concept of any faculty members of employees on campus from having access to a trial altogether.

So what has APUO done that has worked as a result of the changes that were made to the Occupational Health and Safety Act since 2009 and 2016? APUO has negotiated article 8 in our collective agreement, which are in materials that are made available to this committee. And what article 8 in our collective agreement has done is create a Human Rights Office on campus. This office is responsible to investigate all human rights violations, including sexual violence matters, in a confidential manner. It has three principal obligations: One of them is to impose interim measures to stabilize the parties. So if there's violence on campus, the HRO is responsible to separate the parties.

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Natasha Udell: They also have the right to issue no-trespassing notices to make sure that all parties are safe. They also offer informal processes such as mediation and support in filing complaints.

What is important for this committee to understand is that the university community and college campuses are a very complex community, with a number of stakeholders and community members. So the key is prevention. If you don't change the locker room chat and you don't allow survivors to reduce the fear and tell their stories, and if the government swings the pendulum to a strictly punitive approach, you will not address the needs that survivors need, as well as due process.

So APUO is strongly encouraging our members and our MPPs to amend the bill as necessary to ensure due-process principles, remove intrusions on labour rights and provide funding for preventative resources such as trauma-informed education, mental health professionals and crisis counsellors on campus.

The Chair (Ms. Goldie Ghamari): Thank you very much.

We'll now turn to our final presenter, the PEARS Project. Please state your name for the record and then you may begin. You will have seven minutes.

Ms. Micah Kalisch: My name is Micah Kalisch.

Thank you for the opportunity to speak today on such an important and very pervasive topic. As I said, my name is Micah. I am the founder and the director of the PEARS Project, which is a grassroots organization within the University of Toronto. But I'm also here today as a survivor of sexual violence myself, and I am here today as a student at the University of Toronto. The PEARS Project operates tri-campus at U of T, which represents over 90,000 students.

I began my survivor advocacy within the post-secondary context in my very first year of university. After a group of first-year students were assaulted during a frosh week event, I reported this to the university, as they requested me to do, and the university claimed they were unable to do anything. After following up consistently and gathering over 70 people to send emails to the university, I met with a member of administration who told me, "This just isn't a priority right now."

Since then, I have experienced neglect and abandonment first-hand as a survivor within the university. I've also seen NDAs that students have been coerced into signing, I've had to walk into hallways with professors who are predators and have had to explain to other survivors why the university they pay to be a part of won't believe them.

I share this because it's all too common, and this is not an isolated event. I work with survivors from post-secondary institutions across Canada, and I've heard the truths and experiences of people who have been harmed and silenced by their universities. I've seen students who have had to drop out because of delayed investigations that put their safety and their lives at risk. I've seen investigations that are dropped partway through because of time caps on policies or students who are coerced into silence. Students walk the hallways with abusers and predators. They've had to miss class out of fear for their safety and well-being.

I say this because our conversations here today and the power held in this room are going to impact real lives. We're not just talking about statistics; we're talking about the safety and well-being of students, because every day I work with and speak with survivors, and survivors ask me how our schools and our government are going to support them and keep them safe and, to this day, I still don't have an answer for them.

Places of education should be a place where people feel safe, expressing themselves and not a place where people fear for their safety and dignity and are silenced. This is the reality of students' lives. Professors are being permitted to abuse students, and no one is holding them or the university they work for accountable, and we desperately need the government to step up.

This bill does provide a sense of hope that these issues will be addressed on a government level. However, they are a long way from perfect. There are necessary amendments to be made in order to ensure this legislation actually protects and supports survivors.

One of the first amendments which PEARS proposes is a change in language. Rather than using "sexual abuse,"

we suggest "sexual violence," as this is more encompassing of the experiences survivors face.

Subsection 3 of this policy, "no re-employment," seems to only prevent reemployment within the same institution, meaning predatory professors could be fired from one university and go to another. Sexual violence thrives in silence. Rape culture is perpetuated by systemic cultures of silencing survivors, dismissing violence and belittling or blaming survivors, and there's an urgent need to regulate the use of non-disclosure agreements, which uphold rape culture and often coerce survivors or present it as the only option. In reality, these agreements silence us, protect perpetrators and maintain the university's image.

PEI's recent Bill 118 presents some examples for best practices with regard to these regulations. We've seen the way the institutions silence survivors through legal practices and confidentiality agreements that mimic NDAs, essentially creating a loophole in which they can claim one was never issued.

Much of this legislation also leaves practices up to institutions, and we have seen time and time again that they will prioritize the well-being of their staff in an attempt to protect their image, even if those staff members are perpetrators of violence. Best practices and minimum standards must be set not only for disciplinary measures but for consultations on policy change and creation of investigation practices.

We cannot trust these institutions to protect us. Robert Reisz, a professor at the University of Toronto, was recently found guilty of racism and sexual assault by U of T. Rather than being terminated, he is still running a lab and scheduled to teach two undergraduate courses next semester. In less than two days, our petition to have him terminated has reached over 1,000 signatures, but this legislation would not ensure he is off campus. It would allow the university to continue to determine their corrective actions and silently cover up abuse, and this is what breeds rape culture and breeds harm. It is this silence.

This is a major pressing concern we have: the PSIs' inefficiency in keeping predatory professors off campus. "Discharge or discipline" in subsection 2 states that if an employee of an institution commits an act of sexual abuse of a student, "the institution may discharge or discipline the employee...." Not only does the vague wording result in survivors being unaware of their rights and what potential outcomes could be, but it allows a dangerous precedent in which universities can provide minimal discipline and keep dangerous employees on campus.

We believe that in situations where an employee commits an act of sexual violence against a student, termination should be the standard practice and response. Other professional disciplinary boards remove the licences or abilities for that person to practise. Everything from the College of Physicians and Surgeons of Ontario to the Ontario College of Nurses to the United Church of Canada revokes licences for sexual violence. So what is the difference between a doctor who abuses their power with a patient and a professor who abuses their power with a

student? Currently, there are no minimum standards for sanctions and disciplines, and when the decision is left up to the university, they will protect their employee.

1620

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Micah Kalisch: Finally, there are many pervasive issues that are not addressed within this bill. Issues such as sexual violence between students at the institutions are not addressed, and survivors have been dismissed and neglected by our government for years. We need new legislation to protect us. If you are not profoundly saddened, angered or scared by the state of sexual violence in post-secondary institutions, then you are not listening to us. Because sexual violence is a crisis and it is one that takes lives—disproportionately those of women and racialized people.

I implore you to treat this as the crisis it is while you create this legislation that has the potential to save lives and dismantle rape culture. Failure to do anything short of that is to be complicit with violence and negligence.

The Chair (Ms. Goldie Ghamari): Thank you very much; that's all the time we have.

We'll now turn to the official opposition for seven and a half minutes. MPP Pasma, you may begin.

Ms. Chandra Pasma: Thank you to all the witnesses for your testimony today, for sharing your passion and your expertise and your thoughtfulness on this subject and the changes that we need to see.

I want to start with Ms. Udell. You raised concerns about the clause eliminating the right to appeal, overriding the collective agreements. What we heard from the minister this morning was that the minister thought this clause was necessary in order to give institutions the ability to discipline or terminate an employee. But institutions already have the right to discipline or terminate an employee without this legislation, correct?

Ms. Natasha Udell: That's correct, yes.

Ms. Chandra Pasma: And, in fact, in most cases, the process for disciplining or terminating an employee is laid out in the collective agreement?

Ms. Natasha Udell: Yes. So typically, what happens is an employee would be dismissed and then any grievances or litigation that happens will be while the employee is currently dismissed and away from the campus. So the employer's decisions always stand unless it's overturned by an arbitrator.

Ms. Chandra Pasma: Right. And one of the concerns that we've heard from other witnesses—and I think you might have touched on it really quickly—is that there are no standards at all for what qualifies for an investigation, for who is playing the role of investigator or adjudicator who is making the decision in this case. There are standards for who can serve as a labour arbitrator. There are standards for who can serve as a judge. And so, what we're seeing is this legislation sets aside these people who are qualified to make a decision based on facts and law in favour of a decision that there's no qualifications required for—no minimum standards for, and saying, “Now this decision is untouchable.”

Ms. Natasha Udell: And I agree with that point. So what we have done at APUO and at the University of Ottawa is the human rights office may choose a third-party external investigator. They have to work in collaboration with the survivor, the accused and the union. And we all choose an investigator who has the training, who meets our language requirements—since we're a bilingual institution—and also appears to be neutral so that there's a fair hearing. So, yes, we have a process at our institution that encourages the hiring of trained third-party external investigators so there's no conflict of interest, as well.

Ms. Chandra Pasma: Right. And right now, that's on an institution-by-institution basis. So do you think there's a need to set minimum standards for investigations and adjudicators on the part of post-secondary institutions?

Ms. Natasha Udell: I'd be concerned with minimum standards. I go back to prevention and education. If I think our clients' position and the way that we've crafted the collective agreement has really ensured due process and also survivor-centred principles—if that education could be well-versed across other universities and colleges, I think that there would be a reduction and a better understanding of how to ensure everybody has a fair opportunity to not be dismissed, to have access to resources, but also have access to due process.

Ms. Chandra Pasma: Right, thank you.

So this question is for all the witnesses, but one thing we've heard loud and clear is concerns about how this bill focuses on punishment rather than focusing on prevention. What we would really like to see is that instances of sexual violence and harassment are not happening in the first place, rather than solely responding to them once it's already happened, once it's already disrupted someone's life and caused trauma. And so, to all of you: What measures on prevention would you like to see in this bill?

Ms. Micah Kalisch: I can—

Ms. Chandra Pasma: Go ahead.

Ms. Natasha Udell: If I can jump in—

Mrs. Robin Martin: State your name.

Ms. Natasha Udell: Natasha—

Mrs. Robin Martin: I think she was already speaking—Micah.

The Chair (Ms. Goldie Ghamari): Yes, let's start with you.

Ms. Micah Kalisch: Apologies. Thank you.

Yes, thank you so much for the question. Absolutely, I think that this is something that cannot be handled in isolation. We need both preventive and response-based mechanisms, and so when we're talking about preventive measures, I think education and awareness is a huge one. Like I said, sexual violence thrives in silence, and so having the consistent education and ongoing awareness of this, to inform people what the disciplinary measures are should they breach that, but also, for survivors, what our rights are and, for students, what's okay and what's not okay—what does a culture of consent mean within post-secondary, and how are we going to reinforce that?

I think another big part is funding. We see how underfunded things like our rape crisis centres are, and so

there needs to be additional funding for those resources that are external from universities, because of the conflict of interest that exists there or the lack of trust between students and survivors and these institutions.

So I think that the major preventive measures that I would love to see included are education and awareness and also funding, making sure that these are happening in collaboration with students and with survivors and with key stakeholders so that their voice is being shared in what that looks like or should look like.

Ms. Chandra Pasma: Thanks, Micah. Natasha?

Ms. Natasha Udell: I would practically say the same thing, that funding and resources is a huge issue. Our human rights office is overrun with inquiries, but our human rights office at the University of Ottawa also looks into informal processes, so it doesn't simply do third-party investigations. It provides links to crisis centres. It provides links to mental health professionals. It also acts as a messenger and can provide mediation. But they can't do that for every person who comes through their doors or every person who emails or phone calls, so resources and funding is a big piece to help provide that education to everybody on university and college campuses.

Ms. Chandra Pasma: Thanks. Jessica or Octavia?

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Octavia Andrade-Dixon: Just to echo our colleagues: I think, again, prevention comes from education in these instances, and we need to be looking at both faculty and student awareness of these issues.

I think it's also important to note that there needs to be greater K-to-12 education on these issues, and the Ministry of Colleges and Universities can work in tandem with the Ministry of Education to make sure that incoming students from the secondary education sector are coming into post-secondary with a fulsome understanding of what consent looks like and how to navigate these new environments.

And it is important that staff, faculty and instructors—all of them—have the appropriate education on how to navigate these institutions, on how to create a safe environment for students, and that they are trained in a trauma-informed and survivor-centric way, such that students coming into these new environments know that they will be safe and that they can turn to those in power if there are instances—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes the time we have for this round.

We'll now turn to the government. Who would like to begin? MPP Rae.

Mr. Matthew Rae: I want to thank everyone, as well, for their presentations. It was very powerful listening to you all.

I just want to begin: The minister this morning, in her opening remarks—for the witnesses, obviously, who weren't here—emphasized the role of consultations in her work and how that helped her formulate the legislation in developing policies from the sector. In fact, we heard from some of those groups already today, including Ms. Farrah Khan from Possibility Seeds, who was invited and

attended the consultations prior to the committee and the bill being tabled in the Legislature. It is my understanding, actually, that 102 groups in total participated in the minister's consultations across the sector from various groups, and so it's great to see that.

My question is to Octavia and Jessica. Your organization obviously has been very involved in this and has done incredible advocacy and work on this issue for undergraduate students across Ontario, and so I was wondering if you could tell us a little bit about working with the minister and how you were able to turn this advocacy into policy.

Ms. Jessica Look: Yes, I can talk about this. Thank you for the question, MPP Rae. I think, first and foremost, OUSA was happy to be consulted, and we hope to continue to be consulted in work like this. We're very happy to work with the Ministry of Colleges and Universities on legislation like this. Once again, in our consultations, we wanted to emphasize that this is a welcome first step in protecting students on post-secondary campuses, but we also want to emphasize that legislation like this needs to be survivor-centric and trauma-informed. So we're hoping that this good first step will continue to make good progress for students across Ontario.

1630

The Chair (Ms. Goldie Ghamari): Next question? MPP Wai.

Mrs. Daisy Wai: I just want to say thank you to all the presenters for your witnessing on this special issue. I specifically want to say thank you to Micah for your courage, for your passion in sharing that with us. We hear you, we understand that, and that is why we're working on this, Bill 26, in collaboration with all of you. What we hear from you and turn into policy is very important.

My question now is: How do you believe the changes proposed in Bill 26 will better support student safety and empower survivors on and off campus?

Ms. Micah Kalisch: For sure. Thank you for the question. I think that what this policy does bring forward is it starts a conversation. I think that it starts that conversation piece and that awareness that this is an issue, and that this is an issue that's being addressed. However, unfortunately, as it stands right now, I don't think the bill goes much further than that. A lot of what's currently in there does not change a lot of the practices that are happening on my campus right now. It would still allow for the university to determine whether or not predators are allowed to work at our school. It would still allow for other universities to hire predators and perpetrators of sexual violence.

And there isn't clear or survivor-centric language involved. I think that's really important to consider with these policies: who is able to actually engage with them. For survivors, going through a policy like this is going to be challenging, and we need to do everything we can to ensure that it's as accessible as possible and things are laid out clearly. A list of survivors' rights should be included. We should know what our rights are.

So I do think that Bill 26 is a good step and it's the start to a conversation, but by no means do I think it's an end to

the conversation. I think that there are many changes that need to be made in this bill to actually support survivors and not just allow universities to make decisions on how they want to best present their image, which is going to be through silence and through protecting perpetrators.

Mrs. Daisy Wai: Thank you, Micah. That is why we invite presenters like yourself to come in. However, we have, in this bill, included the non-disclosure agreements. It has already been implemented as well. We're planning on this. This is a big step forward. How do you see that?

Ms. Micah Kalisch: Yes, absolutely. My understanding of the non-disclosure agreement as it's listed within this bill is that it would not actually prevent the use of a non-disclosure agreement.

So this is sort of twofold: In my own personal experiences, I have seen this play out, where universities present confidentiality agreements—which a non-disclosure agreement is—that essentially mimic the same process, in which they silence a survivor. But it's not called an NDA, therefore it presents a loophole for them to be able to follow that same practice.

I think that that's something that this bill needs to be keenly aware of. Universities are powerful institutions with an immense amount of legal support and financial support, and they will find a way to sweep things under the rug. So I don't think this bill is strong enough to actually prevent the use of NDAs. I think that's a big part.

There are also some concerns surrounding some of the language used. It's not clear to me what constitutes an adjudicator and if there are certain places within the process where NDAs can be used, or how confidentiality agreements may interact with something like an NDA.

Mrs. Daisy Wai: Thank you very much for sharing.

The Chair (Ms. Goldie Ghamari): Who would like to go? MPP Barnes, and you have one minute.

Ms. Patrice Barnes: Thank you, Micah, so much for sharing your story. I'm sorry I only have a minute left, because I really was struggling with the term "survivor-centric NDA" versus "workers' rights and NDAs." So I was really trying to figure out what that would look like as a process from a survivor point of view, when we're talking about that versus what happens now, because we do have predators that have offended and are still on campus. Process-wise, from your point of view, what do you think that would look like?

Ms. Micah Kalisch: Absolutely. Thank you for the question. Yes, I do think there are instances where NDAs can be survivor-centric. That is only when it is the express wish of a survivor and there has been no other coercion or influence—we've seen situations where bribery is involved—or where there is no other—

The Chair (Ms. Goldie Ghamari): Sorry, I'm going to have to cut you off because we're done for time. But we'll get back to you.

MPP Shamji, you may begin. You have four and half minutes.

Mr. Adil Shamji: Please continue your answer.

Ms. Micah Kalisch: Thank you. I very much appreciate that.

Mr. Adil Shamji: Of course.

Ms. Micah Kalisch: So there are no undue influences on that survivor, and so that's really, really important, that this is something a survivor is bringing forward and not an institution or the perpetrator of violence. There are situations where survivors do wish to use NDAs for their protection, but that needs to be brought forward by them and not brought forward by anyone else. I think that's one of the ways we can see how NDAs could potentially be survivor-centric.

Even then, I believe there need to be clauses within those NDAs so that there are ways for a survivor to choose to break those NDAs. As we know—very basic—consent is ongoing, and so we need to see that ongoing practice in things like non-disclosure agreements for survivors who are making decisions. Oftentimes, these really important decisions come on the heels of a very traumatic event, and so it's important that we are allowing for time for people to change their minds when need be. Thank you.

Mr. Adil Shamji: Oh, of course. Absolutely. In fact, MPP Barnes, I quite like your question, so I thank you for asking that. It actually leads into mine, which is that, over the course of the day, we've heard people talk about trauma-informed and survivor-centric care. These are not just buzzwords, but they're often taken for granted. And I wanted to invite everyone to share with us what those terms actually mean and, potentially, what they can mean for this legislation as well. But perhaps just starting with what these words actually mean—in any order.

The Chair (Ms. Goldie Ghamari): Can you ask, maybe, just—

Mr. Adil Shamji: Sure. Micah, would you like to start first?

Ms. Micah Kalisch: For sure. Absolutely. So I think that trauma-informed and survivor-centric are often used synonymously. In my opinion, there is a difference there.

So when we're talking about something that is trauma-informed, there's a recognition that everybody has lived experiences of harm. Whether that be violence, whether that be sexualized violence, racialized violence, transphobia, homophobia, ableism, financial difficulty—whatever that is, it recognizes that people come to the table at different places and with different lived experiences and that we need to meet people where they're at. Survivor-centric, however, centres survivors within decision-making, within practices, and it's founded upon principles of trustworthiness and on consent and on respect and mutuality.

So I think that it's really important that when we're talking about making things trauma-informed and we're talking about making things survivor-centric, like you said, those aren't just buzzwords. We're thinking about what that means. We're thinking about what it means for a survivor to read Bill 26 and what it means for a student and a survivor to read through that sort of legalese and that language and try to discern what their options are. And that goes the same way for trauma-informed as well. We're recognizing that people have different life experiences.

It is a privilege to be able to engage in something like this. To be able to come and speak at something like this is a privilege that many don't have.

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Micah Kalisch: I apologize.

Mr. Adil Shamji: No, it's okay. That's quite all right. So those were two outstanding answers. Maybe I'll ask the rest of the group. We heard about one option for a more survivor-centric perspective on NDAs. Are there other elements of this bill that you'd like to highlight, that could go further in being either trauma-informed or survivor-centric? Perhaps Octavia or Jessica, I might ask you.

1640

Ms. Octavia Andrade-Dixon: Yes, for sure. I think the language surrounding sections 7 through 9, looking at the sexual abuse policies and looking at the disciplinary actions that would be mandated by the MCU for institutions, could be survivor-informed and trauma-centric. As it stands, the language is quite vague and there aren't necessarily parameters which institutions have to abide by beyond the two minimums—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time that we have for this round.

We'll turn to the official opposition for seven and a half minutes. You may begin.

Ms. Chandra Pasma: If you want to finish your answer, please go ahead.

Ms. Octavia Andrade-Dixon: Oh. Thank you. As I was saying, sections 7 through 9 do call for disciplinary action, but they do not provide parameters for institutions, and that can lead to very large discrepancies across the province. As we know, there are over 40 institutions in this province that are publicly funded. So making sure that we have a survivor-centric and trauma-informed framework in the ways in which we define sexual abuse—again, using the language of “sexual violence and harassment” that is already in line with section 17—and adopting the previous recommendations that OUSA has provided to the MCU and making sure that these disciplinary actions are trauma-informed and making sure that they are centering those who are coming forward with their experiences rather than trying to necessarily protect those who have inflicted harm, is a way that this bill could further improve its trauma-informed and survivor-centric lens that it's taking, and making sure that it's very clear about the language that is used throughout the bill and creating clear parameters in which all institutions can make sure that all students are safe and protected from harm, as they are allotted legally under the Ontario Human Rights Code.

Ms. Chandra Pasma: Thanks, Octavia. I know that OUSA has a request, speaking of the discrepancies across institutions, if this legislation is implemented as drafted right now. The way there are no parameters or guidelines—it's just, you create your own policy and make your own definitions. I know OUSA has a set of guidelines that you have been calling on the government to implement that would set a series of minimum standards. I wonder if you could elaborate on those, and which ones are still outstanding.

Ms. Jessica Look: I can speak briefly about it and then Octavia can maybe cover anything that I missed. OUSA has a policy paper on sexual and gender-based violence

written and ratified by students, so it's certainly reflective of what students are advocating for. We have a list of 20 essential components for an effective, survivor-centric sexual violence policy. This is in consultation with literature and experts practising in the field.

Octavia, if you want to specify which ones that maybe we want to touch on right now, please feel free to.

Ms. Octavia Andrade-Dixon: Yes. Thus far, the MCU has adopted eight of our 20 recommendations, including:

- a clear outline of policy scope;
- provision of rights and responsibilities of staff;
- no time limits attached to reporting;
- stipulations for maintaining privacy and confidentiality;
- outlining interim measures that aren't necessarily non-disciplinary;
- stipulating sexual-violence-specific, trauma-informed training for investigators and adjudicators, something that is on the table but hasn't been adopted;
- statements that complainants and respondents have the right to access support and services; along with
- the inclusion of examples of potential sanctions.

I think, out of our list of 20, there are many that are important, but I think one that is very poignant to this bill is the inclusion of a comprehensive definition of sexual assault and sexual violence. I think having those parameters that clearly define what we are speaking to across the province is paramount to dealing with this issue in a unified manner, as language is very important in these situations.

Additionally, I'd say I think there's also the matter of complainants' rights, including rights of academic consideration. Again, having a survivor-centric lens is making sure that complainants are informed of the processes and making sure that universities are doing their due diligence to make sure that all parties are informed of their rights in this process and are not leaving students unprepared when they are coming forth with their experiences, given that it is such a heavy decision for those to come forward.

As well, their right to representation and support—making sure we are supporting students and making sure that institutions have a strong, level playing field for all parties involved, considering students are a part of the institution, as are faculty members.

Jessica, do you have anything you would like to add?

Ms. Chandra Pasma: Thanks, Jessica and Octavia. None of these recommendations were included.

OUSA was also part of the Our Campus, Our Safety coalition which put together a report which had four recommendations targeted at provincial governments and none of those recommendations were included in this bill. Do you think this was a missed opportunity to actually act on the recommendations of students and sexual violence experts in this sector?

Ms. Octavia Andrade-Dixon: I think Bill 26 is a good start but there could have been a more fulsome look at the resources that MCU has available; however, thankfully, this process is not over and there is still the ability to amend and have meaningful consultation added to this bill.

I think knowing that there are these existing relationships, MCU does have the opportunity to come forward and consult us further. And while we weren't consulted in the drafting of this specific bill, there is still opportunity. I think, because the process is not over, we can't say that they haven't necessarily done all that they can.

Ms. Chandra Pasma: Right. Thank you.

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Chandra Pasma: Natasha, just quickly: When you were presenting, you were talking about the components of due process that are in the Occupational Health and Safety Act but are missing in this one. I was writing as furiously as I could but I missed some of them. Can you cover again what elements of due process you would like to see in here?

Ms. Natasha Udell: The point in the health and safety act and the analogy I'm making with this bill is that due process is included and it's working, to a certain extent. It's not perfect, but it does have definitions of "workplace violence" and "sexual harassment." It forces the employer to create programs, procedures, reporting mechanisms and investigations. It also says that you have to educate your community on what those policies and procedures are, and the employer is obligated to conduct general assessments of workplace violence and can provide statistics to the minister upon request.

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time we have for this round.

We'll now turn to the government for seven and a half minutes. MPP Martin, you may begin.

Mrs. Robin Martin: Thank you to the presenters for joining us here today. I just specifically wanted to commend Micah for what you said. I was scribbling notes furiously as well. Your first comment really hit me, about a member of the administration telling you, "This just is not a priority right now," because I think I heard a comment like that many years ago and it kind of hit me in the stomach when you said it.

You also said, "Why the universities that students pay to be part of won't help them," is a question students are asking, and that students are harmed and silenced by their universities and that silence breeds a rape culture—all comments which really are very powerful and also are really the reason we're here.

I also want to commend you as being the only person from whom we've heard who used the word "accountable," that we need to hold universities accountable. I think that's one of the main things we're trying to get at with this legislation. There's a lot of talk about what's not here, what could be improved etc. But I think the minister said when she was giving testimony earlier that we're open to continuing this conversation and dialogue, and there are other tools government has, some of which have been spoken about today.

What I wanted to ask you was you made the point, and other people have made the point, about "sexual violence" should be the terminology rather than "sexual abuse." I think you said the "sexual violence" term is more inclusive, but I would have thought it was the opposite,

that it wouldn't include as much as "sexual abuse" would. Can you just give us your view on that?

1650

Ms. Micah Kalisch: Absolutely, for sure. Thank you for your comments, and I'm sorry that you, too, have heard similar things from members of the administration. The first thing that I will say is that however a survivor chooses to identify is that experience and that identity of the survivor. So for myself, I identify as a survivor of sexual violence, but some people use the term "sexual harassment" or "gender-based violence" or "rape," and that's not our place to pick and choose how people are going to label those experiences.

What I will say, though, is sexual violence is typically considered to be a more broad term that encompasses things like sexual abuse and sexual harassment, almost like an umbrella term. And so, that is the feedback that I've heard from a lot of students and survivors, specifically within the University of Toronto and members of the PEARS Project.

Mrs. Robin Martin: Thank you.

Ms. Micah Kalisch: Thank you.

The Chair (Ms. Goldie Ghamari): Who's next? MPP Pierre.

Ms. Natalie Pierre: My question is for Micah, as well. Earlier today, from one of the other presenters, a comment came up about requiring students to take mandatory courses on consent and sexual violence. I'm just curious what you personally and the PEARS Project think of that idea and if there are any other ideas that you believe are worth exploring.

Ms. Micah Kalisch: I understand the intention of things like mandatory consent programs. However, I also understand that for many students, we have many mandatory classes, and those are not attended or are not taken seriously. I think that when we're talking about things like consent education, it needs to be something that is embedded with everything we do, because that is what consent is. Yes, we are talking about sexual violence, but we need to set the standard in the foundation of consent being incorporated in all of our actions and everything that we do.

I think that there are other ways to provide consent education. I do believe that courses and programs on consent and on sexual violence should be included, but I think that we need to look beyond just traditional, typical, colonial structures of teaching and of education, to other ways that we could get people to really engage with this content and engage with the ideas of consent and the ideas of rape culture and patriarchy, and all of these things that work to manifest in a rape culture.

And so, I think that there needs to be more consideration paid to how people will choose to actually engage with that, and I don't think that mandatory courses are the only answer. They absolutely can help, but I think that there needs to be a more holistic approach to it.

The Chair (Ms. Goldie Ghamari): MPP Quinn.

Mr. Nolan Quinn: Thank you to all the presenters today. What really is hitting home with me is the students

speaking. We're hearing directly from the ones who we're trying to protect.

My question is for Micah, as well. I was jotting down notes, as Robin was also. You've lived through the experience and the one thing that really stood out to me is the accountability factor. You've mentioned that the universities are worried about their brand and they may possibly sweep it under the rug. So my question is, how can institutions play a larger role in keeping students safer on campus?

Ms. Micah Kalisch: Absolutely. Thank you so much for that question and thank you for coming back to this topic of accountability, because I think that is one of the things that's so important and one of the things that I'm concerned isn't thoroughly addressed in this bill. Like I said, we've seen situations where professors aren't held accountable: The University of Toronto has done their due diligence and followed their policy and has taken corrective action with this professor, but that corrective action is not public; it's not shared with us. But that person is still working with undergraduate students, and so there really isn't accountability there.

Before I answer that question, I want to read a statement from another survivor at the University of Toronto, who said: "I know that the sexual violence prevention centre at U of T has coerced students into signing NDAs in the past and protected professors and staff members who are rapists and abusers. How am I, as a survivor, supposed to feel safe accessing their services or going to them for support?"

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Micah Kalisch: I just wanted to share that because this theme of accountability is so pervasive. There is so little trust in the institutions to remain accountable, and this is where I think things like minimum standards come into play. This is where I think there do need to be requirements and regulations on how universities can respond to this, otherwise, just as you said, they will sweep it under the rug for the sake of their image.

I truly believe that minimum standards should be set with relevant stakeholders, with students, with survivors, with institutions, in collaborative conversation to ensure there accountability measures and that the universities and post-secondary institutions need to take certain actions to really protect survivors and keep perpetrators off campus.

Mr. Nolan Quinn: Thank you.

The Chair (Ms. Goldie Ghamari): We'll now turn to the independent member for four and a half minutes. You may begin.

Mr. Adil Shamji: Natasha, I wonder if I can ask you to step back in time approximately eight minutes when you were providing a response in regard to due-process principles. I am just curious to understand how something like that might get incorporated into this legislation.

Ms. Natasha Udell: The way that it's written right now is that it jumps to punitive right away. So the suggestion—and what's written in the bill—is that minimum standards don't work in reality and in labour law. So going to just cause is not a legal concept that works. If you jump to just

cause terminations, then that's when you're taking away the rights of a faculty member to have the right to a fair trial, have the right to representation, have the right to appeal, have the right to defend themselves and know what the allegations are. That's where the due process comes in, and if it's done properly with trained investigators who understand the unique nature of universities and colleges and how complex their environments are—because you have businesses, you have students, you have faculty and staff—then that's going to help ensure that everybody's voice is heard and that the facts are understood and credibility is assessed properly.

It's my opinion, reading the bill, that just all these concepts that have been fundamental in labour law for hundreds of years now have just been thrown to the wayside.

Mr. Adil Shamji: And, forgive me, I seek merely to understand. Due process principles, are those a contradiction to minimum standards?

Ms. Natasha Udell: Sort of—to an extent, because due process means you're going to be tried. If you're found guilty—and it's somewhere in criminal law where the standard is even higher, but if you're found guilty, then the punishment has to fit the crime, which is not always going to be termination. It's likely termination in sexual violence cases. I myself have not experienced a case where there was sexual violence guilt and there was not termination—which was also supported by the union—but the range of disciplinary options cannot be removed. It has to be available and assessed based on the circumstances and also what the intentions are of the party, and arbitrators have the right to reinstate those who are found guilty back on campus. That is found in jurisprudence in common law. It does not happen very often, to the best of my knowledge. I'm hearing here that it does. It's not supposed to happen very often, I can tell you that.

Mr. Adil Shamji: Interesting. Okay. Thank you very much.

Octavia, I heard you presenting in your earlier remarks, you had spoken to the use of non-disclosure agreements prior to adjudication, and I wondered if you could elaborate a little bit on that, what exactly that means and the impact of that?

Ms. Octavia Andrade-Dixon: As Micah was saying earlier, confidentiality agreements are also used in a similar fashion as non-disclosure agreements. So it may not necessarily be an NDA in name, but it will be an NDA in function.

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Octavia Andrade-Dixon: So typically NDAs or confidentiality agreements are used at the start of an investigative process where a student comes forward. Again in the bill, it is only saying that NDAs are null and void after adjudication has been used.

So, as echoed by my colleagues, these confidentiality agreements or NDAs serve as a way to silence students when they are in the midst of the investigation and also serve as a way for them to inhibit their ability to speak to their circle or gain trusted legal advice or counsel from

others, because it may not always be clear to students what the stipulations of these confidentiality agreements or non-disclosure agreements are. And so, again, it serves as a form of intimidation to a vulnerable party in this very often power-imbalanced situation—

The Chair (Ms. Goldie Ghamari): Thank you very much. That's unfortunately all the time that we have for this round.

Before we continue, I just wanted to thank all of our presenters, and I wanted to especially thank the students who have joined us, in person and online. I know sometimes it might seem a little daunting to be addressing government officials, but I just want to commend all of you for taking part in the democratic process. I think it's very, very inspiring and I think Ontario has a bright future ahead because of your advocacy and your involvement in the democratic process, so thank you for that.

1700

YORK UNIVERSITY GRADUATE
STUDENTS' ASSOCIATION
UNIVERSITY OF TORONTO STUDENTS'
UNION

The Chair (Ms. Goldie Ghamari): We'll now turn to our next group of presenters—but first, I'm seeking unanimous consent: Members, the motion adopted on November 15 states that witnesses appearing be permitted to participate in person or participate remotely. However, a maximum of one individual may appear in person on behalf of an organization, and any additional representatives of that organization shall participate remotely.

We have two representatives in the room from the same organization, which is the University of Toronto Students' Union. As both representatives can be accommodated at the witness table, do we have agreement from the committee to allow both representatives to participate in person? Agreed? Thank you very much.

We'll now turn to our first group of presenters, from the York University Graduate Students' Association. Please state your names for Hansard, and then you may begin. You will have seven minutes. Thank you.

Mr. Nathi Zamisa: My name is Nathi Zamisa. I'm the president of the York University Graduate Students' Association.

The Chair (Ms. Goldie Ghamari): You may continue.

Mr. Nathi Zamisa: Oh. Okay. Sorry, my partner Immaculee also will be presenting with me, alongside.

Ms. Immaculee Uwanyiligira: Hi. My name is Immaculee Uwanyiligira. I'm vice-president, equity, at the York University Graduate Students' Association.

Honourable members of the Standing Committee on Social Policy, as I just mentioned, my name is Immaculee Uwanyiligira. I'm the vice-president, equity, of the York University Graduate Students' Association, or YUGSA for short. I'm joined today by my colleague Nathi Zamisa, YUGSA's president.

Thank you for allowing us to speak to Bill 26, because we believe it's a much-needed policy measure, but our

concern is that the bill falls short of addressing an existing issue associated with its potential application. Our question is: Can this bill be amended to address the issue of disclosure between departments, faculties and other post-secondary institutions as it relates to sexual violence between students and post-secondary employees?

For context, my colleague will share publicly available data regarding York University's institutional response to sexual violence.

Mr. Nathi Zamisa: Thank you, Immaculee. This institutional response generally comes from York's Centre for Sexual Violence Response, Support and Education, which was established in 2018 specifically to help educate, respond to and empower survivors of sexual violence in the York community at large. This followed the creation of the sexual violence response office in 2017, because there really was an evident need for more capacity in addressing disclosures of sexual violence.

And so, the centre—in collaboration with a group called the Centre for Human Rights, Equity and Inclusion, or CHREI, which investigates complaints of sexual violence—provides institutional supports to those survivors. That includes certification, training and education which looks at policies and procedures for sexual violence response at York and sexual violence prevention and awareness sessions, as well as individual care and support services and sexual violence complaints resolution services for students, staff, faculty and non-community members alike.

To break down the centre's activities in the last three years: They have essentially generated over 1,400 sexual violence response and awareness course certificates and nearly twice as many responding to disclosures of sexual violence course certificates. They've trained close to 12,000 students, staff, faculty and non-community members, managed close to 850 disclosures of sexual violence leading to care and support for survivors and responded to close to 100 complaints of sexual violence from students, staff, faculty and non-community members.

But if we look closer at these complaints, we'll see that two fifths of them are ongoing or at investigation by the year's end—so they're taking more than a year or were submitted close to the end of the year—and the remaining three fifths are marked as resolved. When we look closer, we see that one third of the complaints of sexual or gender-based violence that have been marked as resolved—one fifth of the total complaints—were actually dismissed due to a lack of information, amongst other reasons. So we're asking: Why is it that close to 21% of complaints of sexual or gender-based violence at York University, for example, are dismissed, and what does this mean for unreported or under-reported complaints of sexual or gender-based violence?

In conversations with both the centre and CHREI, and from our own experience, we identified that matter of disclosure as the key challenge. I'll start by saying that at York, we don't have senate policies that are preventing sexual relationships between students and faculty, and that

includes teaching assistants. They basically are just limited to not grading that student's submissions.

It makes it really difficult to respond to sexual violence which occurs between students and their supervisors, because as graduate students, if you file a complaint, it will likely result in reprisals or something that will negatively impact your academic career. If it's a complaint against your supervisor, you will probably lose that supervisor, but you also risk losing the supervisory committee. You then also risk being labelled problematic, which makes it more difficult to find a new supervisor or supervisory committee. This is actually one of the reasons that YUGSA is pushing for an independent and anonymous complaints reporting, tracking and trends analysis system from York University.

But the point that we're trying to say is that there are power dynamics between students and faculty that prevent complaints of sexual violence, and our concern is for how the bill affects the reporting of acts of sexual violence. Will it create more opportunities or more perceived barriers in a real and political environment where students already have little confidence in institutions' ability to respond effectively to sexual violence, and, actually, less so in the ability to adequately disclose information in a manner that prevents sexual violence from reoccurring in another faculty or at another institution?

That brings us back to that question of disclosure. If a complaint results in the dismissal of a faculty member or a TA, how do post-secondary institutions actually enforce the suggested "no re-employment" clause of article 16.1, section 1(b)? And then what prevents that dismissed employee from seeking employment at another faculty or at another post-secondary institution?

We point this out because hiring decisions generally occur at the department or faculty level. So while a department or faculty might have a do-not-hire list, whatever the disclosure of that information between departments, faculties and, more broadly, even other institutions is—and then it's also important to recognize that institutional supports like the senate or CHREI can't disclose details on the parties of an investigation, for privacy and confidentiality purposes. So again, that issue of disclosure really falls to the faculty or the departments. While groups like CHREI might have a database of investigations into incidents of sexual violence, the departments and faculty don't, and while a given department or faculty might have a do-not-hire list, the question is: Can they disclose that list with other faculties or other departments when it relates to incidents of sexual violence that are not public, that don't violate the Criminal Code but do violate the Human Rights Code or the institution's sexual misconduct policy?

So this ambiguity around disclosure makes it so that there's no real guarantee that a staff or a faculty member won't be reemployed and won't potentially re-traumatize a survivor, even if they were immediately discharged as per article 16.1, section 4.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Nathi Zamisa: That means that this bill is missing a preventive measure as it relates to disclosure of

information between departments, faculties and other post-secondary institutions, and that means returning to this question of student confidence in post-secondary institutions' individual and collective ability to respond to sexual violence.

I'll pass it back to Immaculee.

Ms. Immaculee Uwanyiligira: Thank you.

In sum, honourable members, YUGSA supports this bill, as it is a necessary step toward building student confidence in our public institutions and the application of law and policy as it relates to responding to and preventing sexual violence. It does exactly what its name suggests: It strengthens post-secondary institutions and students.

But, as it stands, the issue of disclosure as it relates to post-investigation actions that post-secondary institutions can take almost invariably hampers that confidence. We therefore propose that Bill 26 be amended to address the issue of disclosure between departments and faculties within a given institution, but also between post-secondary institutions as it relates to sexual violence between students and post-secondary employees.

Finally, we would like to propose—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time we have for this round.

We'll now turn to our next group of presenters, the University of Toronto Students' Union. Please state your names for the record, and then you may begin. You will have seven minutes.

Mr. Faiz Jan: Hi. I'm Faiz Jan. I'm executive assistant for public and university affairs for the University of Toronto Students' Union.

This is Micah. Go ahead.

Ms. Micah Kalisch: Hi. I am also here again. Thank you for allowing me to stay.

The Chair (Ms. Goldie Ghamari): We'll just need your full name.

Ms. Micah Kalisch: Sorry. Micah Kalisch. I am here now in my role as executive assistant to VP, equity, at the University of Toronto Students' Union. We're also joined virtually by another one of our colleagues.

Ms. Avigail Rucker: Hi. I'm Avigail Rucker. I'm here in my role as the EA to the president of the UTSU.

The Chair (Ms. Goldie Ghamari): Thank you.

Mr. Faiz Jan: Hello, committee. Thank you so much for having the University of Toronto Students' Union to speak about the bill in question.

As a representative of an organization of more than 40,000 post-secondary students, we have been continuously engaged in working against sexual and gender-based violence, and we're pleased to see this proposed legislation and this critical topic being discussed. There are benefits to be gained from passing this legislation.

1710

Primarily, we are glad that there is beginning to be political discourse on the issue of sexual harassment in general. Cultural values and stigmatization are core contributors to the prevalence of sexual harassment, and the encouragement of dialogue on the issue is a fundamental necessity to tackle the problem.

While this legislation is an excellent first step and it must be a first step of many, there are nevertheless various concerns that urgently need to be addressed. These issues are related to vagueness and unclarity in legislation language, concerns about enforceability, the issues of student conduct of sexual harassment against other students, vague definitions of sexual abuse, timelines and further support of students.

Although it's clear that there is good intent, there's a level of ambiguity within this bill that creates challenges. Of utmost concern on incoherent language in the bill is that of the subsection that lays out non-disclosure clauses and agreements between the university and any individual due to its poor wording. First, the use of the term "any person related to the institution" does not seem to identify whether this includes students or not, let alone whether it counts for inclusion of alumni or other individuals who may have been sexually harassed and would be covered under this legislation.

The subsection additionally fails to protect students themselves from contracts in which they cannot publicly disclose the occurrence of sexual harassment, instead clarifying only the rights of the university by reading that non-disclosure clauses are only invalid in contracts with institutions rather than with victims, which means agreements settled in private arbitration without the university are not subject to the legislation. The ministry will see it in their best interest and students' best interest to fill the holes of clarity and fix missing supports for victims of sexual harassment, and we would be more than happy to work with the government to do so.

The subsections detailing discipline also suffer from issues of vagueness. There is a necessity to require certainty that those who have been found to commit acts of sexual violence be disciplined, and leaving this at the discretion of universities leads to inaction and perpetrators of sexual harassment who continue to be able to teach hundreds of new students for years to come, and in doing so, enable them to repeatedly sexually harass students.

The parts speaking to notice of termination or termination pay do not require termination of pay or the lack of provision of severance to those who have been determined to have committed sexual harassment and are subsequently terminated. Instead, it only provides that they are not entitled to it, which is certainly less than ideal, as professors and staff that commit sexual violence should certainly not receive either. We would strongly encourage that this section be revised to ensure that those who commit acts of sexual harassment are met with discipline, as we have little to no confidence that universities will do it themselves.

Ambiguity also exists in this legislation with respect to timelines. We recognize that the investigation process often takes an extensive amount of time. We're concerned about what may occur during this investigation period. We believe amendments and best practices should be put in place to ensure professors are temporarily suspended during an investigation process.

A specific concern to us is the enforceability of this legislation in its entirety. In the past, while policies have

been implemented to enforce action against perpetrators of sexual harassment, they failed to be executed. Look no further than the quite recent example of Robert Reisz at the University of Toronto Mississauga campus. We repeatedly see policy and practice diverging on the topic of sexual harassment, and we hope that there are means to ensure that universities implement the directives of this legislation and that those that fail to do so are held accountable.

One of the critical issues unaddressed in this legislation that we would like to raise is that of sexual assault committed by students against other students. There ought to be a greater amount of and more specific policies for the prevention of sexual harassment and discipline of students who commit sexual violence against others. Sections similar in nature to the ones contained in this bill but focused on student perpetration of sexual violence against other students would be especially beneficial in making way in the crisis.

Finally, more comprehensive legislation in the future may benefit from providing a mandate for supporting the victims in a university context. Mental health supports would be especially beneficial to victims, along with clear mechanisms for reporting sexual violence that should be enforced at universities. So future policies and, ideally, if amenable to the government, this legislation should aim to include these supports.

The Chair (Ms. Goldie Ghamari): Thank you very much.

Our third presenter, which was CUPE, has unfortunately cancelled last minute, and we did not have enough time to get another witness to join us, which is unfortunate, because I think this is such an important topic, but unfortunately, CUPE cancelled.

With that, we'll turn to a round of questions. We'll begin with the independent member. MPP Shamji, you may begin.

Mr. Adil Shamji: I wanted to turn back to the York University Graduate Students' Association. I believe you were in the midst of providing your recommendations when you ran out of time. Would you like to finish your remarks there?

Ms. Immaculee Uwanyiligira: Thank you so much for that opportunity. I had just one last final recommendation. We wanted to propose that the term "sexual abuse" be amended to be read as "sexual and/or gender-based violence" as the latter offers a more holistic term which includes the former whereas the former narrows the interpretive scope and definition of the latter. Thank you so much.

Mr. Adil Shamji: Thank you. It's interesting that you ended on that note. We heard a few recommendations over the course of today in terms of what that could be rephrased to. We heard "sexual violence," "sexual harassment and sexual violence." How important is it to get the word right?

Mr. Nathi Zamisa: I think it's important to understand that the definition of a term and the way we name those terms have, in of and themselves, kind of a political

impact; naming practices are necessarily political, and we want to ensure that we're not recognizing particular superstructures that impact these very relationships between people. When we acknowledge things more broadly, for example, from the perspective of sexual violence, we can understand that things may not be systemic or they could potentially be more diffused—unwanted comments and unsolicited comments. The same thing with gender-based violence—right?—and that ensures that there's a recognition as to where this violence comes from.

Mr. Adil Shamji: I appreciate that. Actually we heard from one of the earlier speakers that it's incumbent upon us to allow the victims or, rather, the survivors to choose the word that best fits them.

Even though over the course of today we've heard a number of suggestions as to what the phrase could be, what I've heard less about is whether the definition as provided in this bill is considered acceptable. A definition has been provided of sexual abuse. I wonder if you or any of the other individuals here would be willing to comment on the acceptability of the definition that has been provided in the bill.

The Chair (Ms. Goldie Ghamari): I think it's easier if you ask a presenter. It's just easier to guide a conversation.

Mr. Adil Shamji: Sure.

The Chair (Ms. Goldie Ghamari): Who would you like to ask first?

Mr. Adil Shamji: Nathi, perhaps we could continue with you.

Mr. Nathi Zamisa: I think the definition also refers to a few other acts; right? Whether it be an offence under the Criminal Code or the Human Rights Code, and so these definitions are relying on existing articles of legislation and regulations. I think it allows for a relatively broad definition. Again, I think the naming conventions are relatively important, but our understanding of what that definition might be is based on likely jurisprudence and our legal systems, and changing this definition as it relates specifically to post-secondary institutions potentially might be questionable, as broad or vague as that might be.

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Adil Shamji: Micah, did you have any thoughts on that? I saw you scribbling there—

Ms. Micah Kalisch: Absolutely. Thank you. I think there absolutely can be work done to improve this definition so that it includes other experiences of what is currently being called sexual abuse. So any form of unwanted touching, unwanted contact—consent is really key here. We have seen sexual abuse manifest through things online as well, and so what that means when we see things like stalking and unsolicited photos, text messages or comments. I think there's definitely room to improve the definition and make sure that it's more encompassing of all forms of violence that people may experience.

The Chair (Ms. Goldie Ghamari): We'll turn to the NDP. Who would like to begin? MPP Pasma?

Ms. Chandra Pasma: Thank you to all the witnesses for being here this afternoon and sharing your compassion and your expertise on this topic with us.

To Nathi and Immaculee: I found your comments really interesting because it's a perspective we haven't heard yet, and I'm wondering if you have any specific amendments that you would recommend to address this issue of disclosure and the challenges around disclosure?

Mr. Nathi Zamisa: I think one of our real concerns is that we didn't necessarily want to prescribe or proscribe any particular amendments that would be inscribed in legislation for, I think, the very big reason that this bill confers a lot of power onto post-secondary institutions in relation to discipline or discharge for acts of sexual violence or sexual misconduct.

1720

Initially, we were thinking that you could potentially ask or recommend that there is a database that's created, where investigations, potentially, or information regarding the discharge of an employee that relate to sexual misconduct, could be tracked and potentially shared. But again, prescribing that—I think the real concern around privacy and disclosure also impacts or changes or varies by post-secondary institution, and it impacts the survivors as much it does the perpetrators.

Those were concerns that we didn't necessarily think that we were equipped to address and we were hoping that the Legislature could do so.

Ms. Chandra Pasma: Right. Thank you. One of the concerns we've heard about this bill is that it focuses exclusively on the relationship of faculty and staff, when the university and college campuses are actually communities with many different roles, which can be overlapping roles. So there's staff, faculty, students, contract employees, alumni, visiting researchers, guests. But also, these roles aren't fixed.

Particularly for graduate students, many of them are also workers. It's too bad CUPE couldn't be here, because I know they represent graduate student workers at York University. Do you have any concerns about the legislation, as it's drafted right now, not taking into account the fact that there are these shifting roles and that somebody can be both student and faculty because they can be in an instructional role?

Mr. Nathi Zamisa: It factored very, very largely into our response. I think I will speak anecdotally; there would be an instance where you have a contract faculty that there might be a complaint against. Because they're contract faculty, the department or the faculty can simply reserve the right not to hire them again, but that's where the discipline ends. It's essentially, "You just can't get your job by the end of the term; you're not ready to work again for the next year." So there are instances that have been reported where those contract faculty end up going to another post-secondary institution and they become associate professors, so they're now part of that institution. It is a very real concern.

As folks are going through their academic career, passing from graduate and doing their TAs, if there isn't the capacity to disclose when incidents like these happen, it just continues because that is the world of academia. That is the world that they're getting their

professional development and education and preparation for, right? And so it remains within the institution, as that term could be understood broadly. It remains within academia.

Ms. Chandra Pasma: Right. But the concern would also apply to the sexual misconduct policy, that if it's exclusively focused on employees and it doesn't take into account that those employees could also be students—as you mentioned, there's student-on-student violence as well—the sexual misconduct policy is actually missing a lot of incidents of sexual misconduct, but also missing the nuances in which sometimes those incidents take place and the different power relationships that people can have and how those power relationships shift.

Mr. Nathi Zamisa: I think the language in the bill, as we understand it, is that it is an act by an employee of the post-secondary institution. If you are a student, you are a student. But if you are a TA, you are employed by that post-secondary institution and unionized through, in York University's case, CUPE. So I think that language is adamantly clear.

But as to a regulation in regard to sexual violence between students, I do agree that this bill doesn't necessarily discuss or touch on those pieces. I think that's all I can say there.

Ms. Chandra Pasma: Okay. Thanks.

I'm going to ask this question to the York folks first, and then pass it over to the U of T folks. The bill, as it's currently drafted, gives wide latitude to the institution to develop its own sexual misconduct policy. We've already heard concerns today about how that will create discrepancies between institutions; and then, of course, that sexual misconduct policy can have a different definition of sexual abuse or sexual violence at every institution.

What kind of consultation do you think is required? Should institutions be required to work with student groups and faculty and staff unions and sexual violence experts in developing those policies? Do you think there needs to be any kind of consistency across institutions in the province?

Mr. Nathi Zamisa: I would say, absolutely. But I would maybe warrant not just being involved in the process of consultation but also being involved in the decision-making process. That would be a part of any student union's mandate in ensuring that their constituency is in a safe learning environment.

To the question of consistency: Absolutely, there are a large variety of students who end up being graduate students. They've attended other institutions as undergraduates and then they come to York University. When there are inconsistencies in sexual misconduct policy, or when there's not a very, very clear understanding about sexual misconduct policy, it creates challenges in accessing the resources the students need and, for example, accessing even complaint systems.

The ambiguities that are within complaint systems, the issues around disclosure, the issues around confidentiality and what that means for students who submit a complaint—

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Nathi Zamisa: When that varies by institution, it is a massive barrier and it requires quite a lot of work, a lot of legwork, before you can even address the issue at hand.

Ms. Chandra Pasma: Thanks.

U of T folks?

Ms. Micah Kalisch: Absolutely. I think we echo a lot of what York University has shared, and the UTSU truly believes that in order for meaningful consultation to happen, it needs to centre survivors, it needs to be ongoing, and it needs to include as many people as possible. The UTSU is in a position of privilege and power where we're a student government, and so we are often fortunate to be able to attend assemblies such as this, where there are a lot of students and a lot of survivors who do not have that privilege. It really needs to be encompassing of all of those people and experts in the field: rape crisis centres, people who are on the front lines doing this work—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time for this round.

We will now turn to the government. MPP Rae, you may begin.

Mr. Matthew Rae: Sorry, I think MPP Barnes is going to start.

The Chair (Ms. Goldie Ghamari): Oh, my apologies. MPP Barnes.

Ms. Patrice Barnes: Micah, do you want to finish your statement, or are you—

Ms. Micah Kalisch: I so appreciate that. I think that's where I'll leave it; thank you.

Ms. Patrice Barnes: Okay. Thank you so much to you both for presenting today. We've had some discussions about prevention and the bill not having preventive pieces. I'm a little torn with that, because I almost feel like it's the conversation where if you'd worn your dress long enough, it wouldn't have happened, right? So I do kind of feel like we're sort of punting it off when we're talking about dealing with survivors and what they've had to deal with.

And so, I'm going to ask both of you this: As you look at the bill and you study it, I wonder how you think the bill would better support student safety and empower survivors on and off campus? I'll start with U of T and then we can probably go to York.

Ms. Micah Kalisch: For sure. Thank you for that question and thank you for sharing why you sit on the fence with that. I think that one of the things that I will speak to when we are talking about preventive measures comes back to this piece that I know there were conversations earlier about, in terms of accountability.

As it stands right now, survivors do not believe that they will get justice through their universities, because we have seen time and time again that they do not get justice. And so, I think that part of a preventive measure does include things like strong legislation that lays out what happens if things are breached: things that are going to deter perpetrators of violence from following through with these actions, and things that are going to allow survivors to be able to navigate their choices, options and avenues

appropriately. I think that's one of the things that should be considered when we're talking about preventive measures, is thinking about it perhaps more broadly.

The other piece there is accountability and transparency. Transparency is key to accountability, making sure that it's very clear what is going to happen in that policy, and that is laid out very clearly in the legislation.

The other thing I'll add: Again, coming back to awareness and education as a preventive measure, sexual violence breeds off of that silence, right? And so, having adequate awareness and education and consent training and information is going to help prevent instances of sexual violence.

Ms. Patrice Barnes: Okay, thank you very much. Now we'll go to York.

Mr. Nathi Zamisa: Thank you. Yes, I think I agree very much with what was already stated. I think there needs to be a requirement on universities to do more work to understand where these incidences come from, and to collect data so that accountability measures are actually effective. Understanding gender-based data by faculty and by department is akin to the question of collecting race-based data, so that you can understand how these power dynamics are emboldened at an intersectional level. It's really necessary to understand where there are problem areas within a faculty or institution so that you understand where to install these preventive measures.

1730

Ensuring that information is being shared between departments, again, is very important. The fact that some faculty members, based on a collective agreement, might not necessarily need to attend mandatory anti-oppression training or mandatory active-bystander, anti-violence training—those questions, I think, this bill actually to some degree addresses, and I think it makes a very strong move towards pushing labour unions to recognizing that sexual violence is something that needs to be attended to long before the response. It does so by essentially overriding the Labour Relations Act.

But I do think universities need to do more work in understanding where those issues are. They need to work with the labour unions to understand how best to address this and how to change their collective agreements to address sexual violence as much as policy and legislation does its work. It's a domino effect in our law subsystems, and I think those are the pieces that we can ask more of in terms of preventive measures.

Ms. Patrice Barnes: Thank you both.

The Chair (Ms. Goldie Ghamari): Next question? MPP Rae.

Mr. Matthew Rae: My question is to our colleagues from York. Thank you for being here, as well, and thank you to our U of T colleagues for joining us, as well. It has been great to hear from you. You're our first graduate student group we've met today. I know many of them participated through the consultations, but it's great that you're here, so we can hear from you directly.

Obviously it has come up a bit already, but the question around whether grad students would fall under the

legislation, as many of you work in some capacity for your institutions—my question is, do you believe that you should fall under the provisions of the bill? And if not, do you believe there is sufficient process already existing to address matters of sexual violence?

Mr. Nathi Zamisa: I think, at the graduate level—and I can only speak in the case of York University alone. CUPE 3903, the union—and I wish we could have spoken to them for comment—it takes time, looking at how this proposed bill, Bill 26, is going to impact their collective agreement. But their collective agreement is relatively robust in terms of sexual misconduct.

Whether or not students who are a part of the bargaining unit—in this case, potentially bargaining unit 1, which is teaching assistants—are recognized as employees or not—again, I'm going to defer to my prior comment: They are, by definition, employees. The question is about whether or not that needs to be clarified. I think that runs the risk of potentially creating some contextual slippages around the relationship between students and employees.

I will say—and I can't really speak to the due-process part for CUPE, but they also have the Trans-Feminist Action Committee. They do a lot of work to ensure that sexual violence doesn't occur, and that includes a lot of membership training. They pride themselves on that training and ensuring that those resources are available.

I think I'm going to leave it at that, so thank you.

Mr. Matthew Rae: No, thank you.

The Chair (Ms. Goldie Ghamari): MPP Martin?

Mrs. Robin Martin: Thank you very much, everybody, for the presentation. I was also a grad student, so it's very interesting to hear that perspective, as well.

Earlier this year, the minister introduced regulations focused on empowering students who have experienced sexual violence or harassment: protections from drug and alcohol policy if students would be in violation at the time of the incident; removing unnecessary questioning during investigations, which this legislation does not remove from the process; and requiring all schools to have a sexual violence policy. The minister made it clear that, like Bill 26, these are steps in a process at addressing sexual violence on campus.

I was going to ask the U of T people, who will have no time to answer: Can you talk about the impact of those regulations and Bill 26, and how we can keep supporting students further?

Ms. Micah Kalisch: Absolutely. I think I have seconds left, but you're referring to immunity clauses, which do exist in some post-secondary institutions—

The Chair (Ms. Goldie Ghamari): Sorry. That's all the time we have.

We'll turn to the independent member, who may begin.

Mr. Adil Shamji: Go ahead, Micah.

Ms. Micah Kalisch: Thank you so much—which exist within some post-secondary institutions. In many of them, however, they are not strong, and again, this comes back to that lack of trust, right? We've seen the way that institutions do not support students, so a survivor is not going to come forward if they were, for example, engaging

in activity that is criminalized, like trespassing, using illicit substances or underage drinking, if they do not feel that they will 100% not be penalized by those actions.

This is something we've heard from students, disproportionately impacting international students who aren't aware of all of their rights and what happens if they're found to have violated any of those rights. I think it's so important that those immunity clauses are incredibly strong so that survivors can come forward and not be penalized for any sort of criminalized behaviour. So thank you for bringing that forward and thank you allowing me to answer.

Mr. Adil Shamji: No problem. I actually have no further questions, so I yield the rest of my time.

The Chair (Ms. Goldie Ghamari): We'll turn to the official opposition for seven and a half minutes. You may begin.

M^{me} France Gélinas: Thank you for coming. As you know, the process is that we get to hear from people like you so that we can make amendments to the bill to make it better, to make it stronger, to make sure that we capture as much of the spirit of the bill as can be. So we all understand what the end goal of the bill wants to do. It is our job right now to look at every word in that bill, to make sure that it supports the end goal.

My first question to you will be that, right now, in the bill, the non-disclosure agreements are really only applied once there is a final determination by a court arbitrator or other adjudicator, but we all know that most sexual abuse allegations and complaints are never adjudicated and are settled short of a legal determination, which means that the non-disclosure agreements, the way we have them now in the bill, would never apply.

So I will start with you: Would you be in support of making amendments to the bill so that the non-disclosure agreements are brought up way sooner into the process as in the non-use of the non-disclosure agreement is brought in way closer into the process and where would you like this to start?

Mr. Faiz Jan: We know for a fact that the university is aware of this because when asked for questions on this legislation, they responded that none of this would ever apply to them. So you're absolutely right, that the non-disclosure agreements or the ban thereof should begin at an earlier stage, and we would hope that this would be a process where students who are reporting sexual violence would just never be able to enter those.

In our papers that we've submitted alongside our delegation, you will find that there's some sort of amendment that could be added to the legislation that would allow for this, and it may require further changes, but there's definitely a requirement that students who are victims of sexual violence should never be prevented from speaking out about their history.

Ms. Micah Kalisch: I think one of the things that you're highlighting as well is some of these complexities and some of the ambiguity that exists in the legislation as it is right now. So for survivors whom I have worked with as they go through the policy process, it is so challenging

and inaccessible oftentimes for us. So if we, as students and as survivors, are unable to discern what the practices are and what constitutes an adjudicative process and an adjudicator, then it makes it even more challenging for us to actually utilize the systems that are in place to support us or that should be supporting us.

I agree that the non-disclosure piece within this bill definitely needs to be strengthened as it's not encompassing of all of those experiences where we see non-disclosure agreements being used.

M^{me} France Gélinas: Immaculee or Nathi, do you have anything to add? Would you support the non-disclosure agreement to apply way sooner into the process?

Mr. Nathi Zamisa: There is an instance in recent history where the use of non-disclosures and the inability to disclose details relating to a reported incident of sexual harassment when removed from its particular intersectional applications or from different types of power dynamics and racial issues is actually very harmful. To legislate that, to say that it must happen before an investigation is adjudicated is, I think, a challenge. My colleagues from U of T raised this, that if you're not familiar with what that non-disclosure agreements says and you're entering into a process which makes you uncomfortable—that is invariably uncomfortable—there are challenges around how you can communicate how you feel and how you can communicate the information that you might need to communicate in order to properly sort the issue. So to prescribe non-disclosures earlier on in the case, before an investigation happens, is not something I would feel comfortable supporting in its entirety, especially in the context of different power dynamics, I'll say, between different positionalities and groups in society.

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M^{me} France Gélinas: You realize that we're talking about not using non-disclosure agreements—not the use of it, but not using it.

Mr. Nathi Zamisa: Oh.

M^{me} France Gélinas: We don't want it to be used early in the process when people would have to sign on. Right now, the non-disclosure agreement cannot be used after everything has been settled, which means that it could be used earlier on. What we're saying is that we don't think it should be used earlier on. Sorry; I wasn't clear.

Mr. Nathi Zamisa: Then I would absolutely agree with that for the reasons I've just stated, 100%.

M^{me} France Gélinas: Okay. Your argument spoke to it; I just wanted to make sure.

Immaculee, did you want to add anything?

Ms. Immaculee Uwanyiligira: I fully concur with my colleague. Thank you.

M^{me} France Gélinas: Okay.

Another part of the bill that is sort of silent is that we would all like prevention. The bill deals with once it already happened, but we have heard more and more there are many preventive steps that should be done. My next question is: Would you support adding to the bill pieces that mandate health promotion and prevention into the bill,

so that it gets done in all colleges and universities? I'll go in reverse, starting with—

The Chair (Ms. Goldie Ghamari): One minute left.

M^{me} France Gélinas: Oh, and talk really fast, starting with York.

Mr. Nathi Zamisa: I think it matters what measures are being mandated, whether or not there's financial support from our government systems for those mandates. I do think that they're very, very useful. I think that groups like the centre or like CHREI do a lot of necessary work and work around prevention specifically. So as long as there are supports for those mandates, absolutely.

M^{me} France Gélinas: Toronto?

Mr. Faiz Jan: To the extent that it can be legislated, absolutely—same thing.

M^{me} France Gélinas: Okay. The same thing as long as—well, often legislation is what leads to financial support. Once it is legislated that every college and university must do X, Y, Z, then the government has a responsibility to fund them in order for them to be able to do that.

Interjection.

M^{me} France Gélinas: You have to speak up. You cannot just say it up and down with your head.

Ms. Micah Kalisch: Yes.

M^{me} France Gélinas: Okay. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time that we have.

We'll now turn to the government. MPP Martin, you may begin.

Mrs. Robin Martin: Again, thank you to all the witnesses. I was going to ask York a question which I didn't get to last time. Having been a grad student, I remember that grad students have pretty close working relationships with professors, which is great for expanding their research, building up their career and getting some mentoring and stuff like that, but there are often power imbalances that come in that relationship, obviously, by the role of the two parties.

I'm wondering if that is something where you would give us some comments about: how to address that and whether you think that the power imbalance is something that it's important to somehow redress in this bill, or in things that we can do to help students feel protected and safe on campuses. I know the power imbalance is part of the nature of that relationship, but is there anything we can do to help with that issue?

Mr. Nathi Zamisa: Again, I wouldn't want to prescribe anything, but I think part of that power imbalance is the way that universities are structured, the way that our knowledge systems are structured. Another part of the power imbalance is that there isn't necessarily—as we had mentioned in our initial remarks—student confidence in post-secondary institutions' ability to respond to sexual and gender-based violence. That lack of confidence, as we stated, really comes from understanding that there are no guarantees that if you file a complaint or if you take any actions, that person might be removed from their position or that you won't engage with that person in any way in

the future, regardless of whether you're at one institution or the other.

I think real care around organizing post-secondary institutions around perpetrators, in particular of sexual violence, is important, particularly if it violates the Criminal Code. I think that ensuring that students are aware to some degree and, whether it be through the institution or through their union, are able to access this information if they need to or if they have to. I think that's also important. But really, trying to build that confidence again, I would say, is a very important key, because that acts as a very large preventive measure in and of itself. Thank you.

Mrs. Robin Martin: Thank you. I just want to comment that you have to be very brave to speak out. I understand that, and that's why I so appreciate all of you giving your evidence here today. We've heard some very brave statements. We thank you for doing that. I know how hard it is.

The Chair (Ms. Goldie Ghamari): MPP Pierre?

Ms. Natalie Pierre: My question is for the York University Graduate Students' Association as well. Building on MPP Martin's question, from a grad student perspective, is there anything that you believe gets missed in this conversation about student sexual violence that is often, perhaps, catered towards undergraduate students? Is there anything else that we should be thinking about from a graduate student lens?

Mr. Nathi Zamisa: Immaculee, please feel free to jump in if you would like.

I think it's just really important to recognize that a really large proportion of the graduate student body are international students. They're very reliant on the funding that the university gives them, whether it be employment funding, where they are an employee of the university, or simply academic funding or fellowships. The considerations for their reliance on those pieces—and up until a few weeks ago or a month ago, the fact that international students couldn't work more than 20 hours a week weighs into the power imbalances.

There is a potentially real need to clearly define and ensure that the university incorporates, as much as possible, awareness around how to respond to sexual violence and how to prevent sexual violence, and especially to work with unions that do a lot of work with intersectional groups on the ground level, specifically addressing those pieces. I don't think it should be the part of legislation to override those elements in that relationship between unions and the university; it should be a full conversation. They just know their membership quite well, and so it's difficult, in particular considerations for international graduate students, to understand how to address incidents of sexual violence. I think that's all I could add.

Ms. Natalie Pierre: Thank you.

The Chair (Ms. Goldie Ghamari): MPP Quinn?

Mr. Nolan Quinn: Thank you, again, to all the presenters.

I feel we haven't heard enough from Avigail, so I'm going to throw a question her way: Bill 26 is a natural build

on the regulations imposed last year around protecting students and empowering them to come forward. What do you see as the next potential step toward combatting sexual violence?

Ms. Avigail Rucker: Thank you so much for the question. I'd like to thank the members for inviting us here today as well. I will say this is mainly Micah and Faiz's party. They have done incredible research and incredible on-the-ground work through the UTSU and as student activists on this issue in particular.

I will briefly say that I was disheartened to see that this committee has not taken a focus on the marginalization and—when we think of sexual assault, especially. On U of T, in the 2019 Silence is Violence study, we saw significantly higher numbers of sexual assault reports amongst gender-nonconforming students, amongst LGBTQI+ students and especially amongst Indigenous students and BIPOC students as well.

If I can just add one comment in there, it would be that, but I would yield any questions to Faiz and Micah.

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Micah Kalisch: Thank you.

I think that in terms of next steps—and I know these are things that a lot of people have talked about—there are amendments that need to be made to this bill in order to

ensure that it's actually going to protect students and protect survivors. I think that, as was mentioned by Avigail, things like intersectionality should be considered within the bill, and a lot of those other pieces that have been discussed in terms of minimum standards and meaningful consultations with stakeholders and accountability and transparency measures.

Mr. Nolan Quinn: Thank you.

The Chair (Ms. Goldie Ghamari): Further questions? MPP Rae?

Mr. Matthew Rae: We yield our time, Chair.

The Chair (Ms. Goldie Ghamari): Okay. Well, thank you very much. I'd like to thank our presenters for joining us today. Again, it's great to see students being so involved and engaged in the democratic process, so thank you for being here and joining us.

This concludes our business for today. Thank you again to all of our presenters. As a reminder, the deadline for written submissions is 7 p.m. today, Tuesday, November 22, 2022. The deadline for filing amendments to the bill is 5 p.m. on Thursday, November 24, 2022.

The committee is now adjourned until 9 a.m. on November 29, 2022, when it will meet for clause-by-clause consideration of Bill 26. Thank you, everyone.

The committee adjourned at 1750.

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