



Ontario Confederation of University Faculty Associations
Union des associations des professeurs des universités de l'Ontario

University and College faculty, staff and students share concerns as Bill 26 receives royal assent

TORONTO, December 5, 2022 - The Ontario Confederation of University Faculty Associations (OCUFA), Canadian Union of Public Employees (CUPE), Ontario Public Service Employees Union (OPSEU) and the Canadian Federation of Students - Ontario (CFSO) collectively commend the government's interest in protecting sexual violence survivors. However, we raise concerns about elements of the newly announced Strengthening Post-secondary Institutions and Students Act, 2022, introduced by the Ministry of Colleges and Universities on October 27.

Sexual violence is a systemic problem in university and college communities in Ontario. There are alarming statistics that reveal how widespread the problem is and how it touches most campus community members. OCUFA, CUPE, CFSO, and their members are especially aware that sexual violence disproportionately affects women, Black, Indigenous, and racialized people, poor people, precarious workers, people with disabilities, and transgender and gender non-conforming people.

In light of this, OCUFA, CUPE, CFSO, and their members welcome the provincial government's interest in making campuses safer for students by eliminating the use of non-disclosure agreements (NDAs) in cases involving faculty or staff misconduct against students, and by creating standard definitions of sexual abuse.

However, there are elements of this Act that require further scrutiny. One is that the bill does very little to enact measures that will prevent sexual violence in university and college communities. Another problematic element is the narrow focus on addressing individual incidents of faculty and staff misconduct against students. And lastly, the bill will interfere in the collective bargaining and arbitration rights of university and college employees—a long-standing and fundamental aspect of the Canadian system of labour relations.

Protecting students should be central to any university and college administration's approach to the problem of sexual violence on campus. The 2018 Ministry survey on campus sexual violence reported that [63.2 per cent of Ontario university students](#) experienced sexual harassment and 23 per cent disclosed a non-consensual sexual experience. A 2020 [Statistics Canada survey also](#) revealed that half of the Canadian workforce had experienced or witnessed unwanted sexual behaviours at work. These findings point to the pervasive nature of the issue, particularly because a campus can serve as home, workplace, and learning environment all at once. Focusing narrowly on faculty and staff misconduct—so far, ill-defined in the Act—misses

the big picture. [According to Statistics Canada](#), only five per cent of women and two per cent of men who had experienced unwanted sexualized behaviour stated that the perpetrator was a professor or instructor. Many student experiences of sexual harassment and violence happen at the hands of another student, both on and off campus. Campus workers also experience sexual harassment and violence. All sexual violence must be addressed, but it is not clear how the government plans to support survivors in the majority of cases, which fall outside of its specific focus here.

All instances of sexual violence on campus should be addressed in a manner that is trauma-informed, survivor-centered, and evidence-based. But a law that doesn't address the range of survivor experiences across campus, while intruding on arbitral processes and lack of clarity on access to due process, is not going to solve the problem. Student groups and advocacy organizations have long called for more investment, support, and education to combat sexual violence. Faculty associations and staff unions have developed measures in collective agreements to support employees who are survivors of violence and educate their members about prevention best practices.

Adequate funding, education, meaningful input from experts and survivor advocates, and respect for labor rights are essential in working towards a culture of prevention at every post-secondary institution in Ontario. OCUFA, CUPE, CFSO, and their members call on the provincial government to engage in meaningful consultation with these and other partners who represent our post-secondary communities to make our campuses safer for all.

Signatories:

- Mitra Yakubi, Chairperson - Canadian Federation of Students–Ontario (CFS-O)
- Sue Wurtele, President - Ontario Confederation of University Faculty Associations (OCUFA)
- David Simao, Chair - Canadian Union of Public Employees (CUPE)- Ontario University Sector
- Jonathan Singer, Chair - Ontario Public Sector Employees Union (OPSEU/SEFPO) - College Faculty Division
- Christine Kelsey, Chair - Ontario Public Sector Employees Union (OPSEU/SEFPO) - College Support Full-time Division
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Founded in 1964, OCUFA represents 17,000 faculty, academic librarians, and other academic professionals in 30 member organizations across Ontario. It is committed to enhancing the quality of higher education in Ontario and recognizing the outstanding contributions of its members towards creating a world-class university system. For more information, please visit the OCUFA website at www.ocufa.on.ca.

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