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BILL 18

SEXUAL VIOLENCE POLICY ACT

Honourable Jessie Sunner Minister of Post-Secondary Education and Future Skills

Explanatory Note

This Bill repeals and replaces the *Sexual Violence and Misconduct Policy Act*, S.B.C. 2016, c. 23. The Bill also does the following:

- replaces defined terms, including replacing "sexual misconduct" with "sexual violence";
- adds objectives that must be considered by a post-secondary institution when making its sexual violence policy;
- requires post-secondary institutions to establish an advisory committee;
- adds consultation requirements;
- adds requirements in relation to annual reports;
- authorizes post-secondary institutions to provide information about the outcome of a formal allegation to the person who made the allegation;
- requires post-secondary institutions to make training available;
- authorizes the Lieutenant Governor in Council to make regulations in relation to various matters.

MINISTER OF POST-SECONDARY EDUCATION AND FUTURE SKILLS

BILL 18 - 2025

SEXUAL VIOLENCE POLICY ACT

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

- 1 In this Act:
 - "advisory committee" means an advisory committee established under section 6;
 - "disclosure" means a communication, other than a formal allegation, that sexual violence occurred or may have occurred;
 - "faculty member" includes the following:
 - (a) a faculty member as defined in the following Acts:
 - (i) the College and Institute Act;
 - (ii) the Thompson Rivers University Act;
 - (iii) the *University Act*;
 - (b) a professor as defined in the Royal Roads University Act;

"formal allegation" means a report to the post-secondary institution

- (a) alleging that sexual violence occurred, and
- (b) requesting that the post-secondary institution take action in response to the alleged sexual violence;

"governing body", in relation to

- (a) the *College and Institute Act*, means the board of an institution within the meaning of that Act,
- (b) the *Royal Roads University Act*, means the board of governors of Royal Roads University,
- (c) the *Thompson Rivers University Act*, means the board of governors of Thompson Rivers University, and
- (d) the *University Act*, means the board of governors of a university within the meaning of that Act;

"member of the institutional community", in relation to a post-secondary institution, includes

- (a) a student,
- (b) a faculty member of the post-secondary institution,
- (c) a member of the governing body of the post-secondary institution,
- (d) an employee of the post-secondary institution,
- (e) a contractor of the post-secondary institution, and
- (f) a volunteer of the post-secondary institution;

"post-secondary institution" means an institution established or continued under one of the following Acts:

- (a) the College and Institute Act;
- (b) the Royal Roads University Act;
- (c) the *Thompson Rivers University Act*;
- (d) the *University Act*;

"student society" means a student society as defined in

- (a) the College and Institute Act, or
- (b) the *University Act*.

[&]quot;sexual violence" has the meaning given to it in section 2;

[&]quot;student", in relation to a post-secondary institution, means a person who is enrolled at that post-secondary institution;

Sexual violence

- 2 (1) For the purposes of this Act, sexual violence includes the following:
 - (a) sexual assault;
 - (b) sexual exploitation;
 - (c) sexual harassment;
 - (d) stalking;
 - (e) indecent exposure;
 - (f) voyeurism;
 - (g) the distribution of an intimate image, within the meaning of the *Intimate Images Protection Act*, without the consent of the individual depicted in the image;
 - (h) the attempt to commit an act set out in paragraphs (a) to (g);
 - (i) the threat to commit an act set out in paragraphs (a) to (g).
 - (2) Without limiting subsection (1), sexual violence can
 - (a) be physical or psychological in nature, and
 - (b) occur in person or by other means, including through the use of technology.

Requirement for sexual violence policy

- 3 (1) A post-secondary institution must establish and implement a sexual violence policy that does all of the following:
 - (a) addresses sexual violence, including sexual violence prevention and responses to sexual violence;
 - (b) sets out procedures for the following:
 - (i) responding to a disclosure about a member of the institutional community;
 - (ii) making a formal allegation about a member of the institutional community;
 - (iii) responding to a formal allegation about a member of the institutional community;
 - (c) sets out disciplinary actions or other actions that may be taken;
 - (d) addresses prescribed matters.
 - (2) In setting out procedures under section (1) (b), a post-secondary institution must comply with the regulations, if any.
 - (3) A post-secondary institution must make the sexual violence policy publicly available on a website maintained by or on behalf of the post-secondary institution.

Objectives

- 4 In establishing, implementing and reviewing a sexual violence policy, a post-secondary institution must pursue the following objectives:
 - (a) fostering a culture of consent and accountability at the post-secondary institution;
 - (b) educating the members of the institutional community about the impacts of sexual violence;
 - (c) preventing sexual violence at the post-secondary institution;
 - (d) providing a safe learning and working environment at the post-secondary institution;
 - (e) responding to the needs of persons and groups who are most likely to be disproportionately impacted by sexual violence.

Review of policy

- 5 (1) A post-secondary institution must review its sexual violence policy
 - (a) at least once every 3 years, and
 - (b) when directed to do so by the minister.
 - (2) After completing a review, a post-secondary institution must make the amendments that the post-secondary institution determines are required based on the review.

Advisory committee

- 6 (1) A post-secondary institution must establish a committee to advise the post-secondary institution in relation to the post-secondary institution's
 - (a) sexual violence policy, and
 - (b) efforts to prevent, respond to and raise awareness about sexual violence.
 - (2) At least one member of the advisory committee must be a student of the post-secondary institution.
 - (3) A post-secondary institution must make reasonable efforts to ensure that the membership of the advisory committee reflects the diversity of persons in British Columbia.

Consultation

- Before a post-secondary institution establishes or reviews a sexual violence policy under section 3 or 5, the post-secondary institution must, in accordance with the regulations, do the following:
 - (a) consult with the following persons and groups:
 - (i) students of the post-secondary institution;
 - (ii) the advisory committee of the post-secondary institution;
 - (iii) prescribed persons or prescribed classes of persons;

- (b) make reasonable efforts to consult with the following persons and groups:
 - (i) student societies of the post-secondary institution;
 - (ii) faculty members of the post-secondary institution;
 - (iii) employees of the post-secondary institution;
 - (iv) each trade union representing employees or faculty members of the post-secondary institution;
 - (v) prescribed persons or prescribed classes of persons.

Survey

- **8** (1) The minister may direct a post-secondary institution to conduct a survey for the purpose of assessing the effectiveness of
 - (a) the post-secondary institution's sexual violence policy, and
 - (b) its other efforts to prevent, respond to and raise awareness about sexual violence.
 - (2) In directing a post-secondary institution to conduct a survey under subsection (1), the minister may specify the following:
 - (a) who the post-secondary institution must include in the survey;
 - (b) questions that the post-secondary institution must include in the survey;
 - (c) the manner in which the post-secondary institution must conduct the survey;
 - (d) the date by which the post-secondary institution must submit the survey results to the minister.
 - (3) If the minister directs a post-secondary institution to conduct a survey under subsection (1), the post-secondary institution must do all of the following:
 - (a) conduct the survey;
 - (b) comply with any matters specified by the minister under subsection (2);
 - (c) submit the survey results to the minister on or before the date, if any, specified by the minister under subsection (2).

Annual report to governing body

- 9 (1) Each year, the president of a post-secondary institution must submit an annual report to the governing body on the implementation of the post-secondary institution's sexual violence policy.
 - (2) The annual report must include the following information:
 - (a) a summary of the post-secondary institution's
 - (i) responses to sexual violence, and
 - (ii) efforts to prevent and raise awareness about sexual violence;

- (b) a summary of
 - (i) any consultations conducted under section 7 in relation to the sexual violence policy of a post-secondary institution, and
 - (ii) changes to the sexual violence policy in response to those consultations:
- (c) prescribed information.
- (3) A post-secondary institution must make annual reports publicly available on a website maintained by or on behalf of the post-secondary institution.

Disclosure of information

- If a person makes a formal allegation about a member of the institutional community, a post-secondary institution may provide information to the person about the following:
 - (a) interim measures that the post-secondary institution has taken, or intends to take, in response to the formal allegation;
 - (b) the outcome of the formal allegation, including information about any disciplinary actions or other actions taken.

Training

A post-secondary institution must make training in relation to sexual violence available to members of the institutional community.

Section 5 of the Offence Act

Section 5 of the *Offence Act* does not apply to this Act or regulations made under this Act.

Regulation-making powers

- 13 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
 - (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
 - (a) respecting any matter for which regulations are contemplated by this
 - (b) for the purposes of section 3 (1) (b), respecting procedures for
 - (i) making a formal allegation, or
 - (ii) responding to a disclosure or formal allegation;
 - (c) for the purposes of section 7, establishing requirements respecting consultation;
 - (d) for the purposes of section 9 (2) (c), respecting
 - (i) information that must be included in an annual report, and

- (ii) standards for information and data
 - (A) collected and used by a post-secondary institution in preventing and responding to sexual violence, and
 - (B) disclosed by the post-secondary institution in an annual report.
- (3) In making a regulation under this Act, the Lieutenant Governor in Council may make different regulations for
 - (a) different post-secondary institutions, sexual violence policies, surveys, persons, matters, circumstances, events or things, and
 - (b) different classes of post-secondary institutions, sexual violence policies, surveys, persons, matters, circumstances, events or things.

Transitional Provision

Transition - first review

- An institution must complete the first review under section 5 (1) (a) by the earlier of the following:
 - (a) the prescribed date;
 - (b) 3 years after the date that this Act comes into force.

Repeal

Repeal of Sexual Violence and Misconduct Policy Act

15 The Sexual Violence and Misconduct Policy Act, S.B.C. 2016, c. 23, is repealed.

Consequential Amendment

University Act

16 Section 27 (2) (y) of the University Act, R.S.B.C. 1996, c. 468, is amended by striking out "Sexual Violence and Misconduct Policy Act" and substituting "Sexual Violence Policy Act".

Commencement

17 This Act comes into force by regulation of the Lieutenant Governor in Council.

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