

Sexual Violence against Students with Disabilities on Campus:

A Review of Resources and Accessibilities

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TABLE OF CONTENTS

ABSTRACT	5
INTRODUCTION	6
CONTEXT.....	8
SEXUAL VIOLENCE.....	8
DISABILITY AND SEXUAL VIOLENCE ON CAMPUS.....	10
SEXUAL ASSAULT AS POWER ABUSE	11
IDENTITY-BASED DISCRIMINATION AND SEXUAL VIOLENCE	13
SEXUAL VIOLENCE DISCLOSURE, ACCESS TO JUSTICE AND PREVENTIVE MEASURES ON CAMPUS.....	16
NEED FOR COMPREHENSIVE SEX-EDUCATION	19
THEORETICAL BACKGROUND.....	20
IMPACT OF ABLEISM ON SEXUAL VIOLENCE.....	21
HUMAN RIGHTS FRAMEWORK	23
<i>Protection of people with disabilities</i>	24
<i>Protection of women</i>	25
<i>Right to education</i>	26
GENDER-BASED VIOLENCE (GBV) AND STUDENTS WITH DISABILITIES.....	27
INTIMATE-PARTNER VIOLENCE (IPV) AMONG STUDENTS WITH DISABILITIES	29
BEST PRACTICES	30
INCLUSIVE SEXUAL EDUCATION FOR ALL	31
ABOLISHMENT OF ABLEISM AND ESTABLISHING A CULTURE OF INCLUSION	32

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and
Accessibilities

ADOPTING NEW INCLUSIVE PREVENTIVE PROGRAMS, COURSES, AND WORKSHOPS..... 34

STUDENT-LED ORGANIZATION AND ADVOCACY..... 35

CONCLUSION..... 36

REFERENCES 38

ABSTRACT

Sexual violence against students with disabilities is like a submerged iceberg hiding beneath the surface of educational settings, unnoticed and ignored. On college campuses, students with disabilities experience more sexual assaults on campus than their peers without disabilities, yet there is a noticeable lack of discourse on prevention strategies and the potential benefits of increased accessibility (Burczycka, 2020; Busby K. & Birenbaum J., 2020). Most Canadian universities fail to provide accommodation for disclosure and policy implementation, which are their legal duty to ensure trauma-informed services for the students (Chugani et al., 2021; Fread, 2021). This denial of accommodation to people with disabilities disregards not only constitutes a violation of legal obligation but also infringes upon their inherent human rights. This barrier to justice has been a product of long-standing systemic oppression of one of the largest minority groups – people with disabilities. Research demonstrates that, instituting inclusive policy, accommodation and accessible services, the rate of sexual violence can be eliminated (Chugani et al., 2021; Findley et al., 2016; Holloway, 2019). Moreover, these steps towards inclusivity would be meaningful to change social attitude towards people with disabilities.

Keywords: Students with disabilities, sexual violence, right to education, right to accommodation and accessibility, Accessible Canada Act, trauma-informed services.

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

INTRODUCTION

In the heart of educational institutions, where knowledge and personal growth thrive within an expected environment of safety and inclusivity, an alarming rate of sexual violence harms for students. Sexual violence (SV) has been a severe human rights violation all around the globe; however, campus sexual violence is often overlooked. Canadian post-secondary institutions have been showing an increased rate of sexual violence and the persistence of rape culture affecting all students (Burczycka, 2020). Further, the rate of sexual violence against students with disabilities on campus is higher than for students without disabilities (Campe, 2021). The incidence of sexual violence against students with disabilities, combined with inadequate accessibility, arises from two main reasons. Firstly, the continuation of historical systemic discrimination, notably ableism, and sexism, perpetuates unequal power dynamics and marginalization. Secondly, the impact of identity-based discrimination, for example, intersecting identities like gender, disability, race, etc.

During my practicum at the Sexual Violence Resource Centre (SVRC) at the University of Manitoba, which offers survivor-informed services to all members of the university, I evaluated the available sexual violence preventive events, programs, or workshops offered by post-secondary institutions in Canada. After compiling a list of those programs, it came to my attention that most do not offer enough accommodation and accessibilities for students with disability and help them with survivor-centric services to ease back into educational settings, including the University of Manitoba (UofM). Some buildings of the University of Manitoba still remain inaccessible. Moreover, the Accessibility Policy of

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

UofM is vague and lacks specific information about available remedies or accessibilities that may be on campus. The same could be observed in other Canadian universities regarding accessibility and policy clarity. Workshops/programs by most institutions are universal, online, and hardly mention disability-specific issues. Therefore, the questions that I explored during my research were-

1. What are the risk factors for students with disabilities on campus?
2. What systemic discriminations are creating barriers for students with disabilities to their inherited right of accessibility? How is it contributing to the increasing rate of campus sexual violence?
3. How can Canadian post-secondary institutions accommodate disabled students to give a safe environment, encourage disclosure in case of an incident and give them trauma-informed services?

This paper will provide an overview of the issue of how campus sexual violence impacts students with disabilities in Canadian post-secondary institutions. It will provide a theoretical background on the intersection of sexual violence and disability. It aims to outline the ideal structure of a safe environment for students with disabilities on campus, understand the impact of sexual violence on students with disabilities, and review the resources and accessibilities post-secondary institutions in Canada provide for students with disabilities. Lastly, this paper will follow up on the best practices to overcome this trauma for the hidden victims by evaluating the societal attitude, policies, programs, resources, and available accessibilities.

For this research, I have mapped scholarly articles available on this topic, as well as research materials prepared by educational institutions and government and non-government organizations working with students with disabilities. Electronic databases like JSTOR,

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

CanLII, and the University of Manitoba Libraries were accessed to review relevant cases to support my study. I input keywords like students with disabilities, sexual violence, accessibility, sexual assault, violence on campus, etc., to search extensive literature on this topic. Comprehensive research on the websites of the post-secondary institution has been done to avail the options students have, to look out for help, and follow the policies of each organization. To better understand the literature, I have focused on scholarly articles in particular areas of human rights, gender-based violence, and disability studies.

CONTEXT

This section will provide an overview of the construction of the sexual violence against people with disabilities campus. To begin, the paper depicted the dynamics of power and control in these incidents, especially abused by the care givers. Moreover, we will delve into how the intersecting identity of the students contribute as a fuel for the perpetrators to normalize such violence. These multifaceted factors are interlinked and contribute to portray people with disabilities as vulnerable. Therefore, understanding the barriers of access to justice and inclusivity would help develop preventive measures and create safer campus.

Sexual Violence

SV is a broad term for unwanted sexual contact, which includes sexual harassment, sexual assault, rape, etc. The international human rights framework recognized rape as severe human rights violence. It violates a person's autonomy, dignity, and bodily integrity by causing significant harm in physical, emotional, and psychological states. Few common forms of sexual violence that students with disabilities face are non-consensual sexual

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

contact, for example, groping, touching without consent, sexual harassment, which includes unwelcomed sexual comments/gestures or creating a hostile environment, intimate partner violence (IPV), manipulating for sexual exploitation, abuse by the caregivers or those in the position of authority, taking advantage of alcohol consumption, posting inappropriate contents online, rape, etc. (Burczycka, 2020).

Sexual violence is a non-consensual sexual contact done by the perpetrator through completed or attempted, forced, coerced, manipulated, or intimidating actions like fondling, grabbing, verbal abuse, rape, etc. (Holloway, 2019). It is an umbrella term for non-consensual sexual behaviors (Holloway, 2019). The World Health Organization (WHO) defines sexual violence very broadly as an act 'that attempts to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work' (World Health Organization & Pan American Health Organization, 2012).

As per the Criminal Code of Canada (1985), Sexual assault is “any unwanted sexual act done by one person to another or sexual activity without one person’s consent or voluntary agreement” (Criminal Code, 1985). The Criminal Code of Canada categorizes sexual assaults in levels by the degree of force used to commit the heinous crime of sexual assault:

- Section 271: Sexual assault by interfering with their sexual integrity like kissing, touching, penetration, and other sexual activity without the persons' consent.
- Section 272: Sexual assault involving a weapon, e.g., firearm, threatening the complainant to cause bodily harm, causing physical harm like choking, suffocating, strangling, or participating in the offense with other third parties.

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

- Section 273: aggravated sexual assault caused by wounding, maiming, disfiguring, or endangering the life of the victim (Criminal Code, 1985).

Disability and Sexual Violence on Campus

Incidents of sexual violence among college or post-graduate students are not uncommon, with non-consensual sexual contact occurring both on campus by peers and outside by acquaintances. According to a report from Statistics Canada in 2020, nearly three-quarters of university students (71%) witnessed or experienced sexual harassment in 2019, surpassing previous years' figures (Chugani et al., 2021). Although sexual harassment predominantly mostly occurs on campus, it can also take place online or off-campus, with the perpetrator often being connected to the post-secondary institution (students, faculty, coach, supervisor, employer, etc.). For example, it can happen among a group of university students having coffee outside or a student posting unappropriated pictures of another student on a social media platform.

The vast type of disability is no longer a barrier for students as technology and various accommodations advance, making the admission rate of students with disabilities continuously higher. However, numerous studies are showing that students with disabilities are particularly at an increased risk of sexual violence on campus (students with intellectual disabilities are at risk at least seven times more), often because of power imbalance skewed due to societal misconception and prejudices, magnifying the challenges they face in comparison to other students (Holloway, 2019). Conversely, post-secondary institutions have displayed a lack of urgency when addressing these concerns—reflecting the systemic exclusion of people with disabilities in the process of formulating campus safety policies that jeopardizes the well-being of these individuals. While universities in Canada are consistently

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

failing to address any sexual violence report and implement effective policies to ensure students' safety on campus, there is also a lack of adequate accommodations and trauma-informed or survivor-centric services for students with disabilities. While some universities prioritize addressing the needs of other minority groups, such as the LGBTQ and BIPOC communities, none in Canada have implemented programs specifically designed to address the significant rates of sexual harassment experienced by students with disabilities.

An organization's inadequate resources and accessibility can be attributed to improper policies or guidelines, the non-existence of prevention programs or workshops, and the lack of trauma-informed professionals. However, the real question is whether most universities are consistently accommodating students with disabilities in prevention measures or if they merely mention inclusivity in the policy/guidelines without practical implementation. The failure to create a safer environment reflects the intersection of systemic sexism, which normalizes the devaluation of feminine identities and ableism, which normalizes devaluation on people with disabilities.

Sexual Assault as Power Abuse

SV faced by students with disabilities is underreported and a systematic human rights violation. Rape primarily revolves around the dynamics of power and control; perpetrators perceive disabled students as vulnerable and dependent, and feel entitled to assert dominance over them (Equality Now, 2021). Often the sexual abuser is in asymmetrical power dynamic role of authority or caregiver. Students with disabilities may encounter sexual violence during moments like assisted dressing and toileting from the care home or any professional responsible for caretaking. Section 153.1(1) of the Criminal Code of Canada criminalizes

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

anyone who is sexually violating and in the position of trust or authority of individuals with disabilities, and such offenders may also have restrictions on their ability to work with such individuals in the future. However, to ensure this provision is executed correctly, the victim receives support, and the offender is banned from getting rehired and becoming repeat offenders. Further, collaboration between police, prosecutors, and victim service agencies is much needed.

Sexual violence impacts female students with disabilities more than male students because perpetrators assume that female students with disabilities are more dependent, fragile, and unlikely to report the crime to the authorities, and target them for abuse (Brown et al., 2017). At the same time, male students with disabilities are often overlooked and ignored as potential victims (Davis, 2011). This reflects the intersection of sexism and ableism. Similarly, students with physical disabilities are also presumed by the perpetrators to be vulnerable because of their disability as the lack of accessibility and resources may hinder the process of justice. Therefore, this gives the perpetrators to exercise the power to abuse without the fear of exposure. The incidents of sexual violence could be related to how society perceives physical disability and power dynamics. The stereotype is fueled by the stigmas that students with physical disabilities do not have the accessible support to report a crime and must be accompanied by professional attendants for assistance, making it hard to expose (Alriksson-Schmidt et al., 2010). Most post-secondary institution fails to provide a secured inclusive campus, which includes, public transportation accessibility, assistive technology, sensory spaces, the establishment of disability resource centers, ramps, elevators, sign language interpretation, flexible learning options, materials in different formats, disability-specific awareness programs, lack of proper toileting and dressing assistance, etc. (Findley et al., 2016).

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

On the other hand, students with disabilities often find themselves as bystanders witnessing instances of sexual violence or inappropriate comment or behavior unfolding before them (Stevens, 2012). The perpetrators may not feel that people with disabilities are a threat, leading to the incident occurring in front of them without consideration of potential consequences. After experiencing violence as a bystander, students often hesitate to report or disclosure to the campus authorities because of the lack of information on how to tackle or distract the situation. In-person bystander intervention programs for sexual violence prevention can give students the sense of their right to participation and justice, resulting in increased reporting and willingness to help the victim (Katz & Moore, 2013). Most universities in Canada, for example, McGill University, University of British Columbia, University of Windsor, Mount Royal University, University of Manitoba, etc., have workshops on bystander intervention; however, none are disability-specific programs. Although, being a bystander can involve different processes for students with disabilities compared to those without disabilities. Communication barriers, physical disability, and societal attitudes may influence how they respond as bystanders (Stevens, 2012).

Identity-based Discrimination and Sexual Violence

Violence is another way of articulating sexual stigma, patriarchal mindsets, class-based discrimination, ableism, racism, and deliberate targeting of minoritized groups such as ethnic, religious communities. The existence of sexual stigma and patriarchal norms within society or institutions contribute to the normalization of violence among certain groups. For instance, historical systemic oppression, punitive measures, imposition of the death penalty, arbitrary arrest, and mistreatment in healthcare settings was prevalent against the disabled and transgender communities, as they were perceived as threats against morality, out of

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

traditional values, and evil deceivers (Blondeel et al., 2018). Patriarchal mindset significantly contributes to developing a culture of violent masculinity by coercing sexual activity against the female, especially with intersecting identities, such as disabled, transgender, underprivileged, indigenous women, etc. The construct of masculinity often intertwines with dominance and aggression, giving them the idea of entitlement over women's bodies (Jensen, 2014). As a result of patriarchy and sexism, females (73%) are more likely to be subjected to sexual assault or harassment compared to male students (69%) (Burczycka, 2020). Female students often face coerced inappropriate behaviors from male peers, such as unwanted sexual attention, unwelcomed physical contact, and repeated pressure for dates (Burczycka, 2020). Sexual abuse intersects with forms of discrimination, hate crimes, and identity-based violence that targets marginalized groups (e.g., as per Crenshaw, 1991). SV is also used as a weapon to perpetuate class-based discrimination, racism, and minorizing ethnic or religious groups and is all part of historically oppressive ideologies and socio-economic hierarchy to suppress these communities while upholding power dynamics. Consequently, addressing disability issues necessitates an understanding of these intricate intersections. When developing programs to prevent and address sexual violence, universities must keep intersectionality in mind.

Access to Higher Education for People with Disabilities

All post-secondary institutions in Canada should fully accommodate students with disabilities for excellent learning experiences. Research conducted by Canadian Education and Research Institute for Counselling (CERIC), 2019 shows that 60% of the students with disabilities hope to continue for higher education. However, certain development regarding

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

accommodation and accessibility in learning space is mandatory to remove barriers to increase their participation in graduate studies. Unfortunately, there has been insufficient research on the experiences of students with disabilities, a group comprising about one-third of the college population (Chugani et al., 2021). Infringing the obligations under international human rights law, most universities fail to develop comprehensive policies to provide accessible support services and create an inclusive campus culture. This is the prime reason for the increased campus sexual assault and harassment on a daily basis. Often, the sexual violence awareness programs and services that are offered by campus authorities tend to be highly negligent about marginalized groups and likely to focus on a more general perspective.

It is high time to address the issue that students with disabilities are often presented with an uncomfortable environment in universities which can lead to sexual abuse. Due to a lack of resources and knowledge coupled with limited social interaction and isolation imposed on students with disabilities, organizations inadvertently create an environment where unexpected sexual behavior may take place. Although the need for accommodation in education has been set by different national and international laws, the type of accommodation is not fixed. There are no set accommodations for students with disabilities as it depends on the individual's need and not on the category of the disability (Ontario Human Rights Commission, 2005).

The lack of proper knowledge, awareness, and programming about sexual violence on campus is interlinked with the victimization of students with intellectual disabilities. For example, there are many students with attention deficit hyperactivity disorder (ADHD) on campus who may need guidance to identify the perpetrator's harmful behavior. Snyder (2015) found that female students diagnosed with ADHD are at a heightened risk of encountering unwanted sexual behavior and rape in comparison to female students without ADHD.

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

Therefore, the prevention programs must discuss disability-specific contents, and include contents in Braille, large print or digital format, captioning services, visual language interpreters, as well as have extra time allocation for consultation for students with intellectual disabilities.

For creating more inclusive campus and representation of disability-specific issues, it is important to hire more faculty-members with disabilities. They may not only have a significant role on advocacy but also approach the sexual violence against students with disabilities with great sensitivity and understanding. They may take part in the prevention programs to address the intersections that contribute to the violence on campus. However, Campbell (2022) mentions that the unavailability of basic standards of accessibility may hinder the learning experience for both students and faculties. Due to structural ableism, lack of inclusive infrastructure, and work facilitation, only 42% of post-secondary institutions have any written accommodation policy for faculty. One of the challenges around accommodation is that there is no one fixed structure or sustainable policy for all institutions. Institutions are expected to embrace inclusivity across the board for all campus member and not only for the students.

Sexual Violence Disclosure, Access to Justice and Preventive Measures on Campus

Sexual violence disclosure among students with disability is a crucial matter for institutional change. A significant increase in reporting violence to authorities may draw attention to the matter. It is the key to safeguard all students' right to healthcare, counselling, and legal support, as well as the first step to the preservation of justice within the campus. However, most Canadian post-secondary institutions are lacking to mitigate the barriers that withhold students with disabilities facing violence from disclosing the incident and pursuing

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

justice or accessing support for the healing process (Burczycka, 2020). Therefore, research shows that only 7% of the victims with disabilities report their sexual assault and look for counseling services on campus (Holloway, 2019). Regarding accessibility, former chairwomen of the Nation Commission for Women stated, “One of the biggest challenges for women [with disabilities] is access to services, not just physical but access across the board” (Human Rights Watch, 2018, para. 3).

The negative attitude of the institution and the staff members is one of the big reasons victims with disabilities does not result in disclosure, as they fear not being believed or seen as credible victims by police, court, or campus authorities (DAWN Canada, n.d.). This disbelief is set by the stereotypical ideology that people with disabilities are not sexual human beings (Peris, 2022). For example, in the case of *R. v. Levert* (2001), the defense used the disability of the student to discredit the victim's testimony. Moreover, it is harder for the victims to disclose when the perpetrator is the caregiver, partner, or family, as the responsible institutions and care homes fail to give them easy access or financial security (DAWN Canada, n.d.).

Students with disabilities find it problematic to seek help within, largely attributed to the university's shortcoming in communicating the security measures and trauma-informed services accessible to them, if any exist. Often these services or assistance to legal services involve lengthy and complicated procedures compounded by the staff lacking adequate training and struggling to establish effective communication. Therefore, only 8% of the female and 6% of the male disabled students open up to someone related to the campus, such as support groups, instructors, or any campus authorities (Burczycka, 2020).

It is important for the universities to protect the right to disclosure of the student. Universities should protect the victims' privacy and respect an individual's autonomy to

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

disclose their experiences whenever and to whom they want. However, the universities must create a judgment-free environment while keeping the information confidential and respecting the survivor's decision. Moreover, the campuses must ensure that all the students, including students with disabilities, are getting information in an accessible format, easily accessing, and navigating physical space, and training is given to the staff for survivor-centered services. In 2016, Mandi Gray filed a human rights complaint against York University for having insufficient policies and not giving sufficient counseling to sexual violence survivors and helping them return to the university through the healing process (Hasham, 2016).

Although access to justice and the right to disclosure are essential components, however, it is not enough to end sexual violence on campus. Institutions must take proactive measures by offering sexual violence prevention programs and raise awareness about the campus policy and procedure to report to the authorities (Burczycka, 2020) and foster an inclusive culture of respect and consent. Studies show that sexual violence prevention programs that are offered by Canadian post-secondary institutions are universal and rarely tailored to discuss disability-specific topics (Chugani et al., 2021). For example: The programs seldom address the myths about disability and sexuality, issues related to healthcare, bodily autonomy, and sexual reproductive health right, etc. In the study Chugani et al. (2021), students mentioned that the programs offered are hardly relatable and never discuss intersectionality. Because of the negligence and the stereotypes fueled by a society that disabled people are asexual, universities have hardly adopted any policies or tailored programs for the college population with disabilities (Harris & Linder, 2017). Nonetheless, most institutions' failure to include disabled students proves that they could not break free from the longstanding negligence created by the society over the years. This indicates the

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

lack of progress in transforming discussion about accessibility, which have been ongoing for decades, into reality.

The sexual prevention programs that are listed by most universities—for example, the University of Manitoba, the University of Guelph, the University of Windsor, among others—are for all students, providing optional accessibility features; however, they do not discuss disability-specific issues. The prevention programs are mostly online and often do not include closed captions with videos. The contents are boring, repetitive, and irrelevant to the targeted group. The universities fail to adequately emphasize the information, resources, and options available to students with disabilities, resulting in a lack of awareness among students about the existing accessibility measures and choices.

According to a study conducted on students with disabilities who are utilizing the services provided for them, it was found that they are only being offered a universal campus-based prevention program which was “ineffective and irrelevant” (Chugani et al., 2021). However, the students have recommended that the program's contents, formats, and engagements be modified to suit their specific needs better (Chugani et al., 2021).

Need for Comprehensive Sex-education

Post-secondary institutions often underestimate the need for proper sex education and arrange disability-specific prevention programs or workshops. Getting adequate and accurate sex-ed can help establish human rights and gender equality among students, which is also recognized by international UN human rights conventions like the International Covenant of Economic, Social and Cultural Rights (ICESC), The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (C.R.C.) (Action Canada for Sexual Health & Rights, 2019). The right to

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

comprehensive sex education is people's right to health which also include student with disabilities and is protected by global bodies like WHO, UNESCO, UNAIDS, and the United Nations Population Fund (UNFPA) (Action Canada for Sexual Health & Rights, 2019).

Despite that, all institutions, such as universities, care homes, etc., do not have an inclusive sex education system for people with disabilities. The sex education that is provided is vague and has a heteronormative attitude (M. Campbell et al., 2020). Commonly, these programs are offered in an infrastructure that is not accessible, and the contents mainly reflect sexual activity between two able people. Most care shelters are not able to facilitate sexual health and intimacy, as well as lack in providing information regarding sexual health.

In the absence of sexual knowledge, people with disabilities are often eager to know from unauthorized sources like television, pornography, or the internet, which often gives inaccurate sexual understanding and expectation (Brown-Lavoie et al., 2014). This lack of sex education denies students with disabilities access to knowledge about their sexual health, reproductive system, consent, bodily autonomy, and sexually transmitted diseases, making them vulnerable to sexual exploitation (M. Campbell et al., 2020). Proper knowledge and guidance are the main mediators to minimize their victimization. They often have difficulties understanding what is safe for them, determining others' sexual intentions, and asserting their sexual desires to others (Brown-Lavoie et al., 2014). Moreover, it is essential to have sex education as a separate course instead of including it in physical studies, as the facilitator must have the training to comfortably convey the contents to all students.

THEORETICAL BACKGROUND

To eliminate the prevalence of SV against students with disabilities, it is mandatory to understand the targeted intervention, policies, and complex factors contributing to this matter.

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

Addressing accommodation and accessibility is beyond the development of infrastructure and refers to a transformative shift of societal attitude while eliminating the systemic human rights violations contributing to sexual violence. Inclusivity is an inherent right that must be upheld by all, transcending any form of ableism.

Impact of Ableism on Sexual Violence

The term ableism was first coined by U.S. Feminists in 1981 and has evolved from the civil rights movement (Bauman et al., 2013). Ableism is an umbrella term encompassing various forms of discrimination against people with disabilities (Odette, 2013). According to Weeber (1998, p. 21), “ableism refers to bigotry term that 'marks us [disabled people] as less than those who are nondisabled; ableism causes pain to nondisabled people who are unprepared to deal with their vulnerability and mortality.” It seeks to identify how ableist people stigmatize, exclude, stereotype, and deny equal opportunity and access to resources to people with disabilities (Campbell, 2020). The prejudice and devaluing ideas of disabled lives have resulted from wrong advertisements, media representation, and many years of historical and systemic attitudes, cultural beliefs, and practices (Campbell, 2020; Friedman, 2018). Ableism infringes the fundamental human rights of a person with disabilities by hindering freedom, discrimination, or exclusion based on disability, gender, race, etc., restricting resources, and denying equal opportunity. While ableism negatively impacts various human rights issues, it exacerbates sexual violence against disabled individuals.

Ableism contributes to sexual violence by perpetuating the notion that people with disabilities are asexual, therefore, not engaged in any sexual act (Jacobs, 2023). In that case, victims with disabilities may face disbelief and skepticism when seeking help or reporting. This is an infringement of the right to sexuality, as this perception leaves very little room to

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

express one's sexual identity. Frequently, educational curriculums, faculties, and staff, service providers are influenced by ableism leading to the perception that sex education is unnecessary and uncomfortable for students with disabilities (Odette, 2013). It denies the right to information and education by not providing sex education to students with disabilities. Therefore, crucial topics such as consent, behavioral boundaries, body awareness, and distinguishing between good and bad touch are left unaddressed or ignored (Jacobs, 2023).

Ableism aligns with the medical model of disability and recognizes the impairment of a person than seeing their individuality, causing such individuals with disability around them to experience loneliness, fear, and isolation (Odette, 2013). It stops the individual with disabilities from seeking help or disclosing instances of an assault. This takes away the freedom of thought and expression. Ableist perspective also hinders in accessing the justice system as ableist authorities, such as prosecutors, police officers, etc., may not see the individual with a disability as a 'credible' victim or witness (Odette, 2013). Moreover, they may face the lack of accessibility provided by the ableist authorities, such as delivering information not accessible to the person with disabilities (Jacobs, 2023).

To reduce the impact of the ableist point of view, we first must understand the types of ableism. A study conducted by Friedman (2018), has shown that aversive ableism is one of the most prevalent disability prejudice styles. Non-disable people are mostly in the group of aversive ableism because of the positive social norms. It is because discrimination against people with disabilities is an indication of a "bad" community member. However, people who are aversive ableists are hard to identify as they believe they are supportive of the community of disability. In reality, they implicitly (unconscious) prejudice disabled people by showing sympathy or pity (Friedman, 2018).

Human Rights Framework

Sexual violence on campus is a human rights issue that infringes the principles of the right to life, right to equality and non-discrimination, right to bodily integrity, right to privacy, right to health, and right to access to justice (Amnesty International, 2011).

According to Section 25 of the Canadian Human Rights Act (1985), people with disability are those who have “any previous or existing mental or physical disability and includes disfigurement and previous or existing dependence on alcohol or a drug.” A similar definition is also provided in Accessible Canada Act (2019). These definitions also align with international human rights laws such as Convention on the Rights of Persons with Disability (CRPD).

In the case of students with disabilities facing sexual violence on campus, it is mandatory for the universities to take all steps necessary to guarantee their inherent right to accommodation. After the passing of the Sexual Violence and Harassment Action Plan, provinces like Ontario, British Columbia, Quebec, Manitoba, and Prince Edward Island enacted to have mandatory campus sexual assault policies between 2016-2018; however, universities and students of Alberta, Saskatchewan, New Brunswick and Newfoundland and Labrador are still struggling to have standardized procedures to ensure safety to their students (Kost, 2020). This means the policies are different depending on the university. Students are leading towards confusion and discouragement about their eligibility to report a crime, the reporting process, understanding the standards during the complaint process, clarity on the decision-making process, and seeking help on campus. Universities are hardly keeping up with the report of sexual violence in general, let alone focusing on a targeted group of students.

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

After Ontario forwarded the bill of the Sexual Violence and Harassment Action Plan in 2016, Manitoba, Nova Scotia, and Quebec followed the same legislation of mandating post-secondary institutions to have sexual violence prevention policies (Shen, 2017). Before universities established new policies and offices to handle these disclosures and complaints, human rights offices of the universities used to deal with the reports; however, the process lacked efficiency with limited attention given to data management, which caused slow investigation and decision-making process (Shen, 2017). These lengthy and unclear processes caused confusion among students. Moreover, when a report has been made by the victim, the data on progress or the decision is not published to the students; therefore, the students are never encouraged to report the incident to the university authority (Cadloff, 2022). Keeping the Freedom of Information and Protection of Privacy Act in mind, most universities do not give the victim or complainant the investigation report or let them know of the findings in writing; however, complainants must be advised about the investigation as per human rights legislation to establish clarity on the case and ensure safety (Busby & Birenbaum, 2020).

Protection of people with disabilities

According to Section 15 of the Canadian Charter of Rights and Freedoms (1982), everyone in Canada has guaranteed fundamental rights and freedom, which also includes students with disabilities. This charter gives all individuals the right to equality, dignity and to be free from all discrimination and violence. Moreover, Canada is one of the countries that ratified international human rights treaties like the CRC and the CRPD, which obligates Canada to recognize the importance of accessibility to health, education, information, and communication so persons with disabilities may fully enjoy their human rights and fundamental freedom. These international treaties give a framework for protecting the rights

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

of children with disabilities and addressing all forms of violence, including sexual violence.

Article 13 of CRPD calls for the states to ensure adequate access to justice for persons with disabilities so that they can enjoy equality. It states:

“...provision of procedural and age-appropriate accommodations in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages” (Convention on the Rights of Persons with Disabilities : Resolution / Adopted by the General Assembly, 2007).

Article 15 of CRPD encourages ratifying states to adopt every measure to ensure persons with disabilities are not being violated, which also includes sexual violence: “take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.”

Persons with disabilities are to be given by the state the information and accessibility to recognize the threat and avoid exploitation and abuse as per Article 16 of CRPD. This article also involves students with disabilities and is important for reducing the victimization of individuals with intellectual disabilities.

Protection of women

Women with disabilities have been fighting for the fundamental human rights that are already engraved in various international, national, regional frameworks. The systemic denial of access to justice, access to information and education, GBV jeopardies their human rights (Frohman & Ortoleva, 2012). Jointly UN Women, the Committee on the Elimination of Discrimination Against Women, and the Committee on the Rights of Persons with Disabilities are committed to eradicating the rate of sexual violence against women with

disabilities for total enjoyment of their human rights and fundamental freedoms (UN Women, 2020). These organizations have acknowledged the intersectional approach needed to eliminate all threats and commented that:

States parties shall ensure that all facilities and programs designed to serve persons with disabilities are effectively monitored by independent authorities and that women and girls with disabilities still in institutions are protected against sexual violence and have access to justice, redress, and reparations. (UN Women, 2020).

Article 6 of the CRPD have recognized the intersectional discrimination faced by the women with disabilities and encouraged to empower them by taking all necessary measures by states so that they are guaranteed the enjoyment of their freedom. These women are discriminated by their race, sex, disability, class, ethnicity etc. Although, the CRPD specifically mentioned women with disabilities in its provision, the same could not be observed in CEDAW. However, both the convention has protected the rights of women and talked about elimination of stereotypes and prejudices.

Right to education

Many international human rights instruments have mentioned about the right to inclusive education for all. Article 26 of the Universal Declaration of Human Rights (UDHR) recognizes the right to education for all, including people with disabilities. Moreover, Article 24 of CRPD emphasizes inclusive education at all levels and mentions about reasonable accommodations, accessible learning materials, etc. Therefore, Canada, as a ratifying country, must ensure the sections and recommendations are implemented in its national laws and that the institutions of all provinces are implementing policies to align with the

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

convention, including post-secondary institutions where students with disabilities are severely exploited because of the lack of information and proper reporting process.

To implement the convention in Canadian law, Ontario Human Rights Commission (OHRC) has also highlighted the right to non-discrimination and non-harassment of people with disabilities while receiving goods, services, or facilities, including education, regardless of their identity and type of disability. (Human Rights Code, 1990). Federal-level legislation and policies such as Accessibility for Ontarians with Disability Act (AODA) in Ontario and the Accessibility for Manitobans Act (AMA) in Manitoba both address promoting inclusive education without having barriers and ensuring accessibility for individuals in educational institutions. According to OHRC, all persons with disability are entitled to have equal opportunity. It also got established in the case *Moore v. British Columbia* (2012), that special education is not "a dispensable luxury" and that all students are entitled to receive accommodations they need to benefit from the educational institution (Inclusive education Canada, 2014).

To summarize, the first step of occurring sexual violence by the perpetrators is taking away or restricting the rights of people with disabilities as more often the perpetrators are caregivers, relatives, family, health professionals, etc. They start by determining accessibility and resources, for example, refusing assistance with personal needs, refusing medication or any disability-related abuses, removing wheelchair or any other assistive devices, etc.

Gender-based Violence (GBV) and Students with Disabilities

Campus sexual violence is interlinked with gender-based violence and is a human rights violation. Gender-based violence is a form of violence that occurs through targeted

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

groups based on their gender. It undermines the principles of protecting an individual's rights, equality, and respect in educational institutions. Female students have comparatively been more victimized than male students (Davis, 2011). On campus, sexual violence is not only directed at female students but particularly affects female students with disabilities (Findley et al., 2016; Frohmader et al., 2015). Gender-based violence is a disruption to free access to education and a denial of freedom. As Canada ratified CEDAW, one of the core international human rights treaties, on December 10, 1981, it becomes imperative for all organizations to adopt policies aimed at reducing gender-based violence.

Moreover, in 2016 on GBV, the CEDAW committee recommended Canada adopt necessary measures to facilitate access to justice by women who have been victims of human rights violations. To mitigate the existence of GBV, CEDAW called for states "to take appropriate and effective measures to overcome all forms of gender-based violence, including gender-sensitivity training for judicial and law enforcement officers; effective complaints procedures and remedies, including compensation; and reporting on legal, preventive and protective steps taken to fight violence against women." Regarding protecting women with disabilities and ensuring their enjoyment of life, Recommendation No. 18 of the CEDAW committee receives from states detailed information on the status of women with disabilities in their periodic reports and mentions the special measures they undertook to ensure that they can participate in all areas of social and cultural life.

However, female students with disabilities suffer from sexual violence on campus seven times more than female students without disabilities (Holloway, 2019). For the perpetrators, female students with disabilities may be more vulnerable to their disability status and incapable of understanding the harassment, and too fragile to have assistance to report the crime to the authorities. A study conducted by Campe (2021), has few significant

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

findings on female students with disabilities experiencing campus sexual assault. It shows that female students with visible or audible disabilities are more prone to be sexually assaulted by their partners for their presumed vulnerability. It also includes the use of substances may also increase the chances of risk for those female students (Campe, 2021).

The risk of GBV increases when women or gender-diverse group has an intersecting identity that intersects with other forms of systemic discrimination (Hannaford, 2021). These people with different marginalized identities refer to their overlapping orientation of gender, race, disability, sexual preference, ethnicity, etc. Hence, to reduce the GBV among females with disabilities, it is crucial to acknowledge the intersecting identities by all institution. The Federal, Provincial, and Territorial ministers have endorsed the Joint Declaration for a Canada free of Gender-Based Violence (GBV) in 2021. This declaration recognizes the intersecting identities of such populations experiencing sexism, ableism, racism, etc., to be at risk for historical and ongoing oppression. One of the goals of the declaration to mitigate GBV is to offer access to culturally appropriate and accessible services and protection to everyone while offering trauma-informed services. It is the duty of all the social infrastructure (e.g., post-secondary institutions) to incorporate the goals in their policies to achieve the vision of the declaration.

Intimate-partner Violence (IPV) among Students with Disabilities

Intimate-partner violence (IPV) is associated with sexual violence and is quite prevalent among students with disabilities. It is referred to as any act of physical or sexual assault on the partner (husband, wife, girlfriend, boyfriend, etc.) in a relationship that can be marriage, dating, or cohabiting (Anderson & Leigh, 2011). It involves demeaning and overpowering an individual through physical, emotional, verbal, or controlling sexual abuse

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

(Findley et al., 2016). Disability and domestic violence are deeply intertwined, with violence being a direct cause of disability among women. Some women with disabilities are more dependent than others on their partner or spouse for cognitive disabilities, which gives them the power that they often abuse their disabilities to establish dominance over the women (Porter & Williams, 2011).

Among the students with hearing disabilities, IPV has been experienced two times more than students without hearing disabilities, with 61 out of 100 students experiencing sexual coercion (Anderson & Leigh, 2011). Research shows that students with blindness and speech or language disability are highly at risk of having sexual assault and relationship assault (Campe, 2021). Structural and attitudinal barriers, lack of support from school or care shelters, and dependency on their partners is the reason why students with disabilities experiencing IPV repetitively and are very unlikely to complain against them. (Brayton, 2022). This absence of adequate support has been a product of systemic denial of accessibility, for which female students often refrain from seeking assistance (Nichols et al., 2018).

BEST PRACTICES

It is all universities' moral, legal, and financial obligation to give all its members a safe environment. The focus must be on cultivating an environment where the barrier does not exist in the first place, ensuring equitable access for all. The prime obstacles that require attention from all members of the campus are – removing social isolation and dependency on perpetrators of the students, providing enough prevention programs to understand gender,

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

sexuality, and disability, ensuring awareness of and accessibility to services, programs, and workshops, preventing negative social attitude through awareness, promoting understanding of disability right and significance of bodily autonomy (WVFRIS, n.d.). All authorities of post-secondary institutions, faculty and staff, students, and governmental organizations have essential roles in preventive measures. However, first and foremost, it is crucial to work towards reshaping societal attitudes and breaking systemic discrimination by constant awareness initiatives and incorporating inclusive policies. The preventive measures should be readily available that prioritize safety and equality for all members. Research by Richter et al. (2021), shows that waiting line for disclosure, complicated assessment process, and judgemental facilitators hinder their right to justice. It shows that students with disabilities are encouraged to receive support and accessibility and have a positive experience with the campus support service when they are presented with easy-to-access accommodation, considering faculty members, and helpful referrals without further complicating their sufferings (Richter et al., 2021). This part of the paper will recommend a few sexual violence prevention measures that could be offered by the university, faculty, and staff members and peer support group to increase awareness and deliver appropriate services.

Inclusive Sexual Education for All

Introducing courses to provide inclusive sex education should be mandatory for all post-secondary institutions in Canada. The person facilitating the sex-education course should be trained in trauma-informed or survivor-informed services and be comfortable in teaching the contents. Instructors must be aware of the individual's emotional condition while dealing with trauma, especially if the victim has intellectual disabilities. They must be able to

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

take anxiety hits and facilitate any accommodation, for example, giving student time off when needed or extending deadlines (Brown et al., 2017).

This course must introduce all members with disabilities to information regarding consent, conducting safe sex, boundaries, disability and LGBTQ2S+, fantasies, access to privacy, etc. (Temple Jones et al., 2022). The sex-education courses or programs must highlight the potential type of assaults and abuse (physical, sexual, emotional, disability-related issues, etc.), empowering individuals to identify and be aware of the challenges they may encounter (Findley et al., 2016). Moreover, the content of the presentations should be informative, as all students have the right to receive accurate information. The objective of the presentation is to present potential harmful scenarios that may be relevant to all, including people with disabilities, provide them with reporting options for sexual violence or counseling services, and offer information on how these services could be tailored to their specific disability and incident. The manner in which the content and format are presented to all students significantly influences their perception and seriousness towards the matter (Chugani et al., 2021). These sex-ed classes must be available in American Sign Language (ASL) for the deaf community (Temple Jones et al., 2022). Offering these courses/programs during the initial period of starting the university fosters interactive communication with students and help reach out to students (Findley et al., 2016). This may pave the path for early intervention to prevent the escalation of trauma and create a supporting environment that encourages students to look out for campus assistance and healing programs.

Abolishment of Ableism and Establishing a Culture of Inclusion

Overcoming the deep-rooted ableism ingrained in the educational system is a challenging but essential step for ensuring inclusivity around campus. It is a steady process

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

that must take place through policy reforms, positive media representation, inclusive practices and norms, and the elimination of other forms of violence, such as racism, sexism, etc. However, every educational institution must take necessary steps to address ableism to educate the young generation and change cultural perceptions. When addressed about accessibility, post-graduate institutions tend to focus on physical requirements such as accessible toilets, wheelchair ramps, etc. However, they must also cater to the needs depending on the impairment of an individual, for example, presenting an interpreter in therapy sessions, circulation of informative pamphlets in Braille, giving attention to cultural differences, etc. (Findley et al., 2016).

The students with disabilities have the same right to information as the other students on the campus. The universities may enrich their sexual violence prevention office's website with more information, which must be accessible to all. The information on how to report sexual violence, what to expect while the complaint proceedings are ongoing, what to do in case of the service is delayed or not helpful, and a list of contact information should be readily available on the university website in eligible fonts size/color for students with disabilities (Richter et al., 2021). It must have dictation for navigation for students with physical disabilities.

It can also include podcasts where guest speakers with the necessary experiences and qualifications can address sexual health issues from the perspective of students with disabilities. These podcasts can be crucial to provide the correct education regarding taboos, fantasies, sexual difficulties, wellness, parenting, victim blaming, reproductive rights, rape culture, the LGBTQ2S+ community, and inclusive relationships. This will not only educate the community as well as reduce the sexual violence on campus against the group.

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

Post-secondary institutions must break the normalization of the ableist attitude by employing more faculties with disabilities and giving them all necessary accommodation for full inclusion. The funding of universities must be spent to adopt better accessibility tools. This may help all members of the campus to give them full access to the campus, for example, captioning software, voice activation technology, computer or phone operating systems, telephone typewriter, volume control telephones, accessible textbooks, etc. (D. Campbell, 2022)

Adopting New Inclusive Preventive Programs, Courses, and Workshops

It is important for universities to reach out to the student through awareness and work consistently to inform the students about the resources and accessibilities that are available to them. Through the research of my practicum, I identified that most universities usually offer different programs and mandatory sexual violence courses at the beginning of the university. This timing of the programs should be constant rather than offered once at the beginning of university life. This will refresh students' memory on many topics like IPV, substance use, healthy and safe relationships, and the resources available to them (Chugani et al., 2021). Universities can interchange the topics while keeping intersectionality and inclusivity in mind while offering these courses several times a year.

At the time of making sexual prevention programs specifically designed for students with disabilities, organizations have to keep gender-specific needs in mind as well as the type of disability (Brown et al., 2017). Chugani et al. (2021), conducted research on disabled students who attend sexual violence prevention programs and explored students' perspectives of these programs, their expectations of the content and effectiveness of such programs. The finding revealed that students desire enhanced accessibility of campus resources and

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

simplified scheduling of counseling services without being stigmatized for utilizing the services through belittlement or doubting their capacity to understand or communicate their encounters accurately. Often, the counselors may use language or phrases that subtly reinforce ableist beliefs due to a lack of understanding.

Therefore, faculty and staff could facilitate discussion groups or workshops each semester to provide a platform for open dialogue and collaboration among faculty and staff members to enhance accommodations and cultivate a safe and inclusive campus through working closely with the counseling center, health services, and advocacy organization. They may help offer people with disabilities who experienced sexual violence workshops to address bystander intervention, healthy relationships, and policy acknowledgment. They can also facilitate female students with disabilities to safely share their experiences and support each other throughout the healing process. However, the faculty and staff must be well-trained to provide trauma-informed services. There must be access to sign-language interpretation, the presence of someone to facilitate communication, the use of plain language, and the option to file reports in braille.

Student-led Organization and Advocacy

Universities must empower students to lead their organizations toward disability rights and inclusion. Students may lead frequently organize small but effective awareness programs and events to advocate inclusivity within the university; for example, Western University has established a student advisory committee that would address accessibility on campus (Rodriguez, 2021). The program's peer support group may arrange gender-based & sexual violence Support drop-in services for students with disabilities, which should be offered as both online and on-campus services. Targeted students must be able to ask

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

questions regarding consent, sex, healthy relations, and types of sexual harassment or assaults. Moreover, support regarding information to report sexual harassment, safe accommodation, and safe mental and physical health will be given by the peer staff. The peer staff must educate themselves in ASL (American Sign Language, Braille, simple language, sexual violence counseling, and trauma support.

Any group of students can create a peer support group within every campus unit with adequate information, or a referral network can uplift the confidence of the students with disabilities to go for disclosure and seek help (Richter et al., 2021). All students could be encouraged to become a defender of human rights and disability rights. This role is inclusive, requiring no specific prerequisites. Anyone who believes in the fundamental principles of human rights and is willing to promote them can become a human rights defender. They should actively participate in making policy reforms and advocate for continuous updates of accessibility. There must be no policy without keeping students with disabilities on the panel and giving them autonomy to better protect disability rights. Nothing about Us, Without Us – is a motto used by Disabled Peoples Organization to promote participation and equalization of the targeted group so that CRPD has been fully established in all settings of the states (United Nations, 2004).

CONCLUSION

Ending sexual violence against disabled students necessitates recognizing the historical presence of systematic discrimination and denying human rights against people with disabilities. The ongoing fight for educational equality and inclusivity has contributed to

Sexual Violence against Students with Disabilities on Campus: A Review of Resources and Accessibilities

increased sexual violence on campus. Therefore, it is imperative for all institutions to actively facilitate all kinds of accommodations and reduction of barriers to minimize any form of gender-based and disability-based violence. The goal of educational equality and access to justice is to give all students, especially those with disabilities to create a platform to share their stories, improve the healing process, and seamlessly reintegrate into their student life. Funds from post-secondary organizations and governmental institutions must be allocated to build programs, and support drop-in services to raise awareness among the group and have far-reaching effects on gender-based and disability-based violence.

Little research has been published regarding the need for accessibility in preventing sexual violence against students with disabilities. Consequently, detailed research papers on Canadian universities, their sexual violence prevention policies, and evaluation of successful resolution of disputes regarding this matter have been a crying need to impact the general people and raise awareness. Although few recommendations have been provided in this paper, however, future researchers may also focus on quality assessment of programs and services offered by Canadian institutions for students with disabilities while taking intersectionality into account and may include interviews of the students undertaking the programs to establish best practices. Disability rights are human rights for all. Inadequate and improper accessibility affects everyone, rendering all individuals to some extent maybe “disabled” in their ability to engage and enjoy their rights fully.

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