

SWAT: Sexual negotiation

The pill remains to be the most popular form of contraception among those who are sexually active. It allows individuals to engage in sexual activity freely with very minimal threat of pregnancy and does not require negotiation between partners. The pill continues to be promoted as the most effective contraceptive device, although variables which inhibit the effectivity of the pill, such as stress, nausea, diarrhea, regularity of taking the pill, and alcohol consumption, are commonly underestimated. Moreover, 40% of women on the pill have side effects. Women who smoke and have a family history of heart disease or stroke are at increased risk of suffering serious side effects and should consider another form of contraception. Our preoccupation with unwanted pregnancies has caused us to neglect the reality of sexually transmitted diseases. But with the advent of AIDS, safer sex has become a real issue. Whether or not a woman chooses to use the pill, a couple still needs to protect themselves from transmission of a sexually transmitted disease, by using a condom.

Aware of the many benefits of condoms, it may seem logical to some individuals that condom use become an integral part of sexual expression. But deciding to use or not to use a condom is often not based on a rational discussion of the risks of unprotected sex. Numerous studies indicate that although most university students have a high level of knowledge around AIDS many are still not practising safer sex. For instance, a sample of UNB students correctly answered 82% of questions on an AIDS Knowledge Test, yet only 18% reported using condoms every time they engaged in sexual intercourse.

Stigma attached to condoms makes individuals uncomfortable about discussing condom use. As portrayed in the movies, sexual intercourse and coming to climax involves losing control in the heat of passion. Using a condom requires planning and thus symbolized control and an inhibition of spontaneity.

A strong component of condom use is communication. A recent UNB study indicates that 60% of students never initiate discussions on AIDS and safer sex with a sexual partner, and 68% have never suggested using a condom. Since society dictates that the male be the initiator and the female the passive partner the decision to use a condom may be especially difficult for women, who must rely on their partners to comply. This inequality between the sexes often leaves women feeling powerless about choosing safer sex. As well women have been told that if they carry their own condoms others will think that they are sexually experienced, easy, and lack lady like qualities. So it is easy to see how women, who often have to take their reputation into consideration, may find it very embarrassing talking about condoms, let alone buying condoms, carrying them in their purse, and above all, asking their partner to wear one. Consequently many women jeopardize their own safety, believing that if they refuse to have sexual intercourse without a condom they will lose their partner.

For those who are not sure how to bring up the topic of safer sex with their partner, the best advice is to be open with your partner about sex from the beginning of your relationship. Bring up the topic of using a condom well before anything gets too heated and resolve any differences before consenting to have sex. Remember that if you respect yourself and act assertively with your partner you will be in a better position to insist on practising safer sex.

For more information about sexual negotiation or other related topics please call Grace Getty at the AIDS Resource Room in MacGlagger Hall (453-4642).

Legal Ease: Drugs and the law

Bill is probably an average university student. He is not a saint - but he doesn't remind you of a guest "villain" from Miami Vice either. Bill doesn't use drugs often - but he has used them in the past. Tonight it is a Friday night, and Bill is going to a party at Steve's.

Bill arrives with a flat of beer and has a good time. It's a dead party until around 11 o'clock when more people begin to show up. Bill is sharing a beer with Steve when Steve suggests it is time to break out the last of a gram of hash he'd been saving for a special occasion. Bill accepts, and twenty minutes later Bill and Steve smoke it all.

"That was not enough", Steve sighs.

"Nope", Bill agrees. "But Brian is downstairs and he always has hash. I've got money. Let's see if he has any he'll part with."

Steve accepts the proposal and both he and Bill head downstairs to find Brian. Brian would like to help them out - but he doesn't have any to give or to sell.

"I know this guy in Res though," Brian told them. "He usually has an ounce or two to sell."

"Great, Steve replies. "What's his name? Where can we find him?"

"No, he wouldn't trust you if he doesn't know you. I'll go over and get it. Wouldn't mind some myself." With that Brian put his jacket on and went to buy the drugs for himself and his friends.

So what's the big deal here?

Everyone recognizes that possession of a quantity of a drug is a crime. Under the Narcotics Control Act, it is an offense to knowingly have custody or control of an illegal substance. Steve is certainly guilty of the offense of possession.

However, because Steve shared the joint with Bill, Bill is also considered to be in possession of the drug. Anyone may be considered, for legal purposes, to be in possession of a drug if he is with others who possess a drug, and he has knowledge of this and consents to it. Consent implies an actual overt act of approval to the possession. A guest downstairs who simply knows that Bill and Steve are upstairs smoking a joint has not consented to the possession. The same guest would have consented if he had known that they were smoking the joint in her car, because her car is a space over which she has control.

Lastly, Bill, Steve, and Brian are all open to a charge of possession the moment Brian takes possession of the drugs that Brian went to purchase.

Possession is an offense that is either summary or indictable at the Crown's discretion. A summary conviction can lead to a maximum \$1,000 fine or up to six months in jail. If the Crown chooses to prosecute by way of an indictable offense, the maximum penalty is seven years in prison. In practice, such factors as the quantity of the drug, its nature (heroin or crack vs marijuana) and prior convictions of the accused will influence the Crown's decision to proceed via indictable or summary conviction.

While possession can lead to a serious penalty, trafficking in drugs is one of the most serious offences in Canada. While many people believe that trafficking only means selling drugs, it also includes such acts as manufacturing, giving, delivering or transporting drugs.

It is therefore possible for Steve to be found guilty of trafficking just by sharing a joint with Bill. While it is unlikely that the Crown would proceed with this charge, you should realize that it can choose to do so at its sole discretion.

The transport and delivering of drugs is also trafficking, and so Brian is open to this charge as well. It does not matter if Brian actually picks up a lump of shoe polish and delivers it to Steve and Bill. If Brian represents the shoe polish as hash, then it is trafficking. Bill as the receiver or the purchaser is not generally open to a charge of trafficking.

You should note that a conviction for trafficking almost always results in a jail term. The maximum sentence for trafficking in Canada is the harshest sentence that Canadian law can impose - life imprisonment.

Other Offences

Importing and Exporting: Transporting a drug across the Canadian border or arranging to have drugs moved across the border can lead to a charge of importing and exporting. This charge always results in a minimum of seven years in prison upon conviction. The quantity does not matter; a single joint in your suitcase will get you seven years in prison.

Cultivating: To knowingly grow marijuana or opium plants is an offense, punishable by up to seven years in prison. The cultivation of the plant may also lead to a charge of trafficking.

This column is intended to be used as a guide only. It is not meant to be a replacement for professional legal advice. If you require any additional information or legal counselling, please contact a lawyer.

A "Funsie" column *Continued from page 12*

gathering was preponderance of available safe drivers to ferry the attendees (of which there were many) to prudent asylum. It would be too bad if there weren't such thoughtful people whose help with such events is as meaningful as those who attend.

So what if I try to write "nice stuff" about UNB, Fredericton, people, dogs, cats, large horses, good vegetables, sports, great new flavours of ice cream, and whatever. Try to forget being so sarcastic. I want your help. The reader(s), if there is one (or more). If there's something nice, let me know. Drop a note to:

D.J. Eckenrode
c/o THE BRUNZ
SUB
UNB

I'm sure the nice folks over at the BRUNZ will pass them on to me.

The Brunswickan will be publishing a Woman's Supplement on February 28, 1991. The supplement is being done in celebration of International Woman's Day. We are soliciting articles, columns, and artistic work from the student body for this supplement. For more information please contact the Editor-in-Chief at 453-4983.