



St. Thomas
UNIVERSITY

Policy on Sexual Violence

February 2019

Policy on Sexual Violence

Approval Authority	Vice-President (Academic and Research)
Implementation Authority	Director of Student Services and Residence Life
Effective Date	September 2015
Latest Revision	February 2019 To maintain the policy’s currency and relevance, the content will be re-visited and updated every three years or when relevant social, resource or legal changes otherwise warrant any updates.
Next Review	November 2021

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General

1. Scope

This policy confirms St. Thomas University's position on sexual violence, and the protocols to be followed in the case of a disclosure or complaint involving a student. The University reserves the right to take necessary and appropriate action to protect the safety and welfare of the campus community and the learning environment. This may include taking necessary and appropriate action in cases where a student is accused of serious conduct, and there is a clear nexus to the campus community regardless of where the conduct occurred or is alleged to have occurred.

2. Policy Statement

Sexual violence is unacceptable and will not be tolerated by St. Thomas University. Students who come forward with a disclosure of having experienced sexual violence will be respected in their choices as to how to proceed. Students will be entitled to decide whether they wish to access available services, which services they believe will be most beneficial, and whether or not to report to police or campus authorities. Furthermore, the University will engage in education and prevention activities, including specialized training of relevant campus leaders.

Individuals within the University community who are confirmed to have committed an act of sexual violence will be held accountable by the University and will be subject to disciplinary action up to and including expulsion. Determination of any applicable disciplinary action to be exercised where students are accused of committing acts of sexual violence shall be administered in accordance with the Policy on Student Non-Academic Misconduct.

3. Objectives of the Policy

St. Thomas University is committed to providing a safe and supportive community for all students. The Policy on Sexual Violence has the following objectives:

- to foster a safe community for all students;
- to take reasonable steps to mitigate the safety risk to students within the University community;
- to provide appropriate assistance and support to students who are impacted by sexual violence;
- to provide procedural guidelines for responding to reports of sexual violence;
- to facilitate collaboration between relevant University departments and services, and invoke all relevant and existing policies to respond effectively to cases of sexual violence involving students; and
- to respond with appropriate sanctions against perpetrators within the University community.

4. Prevention and Education

St. Thomas University recognizes that our campus currently exists within a larger societal

context of rape culture, and as such is committed to ensuring that education and awareness of sexual violence are embedded into the knowledge framework of the University. Similarly, St. Thomas University will ensure that information about services available on campus to support those affected by sexual violence is well communicated. The University recognizes that the STUSU plays an important role in prevention and education work.

St. Thomas University will establish a Sexual Violence Prevention and Education Working Group. The Working Group will be guided by the Fredericton Sexual Assault Centre (FSAC) campus strategy.

Prevention and education activities will include, but are not limited to:

- engaging new students through Welcome Week activities designed to communicate the expectations of our campus community and introduce relevant policies, reporting procedures, and support services available;
- training student leaders (Welcome Week Leaders, STUSU Executives, Residence Assistants, House Committee Members, etc.) in bystander intervention strategies;
- providing specialized sexual assault crisis intervention training to key persons who may be the most likely to receive disclosures of sexual violence;
- ensuring trauma informed training for those members of the campus community who will be managing processes related to sexual violence;
- offering bystander intervention training to the broader campus community including staff, faculty and students;
- leveraging print and social media campaigns to increase public education about consent, resources and supports available to those affected by sexual violence;
- engage students in community-based anti-violence and awareness events (i.e. Take Back the Night, White Ribbon Campaign, Walk a Mile in Her Shoes); and
- collaborating with community services (i.e. FSAC, VOICES, C-SART, etc.) to develop and deliver comprehensive and integrated prevention and education programming.

5. Definitions

Coercion: Using manipulation tactics including threats, bribes, guilt, etc. to persuade another person to engage in sexual activity.

Complaint: A formal report that is made to authorities, such as the Director of Student Services and Residence Life, police or UNB Campus Security (different from disclosure).

Consent: the voluntary agreement to engage in sexual activity. To qualify as “consent”, an individual must actively, willingly, and continuously give agreement to all sexual activity. Simply stated, sexual activity without consent is sexual assault. Consent is never assumed or implied; it is not silence or the absence of “no”. Consent cannot be given by a person who is impaired by alcohol or drugs, or is unconscious. Consent can never be obtained through threats or coercion, and it can be revoked at any time. Consent cannot be obtained if the perpetrator has a position of trust, power, or authority.

Disclosure: For the purposes of this document, a disclosure involves a student choosing to tell anyone about their experience of sexual violence (different from complaint).

Rape Culture: an environment in which sexual violence against women is normalized and

excused in the media and popular culture. Rape culture is perpetuated through such things as the use of misogynistic language, the objectification of women's bodies, and the glamorization of sexual violence, thereby creating a society that disregards women's rights and safety. Rape culture includes jokes, TV, music, advertising, legal jargon, laws, words, and imagery that make violence against women and sexual coercion seem so normal that people believe that rape is inevitable. It promotes victim blaming through prevention efforts of 'don't get raped' vs. 'don't rape.'

Sexual Violence: means any unwanted act, physical, verbal, or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual assault, sexual abuse, sexual harassment, stalking, indecent or sexualized exposure, degrading sexual imagery, voyeurism, cyber harassment, trafficking and sexual exploitation. Neither formal criminal charges nor a human rights complaint is necessary for this definition to operate for the purposes of this Policy. For greater certainty, sexual violence can include, but is not limited to:

- **Sexual assault:** any type of unwanted sexual act committed by an individual against another. Sexual assault is characterized by a broad range of sexual behaviours that involve the use of force, threats, or control towards a person. It is carried out in circumstances in which the person has not freely consented or is incapable of consenting to the act.
- **Substance-facilitated sexual assault:** refers to the use of alcohol and/or drugs to intentionally sedate or incapacitate another individual for the purpose of committing a sexual assault.
- **Sexual harassment:** Sexual harassment is defined in the Human Rights Act of New Brunswick and under this Policy as: to "engage in vexatious comment or conduct of a sexual nature that is known or ought to be reasonably known to be unwelcome." Sexual harassment often occurs in environments in which sexist or homophobic jokes and materials have been allowed, and may involve the use of social media to bring unwanted attention.
- **Sexual Cyber harassment/cyber stalking:** Often used interchangeably, cyber harassment and cyber stalking are defined as repeated, unsolicited, threatening behaviour of a sexual nature by a person or group using cell phone or internet technology to bully, harass, and intimidate others. Such harassment can take place in any electronic environment where communication with others is possible, such as on social networking sites, on message boards, in chat rooms, through text messages, through email, etc.

Student: for the purposes of this Policy, means an individual who is registered in a course or course of study at St. Thomas University or who was so registered at the time an incident of sexual violence is alleged to have occurred.

Trauma Informed: realizes the widespread impacts of trauma; recognizes the signs and symptoms of trauma; responds by fully integrating knowledge about trauma into policies, procedures, and practices; and seeks to actively avoid re-traumatization.

6. Confidentiality

"Confidentiality" means to refrain from disclosing personal information to others. Every effort will be made to respect the wishes of persons experiencing sexual violence and to protect the privacy and anonymity of any person who discloses an incident of sexual violence. Prior to

disclosure of information reported relating to incidents of sexual violence, the expressed consent of the individual who made the report of sexual violence will be required, except in circumstances where *limits to confidentiality*, as set out below, are applicable.

Limits to Confidentiality: The following circumstances may require the University, represented by the Vice-President (Academic and Research) or his/her designate, to take immediate action in relation to a disclosure of Sexual Violence; including, but not limited to the University directly contacting law enforcement authorities:

- a student is at imminent risk of severe or life-threatening self-harm;
- a student is at imminent risk of harming another person; and
- there are reasonable grounds to believe that others in the University community may be at significant risk of harm based on the information provided.

The University has a responsibility to balance the wishes of the person who has disclosed an experience of sexual violence with the obligation to protect the wider university community.

7. Rights of Those Who Have Experienced Sexual Violence

People who disclose or report an experience of sexual violence have the following rights:

- to have their confidentiality protected;
- to be treated with dignity and respect;
- to be informed about on- and off-campus services and resources;
- to be informed about the procedures in place to address sexual violence and reporting options;
- to decide whether or not to access available services and to choose those services they believe will be most beneficial;
- to make an informed decision regarding whether to report the incident to campus authorities and/or local police;
- to have an on-campus investigation with the University's full cooperation;
- to have a plan to protect their safety; and
- to have reasonable and necessary actions taken to prevent further unwanted contact with the accused.

Responding to Sexual Violence

8. Campus Sexual Assault Support Advocate (CSASA)

The Campus Sexual Assault Support Advocate is a trained expert staff member of the Fredericton Sexual Assault Centre, who works on campus. They are the recommended first point of contact on campus for all disclosures or for those seeking support. The CSASA is both a trained sexual violence counsellor and an advocate who can provide students with information about their options, and where appropriate, guide them through whatever processes or support they choose. In crisis situations, a referral, if desired by the student who experienced Sexual

Violence, can be made to the Fredericton Sexual Assault Centre (FSAC). Their members will be able to accompany the student to the hospital for medical care and/or to the police to make a report.

- Campus Sexual Assault Support Advocate: 506-453-4530 or csasa@bellaliant.com
- Fredericton Sexual Assault Centre crisis line: 506-454-0437 (Give this referral to the student)

9. Safety

A student who has experienced sexual violence may require immediate assistance to ensure their safety. Members of the campus community should be prepared to assist (where appropriate) in the provision of responses that help ensure safety for the student. These may include, but are not limited to:

- helping the individual who has experienced sexual violence to access emergency medical care;
- assisting the individual who has experienced sexual violence to find safe housing, which may involve moving residences, etc.;
- assisting the individual who has experienced sexual violence to contact police or campus security for issues related to immediate personal security, seeking trespass or no-contact orders, etc.; and
- assisting the individual who has experienced sexual violence to find safe housing, which may involve moving residences, etc.

10. Support

A student who has experienced sexual violence may choose to confide in any member of the community. Members of the campus community should be prepared to provide a compassionate and reassuring response. A supportive response involves:

- listening with acceptance and without judgment;
- communicating to an individual who has experienced sexual violence that they are not responsible for its occurrence;
- helping the individual who has experienced sexual violence to identify and access available on- or off-campus services, including emergency medical care;
- respecting the right of the individual who has experienced sexual violence to choose the services they feel are most appropriate and for them to independently decide whether to report to police or campus authorities;
- respecting the individual's choice as to what and how much to disclose about their experience; and
- making every effort to respect confidentiality and anonymity.

11. Formal Reporting, Complaints, and Informal Measures

A student who has experienced sexual violence may choose to file a formal complaint, report about the incident, or seek informal measures to assist in their personal or academic life. When choosing any of the following procedures, the CSASA will be able to provide support and guidance throughout the processes. The various options available include:

- Reporting to Police: Sexual Assault is a criminal offence, and students are free to report incidents to the Fredericton Police or RCMP. The CSASA can assist students in filing police reports, and guide them through that process.
- Filing a complaint at STU:
 - for complaints against students, the University's formal process is the Policy on Student Non-Academic Misconduct.
 - Procedures for complaints against faculty or staff are found in the Harassment and Discrimination Policy. The Director of Human Resources can be contacted for further information.
- Informal Measures: students who have experienced sexual violence may prefer not to pursue formal complaint processes, but still seek accommodations on campus. These measures aim to support the person who has experienced sexual violence and not to investigate or determine guilt of a respondent. Working with the CSASA, various informal measures may include moving residence rooms or to a different building, switching course sections, deferring exams, or other academic accommodations.
- If the student believes that the alleged perpetrator is not a member of the STU community, students may still file a report with the University, which can lead to a trespass order for the alleged perpetrator in order to ensure campus is a safe environment.
- Civil action (lawsuit) external to the University: students may pursue a civil action against an alleged perpetrator. The CSASA can advise on this option, but a student choosing this option should also consult with legal counsel.

12. Policy Review

This *Policy on Sexual Violence* is consistent with current best practices across Canada. To maintain the policy's currency and relevance, the content will be re-visited and updated every three years or when relevant social, resource, or legal changes otherwise warrant any updates.

For more information, contact the Director of Student Services and Residence Life at 506-453-7202, visit at GMH 312 or e-mail at director.studentlife@stu.ca

13. Acknowledgements

We wish to acknowledge and express our gratitude to the Fredericton Sexual Assault Centre (FSAC), whose efforts have significantly influenced the development and content of our policies and procedures. In 2013, FSAC initiated the *Ending Sexual Violence on Campus* project, funded by Status of Women Canada. The project advisory committee included stakeholders from FSAC, St. Thomas University, and the University of New Brunswick Fredericton. A key achievement of this project involved the development of the booklet, *Ending Sexual Violence on Campus: A toolkit to implementing a safer campus community in Fredericton, New Brunswick (2014)*. The material within this toolkit was foundational to the development of this policy.

14. Response Flowchart

1: SAFETY

Step 1: Contact UNB Security (452-4830) or police (911) if immediate personal security is uncertain, or to seek trespass or no-contact order.

Step 2: Seek medical care if health may be of concern. Go to the Emergency Room at the Chalmers Hospital. Campus Security can provide transport to and from the hospital (452-4830).

Step 3: A volunteer from the Fredericton Sexual Assault Centre (454-0437) will be available at the hospital for advocacy and support.

Step 4: A Sexual Assault Evidence Collection Kit can be done at the hospital. Police will be notified only if/when the survivor decides they want their evidence used in a police report and investigation. This evidence will be housed at the hospital for 6 months while the survivor considers their options. People with vaginas can have evidence collected for up to 14 days after an assault occurs and individuals with penises have up to 5 days.

2: SUPPORT

Access on or off-campus services:

On-Campus

- Campus Sexual Assault Support Advocate (453-4530) csasa@bellaliant.com
- STU Counselling Services (3rd floor of George Martin Hall, 453-7213)
- Campus Security (453-4830)
- Safe Walk Program (470-8304)
- Safe Ride Program (saferide@unb.ca)
- Counselling Services (C.C. Jones Student Services)

Off-Campus

- Fredericton Sexual Assault Centre (FSAC) (454-0437 www.fsacc.ca)
- UNB Health Services (453-4837 www.unb.ca/fredericton/studentservices/health-wellness/health-centre/)

3: REPORTING AND FILING A COMPLAINT

See the Policy on Non-Academic Misconduct for information about how to submit a complaint to the University, or visit the Student Services and Residence Life office on the 3rd Floor of George Martin Hall. (www.stu.ca/student_policies/)