

St. Thomas University recognizes its obligation to provide and maintain an environment that fosters the growth and development of the intellect, character, and self-esteem of all those with whom it comes in contact. It is assumed that all people of good faith will subscribe to such aims and will guide their own behaviour in ways that will permit these ends to be achieved. The freedom that is an integral part of the University environment carries with it the concomitant duty and responsibility to behave in a manner that respects the rights and autonomy of others.

A. Policy on Sexual Violence

POLICY FRAMEWORK

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 from any student, for any incident occurring on or off campus by a member of the University community. 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.

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

POLICY STATEMENT

Sexual violence is unacceptable and will not be tolerated by St. Thomas University. The University's formal procedure for responding to incidents of sexual violence is articulated in this Policy. 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 public 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 or termination. 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.

PURPOSE

St. Thomas University is committed to providing a safe and supportive community for all students. The Policy on Sexual Violence is intended to provide a unified approach to primarily prevent and, where it occurs, to address incidents of sexual violence. Its purpose is to:

- foster a safe community for all students;
- ensure that any student who has experienced sexual violence is supported in a fair and respectful manner; and
- ensure that incidents of sexual violence are responded to appropriately in a timely manner.

PREVENTION AND EDUCATION

St. Thomas University is committed to ensuring education and awareness of sexual violence is 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.

Best practices in sexual violence prevention and education indicate that successful education and awareness efforts:

- are peer-led;
- leverage social media;
- include interactive activities;
- involve many members of the campus community (including faculty, staff, students, and administration); and
- are tailored for specific groups.

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;
- 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.

St. Thomas University will establish a Sexual Violence Prevention and Education Working Group which will be affiliated with the Harassment and Discrimination Education Committee. The Working Group will be guided by the work done by FSAC presented within the Ending Sexual Violence on Campus: A toolkit to implementing a safer campus community in Fredericton, New Brunswick (2014).

OBJECTIVES OF THE POLICY

The University's response to incidents of sexual violence has the following objectives:

- 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 effectively respond to cases of sexual violence involving students; and
- to respond with appropriate sanctions against perpetrators within the University community.

RESPONDING TO SEXUAL VIOLENCE

DEFINITIONS

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 a 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: means any type of unwanted sexual act committed by an individual against another that violates the sexual integrity of the individual to whom it is directed. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, and/or threatened. It is carried out in circumstances in which the person has not freely agreed, 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 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 about this 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 with the intent 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.

Consent: The Criminal Code of Canada defines consent as the voluntary agreement to en-

gage in sexual activity. An individual must actively, willingly and continuously give consent 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.

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

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).

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).

RIGHTS OF THOSE WHO HAVE EXPERIENCED SEXUAL VIOLENCE

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

- to have 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.

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 any incident of sexual violence. Prior to disclosure of any 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;

- 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.

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 to independently determine and 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.

For more information on how to respond to a sexual violence complaint, please see ***Sexual Violence Response Protocol***. For details regarding the process of making a formal complaint, hearing procedures and potential sanctions, please see the ***Policy on Non-Academic Misconduct Policy***.

CAMPUS SEXUAL ASSAULT RESPONSE TEAM (C-SART)

The C-SART team can help the individual access services and support on campus related to residence and academic help, reporting the incident of Sexual Violence, counselling and health services and more. In crisis situations, a referral, if desired by the student who experienced Sexual Violence, can be made to the Fredericton Sexual Assault Centre (FSAC). FSAC members will be able to accompany the student to the hospital for medical care, and/or to the police to make a report.

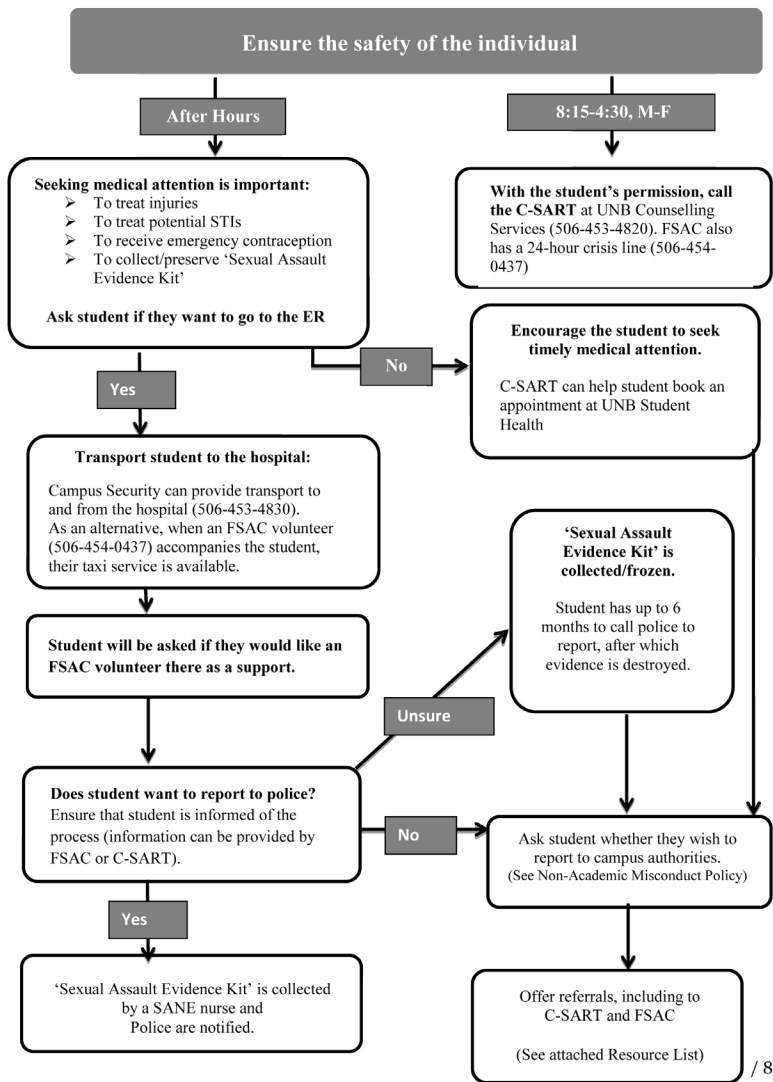
- FSAC crisis line: 506-454-0437 (Give this referral to the student)
- C-SART: accessed through UNB Counselling Services at 506-453-4820 (To be contacted as service referral during office hours.)

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.

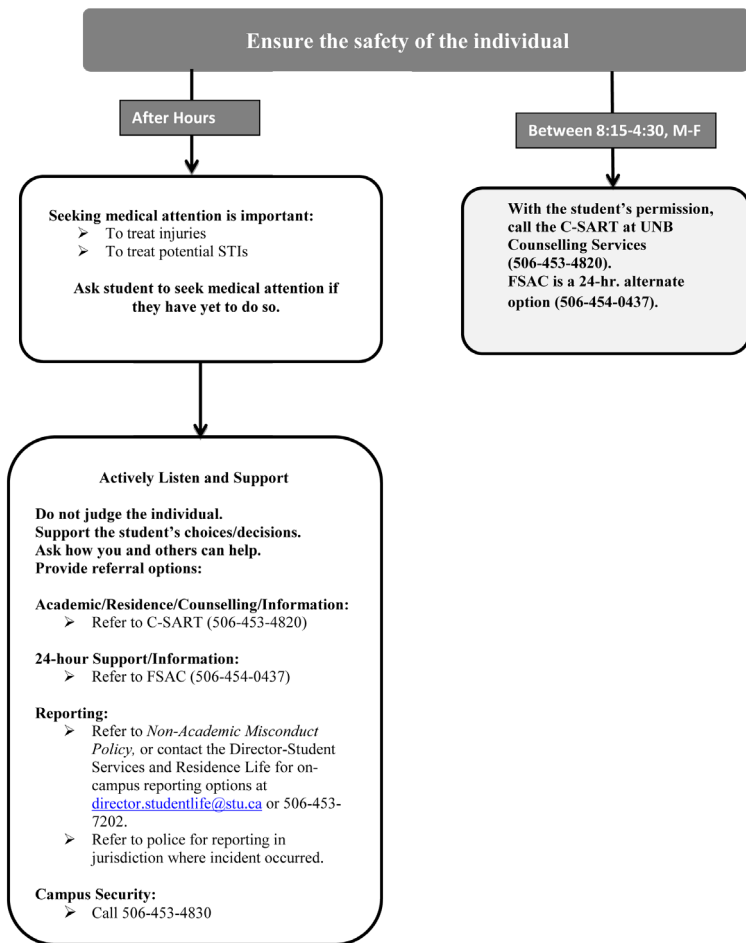
For more information, contact the Director of Student Services and Residence Life at 506-453-7202, visit at GMH 312 or e-mail at director.studentlife@stu.ca.

RESPONSE FLOW CHART - SEXUAL ASSAULT WITHIN 72 HOURS



/ 8

RESPONSE FLOW CHART - SEXUAL ASSAULT AFTER 72 HOURS



B. Policy on University Property

The property of St. Thomas University has been acquired and erected for academic purposes and is specifically devoted to education and research. The Board of Governors of St. Thomas University is entrusted by law with the responsibility for ensuring the success of these ends.

To protect the property of St. Thomas University and to assist the Board of Governors in its role as trustee, it shall be deemed, and the Board assumes, that each of the following is a breach of university regulations and is ground for consideration of suspension or expulsion:

1. Unauthorized use or occupation of any part of the property of the University.
2. Prevention of access to any part of the property of the University by any person not so authorized.
3. Interruption by any unauthorized person of any authorized activity, service, or event on the property of the University.
4. Violence or threat of violence to any person.
5. Prevention of movement on the property of the University by any unauthorized person.
6. Damage or destruction of any part of the property of the University.

C. Policy on Harassment and Discrimination

Harassment and discrimination are violations of acceptable standards of conduct at St. Thomas University and are subject to disciplinary measures.

The intention of the policy is twofold: (A) to provide a means to resolve specific incidents of harassment and/or discrimination, and (B) to provide an educational tool for increasing awareness of and sensitivity to the negative impact of harassment and/or discrimination.

Complaints alleging a violation of this policy may be filed with a Complaint Officer. Upon receipt of an informal complaint of harassment and/or discrimination, the Complaint Officer shall discuss the situation with the parties involved and try to reach a mutually agreeable solution.

In the event a formal complaint of harassment and/or discrimination is lodged with a Complaint Officer, an investigation will be conducted and a report submitted to the President. This report will contain recommendations for action (from warnings up to and including dismissal or expulsion). The President will then impose whatever disciplinary sanctions are considered to be warranted in the circumstances. (A copy of the Harassment and Discrimination Policy is available at www.stu.ca).

D. Policy with Respect to AIDS

The University's policy with respect to AIDS (acquired immunodeficiency syndrome) includes the following general provisions:

1. All members of the University community have a responsibility to avoid the risk of HIV (human immunodeficiency virus) infection and transmission. All who consider it likely that they have been exposed to such infection are urged to seek medical

- advice concerning their condition.
2. The University will not discriminate against any member of the University community on the grounds of HIV infection. The identity of any person in the University community with HIV infection will be held in strict confidence.
 3. The University will provide education and appropriate information on AIDS and related diseases to students and others in the University community. The University has an advisory committee on AIDS policy.

E. Student Accessibility Services Policy

From our Mission...

We are united in the belief that women and men of divergent backgrounds and abilities should have an opportunity to learn and practice critical thought and to realize their intellectual potential in an academic setting that is both responsive and stimulating. We believe that learning engages the whole person; we seek to provide an environment conducive to enriching student life.

...To Our Commitment

St. Thomas University is committed to creating an equitable environment by ensuring that all members of our community have access to the full range of university life. This means supporting students with disabilities in their full participation in the educational, social and cultural life of our university. Sharing responsibility with each student for their success, our accessibility program is consistent with our academic standards as we strive to make reasonable and appropriate accommodations to allow students to enjoy the benefits of higher education.

'Disabilities' shall be defined as those conditions so designated under the New Brunswick Human Rights act and will include physical, medical, learning, and psychiatric disabilities.

1) Mission Statement of Student Accessibility Services (SAS)

St. Thomas University is mandated by law and the aspirations of our community to provide an educational environment that:

- demonstrates professionalism and academic integrity
- values diversity
- respects learning

2) Introduction and Guiding Policies

This policy has been written in accordance with the *Canadian Charter of Rights and Freedoms* (1982) and the *New Brunswick Human Rights Code* (1992)

Canadian Charter of Rights and Freedoms (1982), Section 15 (1)

Section 15 (1) Guarantee of Rights and Freedoms

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

15(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are

disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

New Brunswick Human Rights Code (1992), Section 5 (1)

5(1) No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall

- (a) deny to any person or class of persons any accommodation, services or facilities available to the public, or
- (b) discriminate against any person or class of persons with respect to any accommodation, services or facilities available to the public, because of race, color, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, social condition, political belief or activity.

3) Accessing Accommodations through Disability Services

Students with documented disabilities that interfere with their ability to participate in and benefit from the University's educational services may obtain assistance from Student Accessibility Services.

3.1) Documented Disabilities

Disabilities must be supported by documentation no older than 5 years, from a licensed health or mental health professional that is deemed qualified to diagnose the disability.

Prior to receiving assistance, students must provide documentation that:

- validates a disability
- outlines the student's cognitive and/or physical restrictions
- recommendations for appropriate accommodations

Documentation and identification may come from a variety of licensed health professionals including:

- Physicians
- Medical specialists
- Psychologists
- Psychiatrists
- Speech/language pathologists
- Audiologists

3.2) i-Reasonable and Appropriate Accommodations

The purpose of academic accommodations is to reduce the barriers to education.

Accommodations do not modify the University's academic standards, nor do they alter the core requirements of the program.

The accommodation process is a shared responsibility that requires the student and the Coordinator of Accessibility Services to work together to reach appropriate and reasonable accommodations. When determining the suitability of an accommodation, the following factors are taken into account:

- is the accommodation related to the disability?
- does the student require the accommodation to participate in education at the university?
- can the accommodation be provided without undue hardship?

Accessibility Services cannot guarantee accommodations to students who make requests after the deadlines stated in the procedural manual for Student Accessibility Services.¹

3.2) *ii-Temporary Accommodations*

Students may register with Student Accessibility Services to receive accommodations for a temporary disability. Documentation supporting the need for temporary accommodations must come from a licensed health or mental health professional and include information pertaining to the duration of the disability. Students requiring temporary accommodations will be required to return to the SAS each semester to provide updated documentation and to have their accommodations reviewed and reinstated.

3.3) *Accommodations Agreements*

3.3)i Students and professors shall wherever possible agree to the appropriate accommodations.

3.3)ii In cases where the instructor and the student cannot agree about the provision of accommodations, the instructor shall meet and discuss the recommended accommodations with an advisor from Student Accessibility Services. If they are unable to reach an agreement, the Dean of the Faculty shall be consulted.

3.3)iii Students receiving academic accommodations are required to follow all procedures as contained in the SAS procedural manual.¹

3.4) *Disclosure/Non-Disclosure of Disability*

The University has no responsibility to provide accommodations for students who do not disclose their disabilities to Student Accessibility Services. Students who disclose their disability after the stated deadlines of University Policy may not claim retroactive accommodations.

3.5) *Confidentiality*

All agents involved at St. Thomas University (i.e. faculty, staff, students as well as students employed as tutors and/or note takers) must treat all information pertaining to a student as confidential. The exceptions to this policy are:

- when an individual becomes aware of current children at risk of abuse
- when an individual clearly presents danger to self or others
- when we are subpoenaed for records or testimony by the courts

If a breach of confidentiality occurs then the individual is subject to disciplinary action.

Consent Forms

Consent forms must be signed by the students to disclose any information to any University staff and/or outside parties (such as family members or other individuals). Consent forms are available at Student Accessibility Services.

¹Please contact Student Accessibility Services regarding the manual.

F. Policy on Release of Information About Students

The University has adopted a detailed policy on the collection, maintenance, and security of the information contained in the individual student's records. The general principle underlying the policy is that the student has a right to privacy and the release of information about the student is guided by the University's respect for the welfare and privacy of the student.

The various data items on the student record have been classified under three general categories for disclosure: (a) confidential, (b) restricted, (c) public.

The student may apply to the Registrar's Office for the following:

1. a detailed policy statement on the breakdown of the various data elements in each of the categories and the conditions governing the release of academic information;
2. procedures for the student to request inspection of the data held on the personal student record;
3. procedures for the student to petition that public or restricted data be classified as confidential and thereby not released without the student's explicit consent;
4. an interpretation of the implementation of any aspect of the policy concerning the release of student information.

I. Confidentiality, Security, and Control of Student Academic Records

Definition: The student academic record is the official academic record of the student used for admission to the University and the academic performance while at St. Thomas University. This record includes all information however recorded or stored, whether in printed form, on film or on a computerized database, which constitutes a record of the student's admission and academic standing. The academic records are the property of the University. The Registrar's Office shall retain custody of the academic records and shall be responsible for their security and maintenance. For purposes of this policy, data items on the student academic record have been classified under three general categories for disclosure:

1. confidential, 2. restricted, 3. public.

The University does retain the right to publish aggregate student data.

1. Confidential

Except as provided in this policy, a student's academic record is confidential and privileged information and is not released to any third party without the explicit consent of the student concerned being first obtained. In general, such information may be inspected by the student by application to the Registrar's Office. The student has the opportunity to correct or comment on the accuracy of any information therein. The student's access would be restricted in cases such as letters of reference which have been submitted in confidence. The referees, however, would be identified.

2. Restricted Information

Some information may be required by and shall be provided to various internal or external institutional offices or service offices. The federated campus library system, for example, requires access to the student's registration status, addresses, and phone numbers. Normally, this access would be limited to specific information screens on the computerized student information system of St. Thomas University. The Registrar's Office would authorize the access and monitor use of the restricted information, without the authorization of the student.

3. Public Information

This information may be released without authorization of the student. Such public items would include: whether or not a student is registered at St. Thomas; full or part-time status; program; year of study; whether or not a student has graduated and with what credential. In exceptional cases, the student may petition the Registrar's Office to restrict or deny access to these public information items.

II. Internal Access

Faculty members and members of staff of the University have access to the student's academic record as may be required in the legitimate performance of their duties as determined by the Registrar on the understanding that such information shall not be released to others. All persons with access to the student record are required to respect confidential information about students which they acquire in the course of their work. Professors would not normally have access to the student's complete transcript without permission.

III. Student Transcripts

Students have the right to obtain unofficial copies of their transcript of marks from St. Thomas University. Proper request forms and any required fees must accompany the request to send an official copy of the transcript to another institution or employer. Diplomas, final grades, unofficial, and official transcripts will be withheld for students and former students who have not cleared their financial obligations to the University.

IV. Notification of Disclosure of Personal Information to Statistics Canada and the Maritime Provinces Higher Education Commission

Statistics Canada

Statistics Canada is the national statistical agency. As such, Statistics Canada carries out hundreds of surveys each year on a wide range of matters, including education.

It is essential to be able to follow students across time and institutions to understand, for example, the factors affecting enrolment demand at postsecondary institutions. The increased emphasis on accountability for public investment means that it is also important to understand 'outcomes'. In order to conduct such studies, Statistics Canada asks all colleges and universities to provide data on students and graduates. Institutions collect and provide to Statistics Canada, student identification information (student's name, student ID number, Social Insurance Number), student contact information (address and telephone number), student demographic characteristics, enrolment information, previous education, and labour force activity.

The federal Statistics Act provides the legal authority for Statistics Canada to obtain access to personal information held by educational institutions. The information may be used for statistical purposes only, and the confidentiality provisions of the Statistics Act prevent the information from being released in any way that would identify a student.

Students who do not wish to have their information used can ask Statistics Canada to remove their identifying information from the national database. On request by a student, Statistics Canada will delete an individual's contact information (name, address, or other personal identifiers) from the PSIS database. To make such a request, please contact Statistics Canada:

Via Mail:

Institutional Surveys Section
Centre for Education Statistics
Statistics Canada

150 Tunney's Pasture, Main Building, 2100-K, Ottawa ON K1A 0T6

Via Email:

PSIS-SIEP_contact@statcan.gc.ca

Maritime Provinces Higher Education Commission

The MPHEC collects the data described above on behalf of Statistics Canada. In addition, it

archives these data and uses them to generate basic statistics, research products, as well as the sampling frame for its graduate survey. These activities support its mandate, which is to assist institutions and governments in enhancing the post-secondary learning environment. The legal authority for these activities is provided by the Maritime Provinces Higher Education Commission Act. The Act also requires that all data received by the Commission is kept confidential, and ensures the protection of personal information. More information about the MPHEC and its Standard for Maintaining Confidentiality may be found at www.mphec.ca.

Regarding those students who do not wish to have their information used, Statistics Canada will notify the MPHEC of any student choosing to have their personal information removed from the national database, and their information will subsequently be removed from the MPHEC's database.

Registration forms

Under the federal Privacy Act, individuals can request access to their own individual information held on federal information banks, including those held by Statistics Canada. Students who do not want their information utilized can ask Statistics Canada to remove their identifying information from the national database:

Via Mail:

Institutional Surveys Section
Centre for Education Statistics
Statistics Canada

Via Email:

PSIS-SIEP_contact@statcan.gc.ca

150 Tunney's Pasture, Main Building, 2100-K, Ottawa ON K1A 0T6