

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.

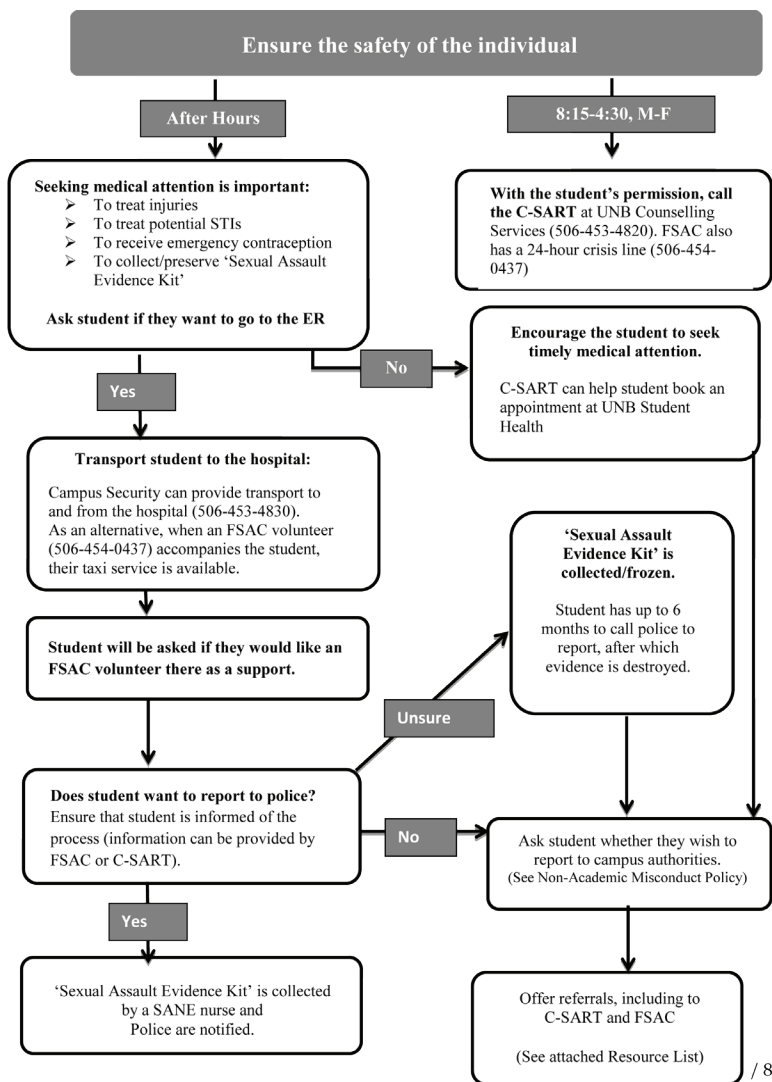
- FSAC crisis line: 506-454-0437 (Give this referral to the student)
- C-SART: accessed through UNB Counselling Services at 506-453-4820 (To be contacted as service referral during office hours.)

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

