



## Sexual Violence Policy

Classification:	Student Affairs
Responsible Authority:	President
Executive Sponsor:	Head, Student Services
Approval Authority:	President
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### PURPOSE

St. Francis Xavier University does not tolerate sexual violence. The Sexual Violence Policy outlines the University's response protocol to sexual violence involving students, informs where resources and support are available for individuals, and clearly defines reporting procedures. This document serves to establish an environment free from any form of sexual violence, through clearly articulated and enforced guidelines.

### SCOPE

The Sexual Violence Policy is meant to provide an overarching framework to guide students who are victims/survivors, students who have been accused, and anyone who is supporting students in this process.

The StFX University Community Code of Conduct protects the rights of students and holds students who have been found to be in violation of sexual violence accountable. This also includes incidents involving students, where non-students are victims/survivors or perpetrators.

**Note:** *StFX faculty and staff members report incidents of sexual violence, and access supports, from the StFX Human Resources Department and through the Discrimination and Harassment Policy:*

[http://sites.stfx.ca/equity/sites/sites.stfx.ca/equity/files/StFX\\_Discrimination\\_and\\_Harassment\\_Policy.pdf](http://sites.stfx.ca/equity/sites/sites.stfx.ca/equity/files/StFX_Discrimination_and_Harassment_Policy.pdf)

Disclosures or reports of sexual violence received from students, which involve employees of StFX University as the alleged perpetrator, are required to be forwarded to the StFX Human Resources Department for follow-up and potential investigation under the applicable disciplinary process for employees. This requirement is explicit, both with various statutory provisions (eg. Occupational Health & Safety Act) and under common law.

## DEFINITIONS

Consent is a voluntary, willing, unimpaired and conscious choice and agreement to engage in a specific sexual activity. There is no consent when a person expresses, by words or conduct, a lack of agreement to engage, or continue to engage, in sexual activity. A person who is asleep or unconscious is incapable of consenting to sexual activity. A person may be incapable of consenting to sexual activity when under the influence of alcohol and/or drugs. A person may be incapable of consenting to sexual activity when there is an imbalance of power and/or authority, or when one person is in a position of trust.

Disclosure refers to a victim/survivor or a witness sharing information about an incident of sexual violence. Disclosure does not necessarily lead to reporting of the incident; reporting is a further step, and is generally at the option of the victim/survivor.

Investigator refers to the University Official, appointed by the Director of Student Life, who conducts an internal investigation, initiated by a report filed by the victim/survivor.

Reporting refers to a victim/survivor sharing information about an incident of sexual violence for the purpose of an internal investigation by StFX and/or an external investigation by the RCMP.

Sexual assault is any type of non-consensual sexual act done by one person to another that violates the sexual integrity of that person and involves a range of behaviours, from any unwanted touching to penetration. Sexual assault may include a broad range of behaviours that involve the use of force, threats, or control towards a person, or which make that person feel uncomfortable, distressed, frightened or threatened, and/or which are carried out in circumstances where the person has not freely provided consent.

Sexual violence describes any act targeting a person's sexuality, whether physical or psychological, that is committed, threatened or attempted against a person without their consent. This violence takes different forms including, but not limited to, sexual abuse and sexual assault. Acts of sexual violence include: unwanted sexual comments or advances, sexual harassment, stalking, indecent exposure, voyeurism, cyber-sexual harassment, coercion of another person's sexuality by physical or psychological intimidation, and/or denial of another person's sexual decision-making rights. Anyone, regardless of age, gender or sexual orientation can fall victim to sexual violence. Sexual violence can profoundly impact physical and mental wellbeing of individuals and communities.

## POLICY

St. Francis Xavier University recognizes that sexual violence is shaped by inequities caused by gender, race, power differences, sexuality and ability, and that the experiences of violence (the impact, the resources available, and even the vulnerability to violence itself) are unique to each community and to each individual. StFX University does not tolerate any form of sexual violence, and is committed to maintaining a healthy and safe learning, working, living, social and recreational environment which is free from any form of sexual violence.

Victims/survivors of sexual violence have the right to, and will be provided with, information and assistance to receive medical care, safe haven, counselling, and other supports. Victims/survivors of sexual assault have the right to decide whether and when to access any of the available services and supports. Victims/survivors who disclose sexual assault have the right to choose whether or not to report for the purposes of an internal investigation by StFX and/or an external investigation by the RCMP.

The University acknowledges that individuals who disclose sexual violence make the final decision about their options to report, and the University protects their confidentiality, and ensures they receive appropriate accommodations and support. All incidents resulting in a formal report of sexual violence involving students will be internally investigated by Student Life to the best of its ability, and in a manner that ensures due process and fairness.

Notwithstanding the preceding paragraph, in exceptional circumstances, the Head of Student Services, in consultation with the President, retains the right to conduct an internal investigation and/or request the RCMP to initiate a criminal investigation, even without the consent of the victim/survivor, where, in the University's opinion, there is a risk to the safety of any individual and/or the broader community (ie. Where repeated allegations have been made about the conduct of the same person), or where there is evidence of sexual violence in the public realm (ie. A video posted on social media). (Please refer to Section 6 for clarification on "exceptional circumstances.") The University will consult and provide supports to the victim/survivor in such circumstances, and the victim/survivor has the right to decide whether to participate in an investigation.

The Sexual Violence Policy does not replace the criminal justice system. All individuals have the right to pursue legal avenues, whether or not they choose to proceed under these University policies. StFX University will continue to provide ongoing training and education to staff, faculty, and students about the policy and procedures as well as appropriate response and support for victims/survivors. The University will maintain and update policies and procedures related to sexual violence on an ongoing basis, to ensure they are relevant and aligned with best practices, through annual review by the Sexual Violence Policy Implementation Committee.

St. Francis Xavier University is committed to:

- Ensuring that the StFX Community Code of Conduct is followed when dealing with cases of sexual violence
- Ensuring victims'/survivors' right to be believed when they disclose that they have experienced sexual violence
- Ensuring that individuals' rights to dignity, respect, fairness and due process are protected throughout the process of disclosure, investigation and institutional response

## Sexual Violence

- Recognizing the self-determination of individuals who disclose and/or report sexual violence; they are final decision-makers about their own best interests, including choices about physical and emotional support and reporting
- Promptly assisting those who have experienced sexual violence by providing detailed information and support, including provision of and/or referral to counselling and medical care, and appropriate academic and non-academic accommodations
- Addressing harmful attitudes and behaviours (e.g., myths about sexual violence) which reinforce that the person who experienced sexual violence is somehow to blame for what happened
- Providing appropriate education and training to the StFX community about responding to the disclosure of sexual violence
- Promoting student engagement and organizing around sexual violence
- Developing a whole campus community which is educated about how wider society issues of gender impact institutional climate and individual constructions of gender and violence
- Providing timely and appropriate information to the University community about sexual violence on campus in support of public safety, awareness, and openness, including, but not limited to, public safety bulletins and biannual sexual assault reports
- Ensuring coordination and communication among the various departments who are most likely to be involved in the response to sexual violence on campus

**NOTE:** As an important qualification to the second bullet above, those StFX employees/students who are, or may be, involved in investigating or adjudicating as part of the formal discipline process are required to maintain neutrality in order to ensure due process and fairness for both the complainant and the accused student(s). Specifically, this would include the Director of Student Life, the Student Conduct Officer, and members of any adjudicative discipline bodies.

## PROCEDURE

### 1. Responding to Sexual Violence

- 1.1 When the University becomes aware of incidents of sexual violence, the University shall take all reasonable steps to ensure the safety of the University community using the appropriate policies. This includes incidents that occur on or off University property and that pose a risk to the safety of members of the University community.
- 1.2 When a disclosure of sexual violence is made, the safety, security, and wellbeing of the victim/survivor are fundamental considerations. Students who have experienced sexual violence are encouraged to come forward to disclose as soon as they are able to do so. Subject to the exceptional circumstances described in the Scope Section, a disclosure of sexual assault does not constitute a report for the purpose of internal investigation, until the victim/survivor decides to come forward and file a formal report. A filed report may result in disciplinary action as outlined in the St. Francis Xavier University Community Code of Conduct.
- 1.3 In the interests of public safety, members of the university community should immediately disclose sexual violence incidents they witness to the appropriate University and Community supports listed below. The rights of the victim/survivor remain paramount.

## 2. Internal Options for Disclosure

- 2.1 A student who has experienced sexual violence, or who believes they may have experienced sexual violence, or who has witnessed sexual violence of any kind may confidentially disclose to a University support, or any trusted person, without making a formal report. If someone has disclosed to you, additional detail and guidance regarding supports can be found at: [http://sites.stfx.ca/student\\_life/sexual\\_assault](http://sites.stfx.ca/student_life/sexual_assault).

University supports available to students who wish to disclose are:

- StFX Health and Counselling Centre staff, including Director of Health, Counselling, and Accessible Learning, physicians, nurses, and counsellors
  - Student Life staff, including Director of Student Life, Student Conduct Officer, Manager of Student Life, Student Life Advisors, and Residence Life staff
  - Safety & Security Services Manager
  - Human Rights and Equity Advisor
  - Student Life Coordinator, Coady International Institute
- 2.2 University supports will provide information and can coordinate referral to appropriate resources. When a disclosure of sexual violence is made, the safety, security, and wellbeing of the victim/survivor are fundamental considerations.
- 2.3 The victim/survivor may choose at any time to ask for an internal investigation under the StFX Community Code of Conduct and/or to report the incident to the RCMP for an external investigation.

## 3. Internal Options for Reporting - StFX Discipline Process

- 3.1 Sexual violence, including sexual assault, is a major offence under the StFX Community Code of Conduct. Both an external avenue for reporting (i.e. the RCMP) and an internal avenue for reporting are available to students and may take place independently of each other.
- 3.2 A student who has experienced sexual violence may make a formal report for the purpose of requesting an internal investigation into the incident. A formal report to a University official instigates a University discipline process. (**Note:** The formal investigation will be carried out by a University official who was not involved in the initial disclosure.) Students who experience sexual violence and who wish to report may do so by:
- Contacting a Resident Assistant or Hall Director
  - Calling Security at 902-867-4444
  - Going to The Residence Office and speaking with a Residence Life Coordinator or the Manager of Student Life.
  - Going to the Student Life Office and speaking with The Student Conduct Officer or The Director of Student Life.

#### **4. University Duties in Responding to Reports of Sexual Violence**

The University has four duties in response to reports of Sexual Violence:

- Duty to investigate
- Duty to operate with a high standard of fairness
- Duty to assess and manage a reasonably foreseeable threat
- Duty to meet a demonstrated need

Sexual violence, including sexual assault, is amongst the most serious offences that can occur. The StFX University Community Code of Conduct describes the process by which a serious offence is investigated and adjudicated. Cases in which the impact and potential outcome are severe are investigated and adjudicated with a high standard of fairness as described in the Code of Conduct.

#### **5. Investigation and Adjudication Process**

- 5.1 Investigation of a formal report of sexual violence is conducted by the Student Life Office or such other designate as the Director of Student Life may determine. The Investigator who takes the initial report is responsible for the investigation and attends the Judicial Board hearing to present the evidence and witnesses gathered relevant to the incident. The Investigator will gather and record evidence through oral statements, written statements, photos, video, etc. as they are relevant to the details of the allegation. He/she will arrange for appropriate witnesses and evidence to be presented to the Judicial Board and will communicate regularly with the complainant and the alleged perpetrator.
- 5.2 The Investigator remains neutral and objective when gathering evidence for presentation to the Judicial Board, and will make students aware of supports that are available to them. Students are able to bring a support person to a meeting with the Investigator if they wish.
- 5.3 Once all of the available relevant information is gathered by the Investigator, a closed Judicial Board hearing will be scheduled by the Director of Student Life. The hearing procedure for the Judicial Board is described in Appendix “D” of the StFX Community Code of Conduct

#### **6. Confidentiality in the Student Conduct Process**

- 6.1 University Officials are required by law to reasonably protect the privacy of students. Findings of responsibility against the accused and sentencing outcomes are typically disclosed to the complainant however there may be cases where they cannot be disclosed based on legal restrictions. Final determination on disclosure will be made by the Director of Student Life. Findings and outcomes are not disclosed to other students, student staff, or parents or guardians. In exceptional cases, in which the outcomes will have a direct impact on a student who has a demonstrated need, some or all outcomes may be disclosed to the student.
- 6.2 Students involved directly or indirectly are expected to respect the right to privacy for all persons involved in the investigation. All persons involved in a report of sexual violence are expected to maintain the confidentiality of the complainant, the alleged perpetrator, and witnesses.

6.3 However, confidentiality cannot be assured in the following exceptional circumstances:

- There is a serious and imminent threat of self-harm; and/or
- There is a serious and imminent threat of harm to another

In such circumstances, information would only be shared with necessary internal and/or external service areas/departments to minimize the above noted threat of harm, and the identity of the victim/survivor would not be released to the public.

6.4 The University is required to release information when compelled to do so by law. For example, the University may be required to release information to comply with a Court Order.

## 7. External Options for Disclosure and Reporting

7.1 In addition, if the victim/survivor wishes to receive specialized medical care, more information, and/or file a complaint for the purpose of criminal investigation by the RCMP, the following external resources are also available:

- **Sexual Assault Nurse Examiner (SANE)**

The primary role of the Sexual Assault Nurse Examiner is to provide specialized medical care, as well as information and emotional support for all individuals over the age of thirteen years. In addition, the Sexual Assault Nurse Examiner is able to collect and preserve forensic evidence for the purposes of a criminal investigation and inquiry, if the victim/survivor requests this. SANE can be reached at 1-877-880-7263.

- **RCMP**

Sexual assault is an offence in Canada. The Primary role of the RCMP is to conduct criminal investigations. The Criminal Code has its own definition of sexual assault and there may be other offences that are relevant as well. If the victim/survivor chooses to meet with the RCMP, the victim/survivor may request that a criminal investigation proceed or not proceed. The RCMP will make the final decision as to whether there will be a criminal investigation and whether criminal charges will be laid. The RCMP can be reached at 902-863-6500.

- **Emergency Department at St. Martha's Hospital**

Emergency is open 24 hours and is available for urgent medical attention, and may be reached at 902-867-4500, ext. 4229.

- **911 (Emergency Health Services)**

911 is an emergency service that can dispatch RCMP or an Ambulance when immediate help is required.

7.2 Anyone who has experienced sexual assault may make a report to the RCMP for the purpose of criminal proceedings. Where criminal proceedings and/or civil proceedings are initiated, the University may conduct its own internal investigation, make a determination, implement interim protective measures where there is a demonstrated need, and apply outcomes as set out in the StFX University Community Code of Conduct. The University may make a finding of "Responsible", regardless of the outcome of any civil or criminal proceedings.

## SUPPORTING DOCUMENTATION

Appendix 1 Pathway for Supporting Students who have Experienced Sexual Violence

## RELATED POLICIES

[St. Francis Xavier University Community Code of Conduct](#)

[http://sites.stfx.ca/equity/sites/sites.stfx.ca/equity/files/StFX\\_Discrimination\\_and\\_Harassment\\_Policy.pdf](http://sites.stfx.ca/equity/sites/sites.stfx.ca/equity/files/StFX_Discrimination_and_Harassment_Policy.pdf)

## RELATED MATERIALS

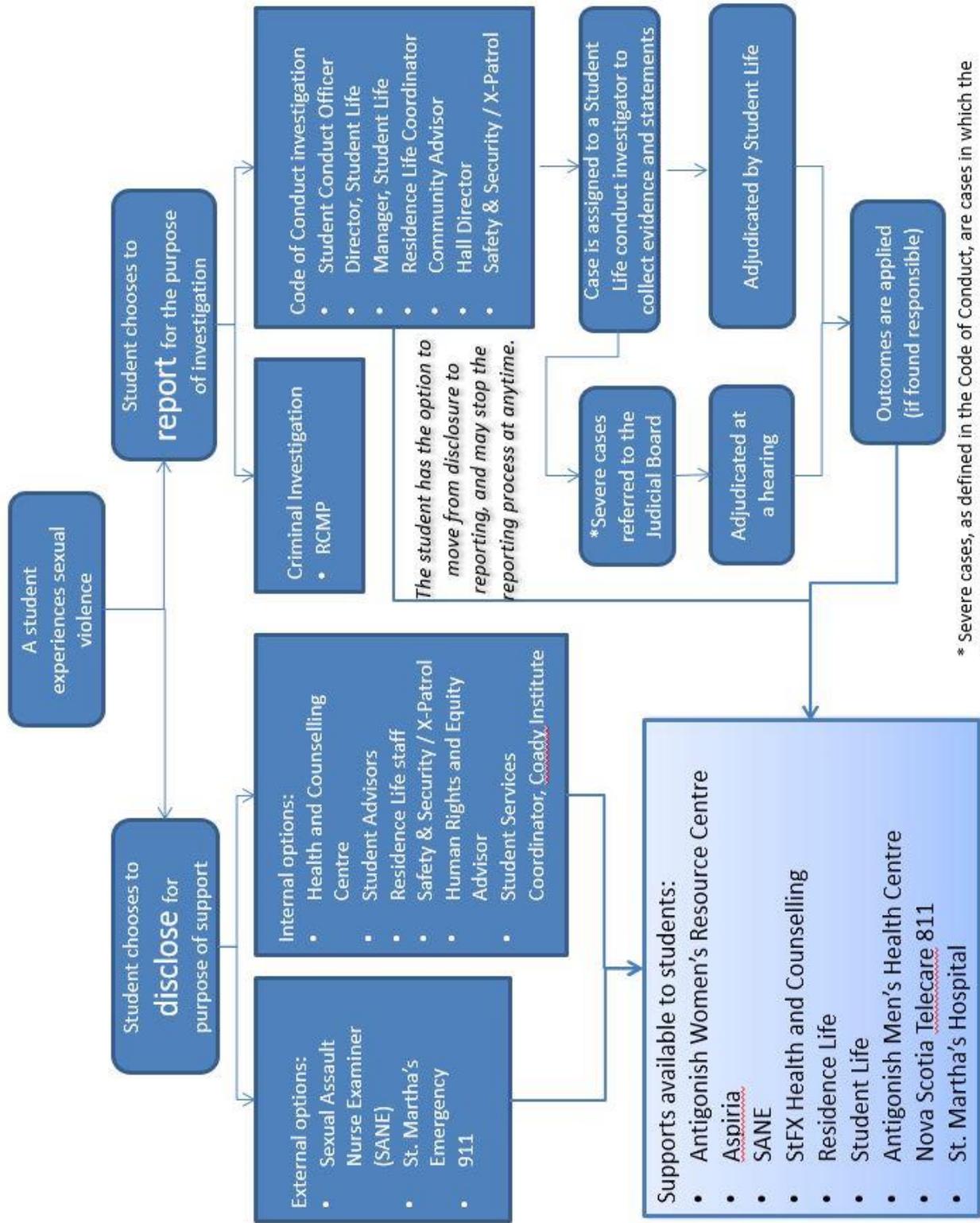
Preventing Violence Against Women at St. Francis Xavier University Project- Policies and Procedures Guide:

<http://collections.stfx.ca/cdm/compoundobject/collection/stfxdocs/id/377/rec/1>

Preventing Violence Against Women at St. Francis Xavier University Final Evaluation Report:

<http://collections.stfx.ca/cdm/compoundobject/collection/stfxdocs/id/517/rec/6>

**Appendix 1:  
Pathway for Supporting Students who have Experienced Sexual Violence**



\* Severe cases, as defined in the Code of Conduct, are cases in which the outcome and/or impact of the incident are severe.