

One University. One World. Yours.

Name:	Sexual Assault Policy and Procedures
Policy Number:	6-2003
Origin:	Human Resources/Student Services
Approved:	Feb 2008
Issuing Authority:	Executive Management Group (EMG)
Responsibility:	Director, Human Resources and Director of Student Services
Effective Date	1 April 2008
Revision Date(s):	1 April, 2008
Supersedes:	Sexual Assault Policy (1994)
Related Policies:	Violence in the Workplace: Prevention and Response, Policy on the Prevention and Resolution of Harassment and Discrimination

1. Purpose

Saint Mary's University is committed to promoting a safe educational and working environment for its students, faculty, staff and visitors. As such, the University will strive to discourage sexual assault through the dissemination of educational material and / or training programs to students, faculty and staff. The University encourages students, faculty and staff to review policies, programs and services within the university community designed to promote a safe educational and working environment.

Matters involving violation of criminal law, as it relates to sexually based offences (including sexual assault, dating violence, criminal stalking, criminal intimidation), fall outside the jurisdiction of this policy insofar as the University will not facilitate formal adjudicative hearings to resolve these violations. More specifically, in order to ensure that the legal rights of both the victim and the perpetrator are equally protected and further that these individuals are treated in the most fair manner possible, the University will not conduct an internal adjudicative hearing to definitively determine guilt and / or innocence of the parties involved. Nevertheless, the University will closely examine matters related to allegations of sexual assault and provide victims, perpetrators and others who may be involved in sexual assault with a range of appropriate and supportive resources.

2. Definitions

Throughout this policy the masculine includes the feminine and the vice versa, as the context may require.

2.1. Sexual Assault Defined in Section 165 of the Criminal Code as:

(1) A person commits an assault when; a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly; b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe upon reasonable grounds that he has, present ability to effect his purpose; or c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs; d) which is committed in circumstances of a sexual nature such that the sexual integrity of the victim is violated

2.2. Immediate Sexual Assault

Immediate sexual assault is defined as an assault having occurred within the past seventy-two (72) hours.

2.3. Non Immediate Sexual Assault

Non immediate sexual assault is defined as an assault having occurred beyond seventy-two (72) hours.

3. Scope

This policy applies to all members of the University community in all locations and / or situations where activity is directly related to university business.

4. Key Objectives

The University's response to incidents of sexual assault has the following seven key objectives:

- 4.1. To provide appropriate assistance and support to members of the University community who are impacted by sexual assault.
- 4.2. To take reasonable steps to mitigate the safety risk to members of the University community. Notwithstanding that Saint Mary's does not adjudicate incidents of sexual assault, University officials are authorized to take action, when deemed necessary, to mitigate safety risk to the University community.
- 4.3. To provide guidelines followed by University officials for handling reports of sexual assault.
- 4.4. To work in collaboration with all University departments and invoke all relevant and existing policies to effectively manage cases involving sexual assault.
- 4.5. In cases of immediate sexual assault, the University may contact the police, while respecting that victims have the right not to cooperate with the police and to protect their anonymity.
- 4.6. If the assault takes place within the University's residences the Residence Department will follow its Sexual Assault Procedures for Residence Staff.
- 4.7. Residence Security and University Security will confer on all matters of relevant interest pertaining to sexual assault.

5. Procedures For Responding To Sexual Assault

5.1. Immediate Sexual Assault

When appropriate, the first person to become aware of an incident of immediate sexual assault (i.e.: assault having occurred within the past 72 hours) is to contact Campus Security at 4205000 and / or 911. If the latter, advise Campus Security that 911 has been called.

Campus Security will:

- 5.1.1. Assess the situation for potential safety risk to the victim, themselves and the community.
- 5.1.2. Assess the medical condition of the victim and call 911 if immediate/emergency medical assistance is required.
- 5.1.3. Coordinate the voluntary participation in medical treatment and support through the Sexual Assault Nurse Examiner's program (S.A.N.E.) at the Queen Elizabeth II Health Sciences Treatment Centre.
- 5.1.4. Provide appropriate support and resource information to the victim.
- 5.1.5. Provide information (written if available) about medical, counselling and agency support Avalon Centre 4224240 (day) and 4250122 (evenings and weekends).
- 5.1.6. Contact the Manager, Campus Security (MCS) or designate.

The Manager, Campus Security (MCS) or designate will:

- 5.1.7. Coordinate the security response and address any safety issues that arise.
- 5.1.8. If police are called, confer with the Halifax Regional Police Service when they arrive on campus.
- 5.1.9. Coordinate follow-up procedures when appropriate with students, faculty and staff who may have been involved and have them complete incident reports where applicable.
- 5.1.10. Advise the Director of Student Services and / or VP Administration, VP (Assoc) External Affairs, and / or Director of Human Resources, as appropriate.
- 5.1.11. Confer with the Director of Student Services and / or VP Administration and / or Director of Human Resources about calling the victim's emergency contact person if the victim is injured and taken to the hospital.
- 5.1.12. Where appropriate, consult with Residence and University Security to ensure that a security bulletin is issued to the entire University community, in consultation with Public Affairs.
- 5.1.13. Advise the Conflict Resolution Advisor of the situation.

5.2. Non-Immediate Sexual Assault

The first person to become aware of a non-immediate (i.e.: assault having occurred beyond the past 72 hours) incident of sexual assault will encourage the victim to contact the Conflict Resolution Advisor.

6. Case Management

The Conflict Resolution Advisor (or designate), when contacted, will:

- 6.1. Provide case management for the file.
- 6.2. Act as lead on the sexual assault case offering support to areas such as Counselling Services and the Residence Department.
- 6.3. Provide support and education to the University community as required around issues related to the victim, perpetrator, sexual assault policy/procedures and general information on sexual assault.
- 6.4. Address related internal issues for both the victim and perpetrator (e.g.; class changes, work assignments).
- 6.5. Provide education to the University campus as a whole on sexual assault policy / procedures and sexual assault especially with high-risk groups (e.g.; first year students)
- 6.6. Provide education on external resources and individual rights to victims and perpetrators.
- 6.7. Maintain relevant records for the University pertaining to cases of sexual assault.
- 6.8. Where appropriate provide relevant departments with updates regarding court dates, and decisions.
- 6.9. Provide information and / or training related to new issues arising in the field of sexual assault to departments involved in responding to sexual assaults.

7. Support Services / Resources

The following are some examples of internal and external supportive services for students, faculty and staff involved in cases of sexual assault:

- 7.1. Saint Mary's University Security 4205000
- 7.2. Halifax Regional Police 4905020 (non-emergencies) www.halifax.ca/Police

- 7.3. Avalon Centre 4224240 (day) 4250122 (evenings and weekends) www.avaloncentre.ca
- 7.4. S.A.N.E. (Sexual Assault Nurse Examiners Program) 4250122 avalonsane@eastlink.ca
- 7.5. Saint Mary's University Student Health Services 4968778 or after hours contact Jane Collins at 4718129
- 7.6. Saint Mary's University Conflict Resolution Office 4205113
- 7.7. Students who have been involved directly or indirectly in a sexual assault incident can contact the University's Counselling Services at 4205615 for confidential counselling. www.smu.ca/counselling
- 7.8. Employees who have been involved directly or indirectly in a sexual assault incident can contact the University's Employee Assistance Program at 1-800-268-5211 for confidential external advice.
- 7.9. Faculty and Professional Librarians who have been involved directly or indirectly in a sexual assault incident can contact their Employee Assistance Program at 1800 3874765 for confidential external advice.
- 7.10. Halifax Regional Municipality Helpline 4211188
- 7.11. Mental Health Mobile Crisis Intervention 4298167 (1pm –1am daily)
- 7.12. Nova Scotia Public Prosecution Service 4248734
- 7.13. Nova Scotia Victim Services 4248785
- 7.14. Nova Scotia Rainbow Action Project 4447887 <http://www.nsrp.ca/>

8. Options

The following are some examples of possible options for students, faculty and staff for cases involving sexual assault:

- 8.1. To take reasonable steps to mitigate the safety risk to members of the University community. Notwithstanding that Saint Mary's does not adjudicate incidents of sexual assault, University officials are authorized to take action, when deemed necessary, to mitigate safety risk to the University community.
- 8.2. Written warning or letter of reprimand.
- 8.3. Immediate removal from residence.
- 8.4. A campus wide or selected ban from campus related activities.
- 8.5. Issuance of notices under the Protection of Property Act restricting individuals from entering on campus and /or other relevant legal actions.
- 8.6. Restriction of student participation in non-academic programs.
- 8.7. Change of job or class assignment.
- 8.8. Suspension, probation or expulsion in conjunction with existing disciplinary procedures and / or collective agreements.
- 8.9. Order of "no contact" with the victim (and perhaps, vice versa).
- 8.10. Ban from being in same classroom as victim or class supervision by Campus Security.

9. Policy Review

The Policy is submitted in recognition that its perspective may be relative to a set of perceived needs in the present; that actual application may point out adjustments and inconsistencies. The Conflict Resolution Advisor and/or others involved in the application of this policy may recommend changes to the Policy. Changes to the Policy shall be subject to the approval of the Executive Management Group.