



# Procedures for UNB Sexual Assault Policy

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## Table of Contents

Table of Contents .....	1
PROCEDURES for UNB Sexual Assault Policy .....	2
1. Introduction .....	2
2. UNB Task Force on Campus Sexual Assault (Bi-campus) .....	2
3. Campus Sexual Assault Response Teams (CSART) .....	2
4. Campus Sexual Assault Support Advocates (CSASA) .....	3
5. Confidentiality .....	3
6. Awareness, Education and Prevention .....	4
7. Confidential Disclosure/Disclosure and Formal Internal Complaint Procedures .....	4
7.1 Confidential Disclosure .....	4
7.2 Disclosure .....	5
7.3 Formal Complaints .....	5
Figure 1 – Disclosure/Confidential Disclosure and Formal Internal Complaint Procedures.....	6
8. Formal Internal Complaint Procedures.....	7
9. Disciplinary procedures for those accused of Sexual Assault .....	7
10. Record Keeping and Reporting .....	8

# PROCEDURES for UNB Sexual Assault Policy

## April 8, 2016

### 1. Introduction

This document contains the procedures for implementing the University of New Brunswick (UNB) Sexual Assault Policy. Some sections are common to the Fredericton and Saint John campus; other sections provide information specific to each campus. Members of the University community will have access to professional, objective advice and guidance related to Sexual Assault. Individuals who experience Sexual Assault will have choice with respect to the nature and level of the response to the assault. All Members of the University Community who become aware of a Sexual Assault or an alleged Sexual Assault are expected to inform the Campus Sexual Assault Support Advocate of such assaults. This will help ensure that individuals who experience a Sexual Assault are provided with accurate and current information and initial and ongoing support according to their wishes. Members of the University Community are encouraged to intervene to prevent or stop a Sexual Assault from occurring, but only insofar as it is safe to do so. Where direct intervention is not considered safe, such individuals should immediately contact UNB Campus Security or the local police by calling 911. An individual who experiences Sexual Assault and wishes to pursue a Formal Complaint can do so by contacting the local police to file a Formal Criminal Complaint or UNB Campus Security to file a Formal Internal Complaint.

### 2. UNB Task Force on Campus Sexual Assault (Bi-campus)

The UNB Task Force on Campus Sexual Assault is a bi-campus unit that is responsible for the ongoing oversight and implementation of the Sexual Assault Policy to ensure the development, execution, maintenance, assessment, and record keeping of all prevention, intervention, awareness and education aspects of this Policy. The Task Force will meet at least twice per year and prepare an annual Statistical Report for the President and the University Community

### 3. Campus Sexual Assault Response Teams (CSART)

The Campus Sexual Assault Response Team on each campus is responsible for ensuring a prompt and thorough response to individuals who experience a Sexual Assault that occurs within the campus community under this Policy. The CSART will meet at least once per term to review procedures and

processes. They will also meet at the request of the Campus Sexual Assault Support Advocate CSASA to provide advice or support as required.

#### **4. Campus Sexual Assault Support Advocates (CSASA)**

The University shall designate one or more individuals on each of its main campuses, called Campus Sexual Assault Support Advocates (CSASA), to provide specific support related to sexual assault. These individuals will have appropriate training to enable them to fulfill their particular role. The CSASA is the recommended source of information and support during regular business hours. During weekends and evenings, UNB Campus Security will provide initial support and make referrals to appropriate specialized support.

A CSASA can provide Complainants of Sexual Assault with initial and ongoing support including confidential consultation regarding options available for medical services, safety planning, criminal processes, campus discipline, academic accommodations, and other issues. A CSASA can also assist Complainants in accessing other services and resources both on campus and off campus. In most cases, the decision about whether to pursue any of these resources, services or options will be left to the discretion of the Complainant.

When a CSASA receives information about a Sexual Assault or an alleged Sexual Assault from a Member of the University community, they will follow-up to determine the appropriate/necessary action(s) to be taken.

Each Campus Sexual Assault Support Advocate will compile an annual Statistical Report and other reports as requested by the Task Force.

The CSASA will also assist in the creation of educational resources and in policy development.

#### **5. Confidentiality**

UNB Employees, other than CSASAs and Human Rights Officers, or those whose professional obligations may require them to maintain confidentiality, who receive information about a Sexual Assault or an alleged Sexual Assault are expected to provide the name of the individual providing the information, and date of assault(s) or alleged assault and contact information, if available, to the CSASA. This includes, for example, dons, proctors, and residence assistants in UNB residences, coaches, assistant coaches, and managers in university sports.

CSASAs and any other third-party Member of the University who becomes involved in any process or procedures under this Policy shall maintain confidentiality. While it is usually in the best interests of all that the Parties involved maintain the confidentiality of any processes or procedures, it is recognized that Parties

must be able to seek appropriate support to deal with the situation, including consulting with counsellors, friends and family members about the situation.

## 6. Awareness, Education and Prevention

UNB will engage in a range of awareness, education, and prevention initiatives related to Sexual Assault. The target audience for these initiatives will include the entire university community (students, staff, faculty, administrators, and others). These initiatives will include, but not be limited to:

- Providing education about and increasing awareness of the Sexual Assault Policy and associated procedures as well as programs and services available to students and others who have experienced Sexual Assault or have received a Disclosure of a Sexual Assault
- Providing education about and increasing awareness of a range of issues related to Consent, factors associated with Sexual Assault and Sexual Violence, and providing support to Complainants of Sexual Assault.
- Prevention initiatives including programs such as Bringing in the Bystander training, and environmental changes such as enhanced lighting.

## 7. Confidential Disclosure/Disclosure and Formal Internal Complaint Procedures

Members of the University Community who have experienced a Sexual Assault may make a Disclosure or Confidential Disclosure or file a Formal Internal Complaint under this policy. Procedures are illustrated graphically in Figure 1 (see below) and described in this section of the policy.

### 7.1 Confidential Disclosure

Confidential Disclosures would normally be made to one of the following:

- Campus Sexual Assault Support Advocates, counsellors, physicians, nurses, human rights officers (HRO): Persons who have experienced a Sexual Assault can make a Confidential Disclosure to a counsellor at UNB Counselling Services, a physician or nurse at the UNB Student Health Centre, a HRO or a Campus Sexual Assault Support Advocate (CSASA). These individuals will discuss all relevant options with the Complainant but will respect the confidentiality of the Complainant except as required by law.

## 7.2 Disclosure

Disclosures would normally be made to one of the following:

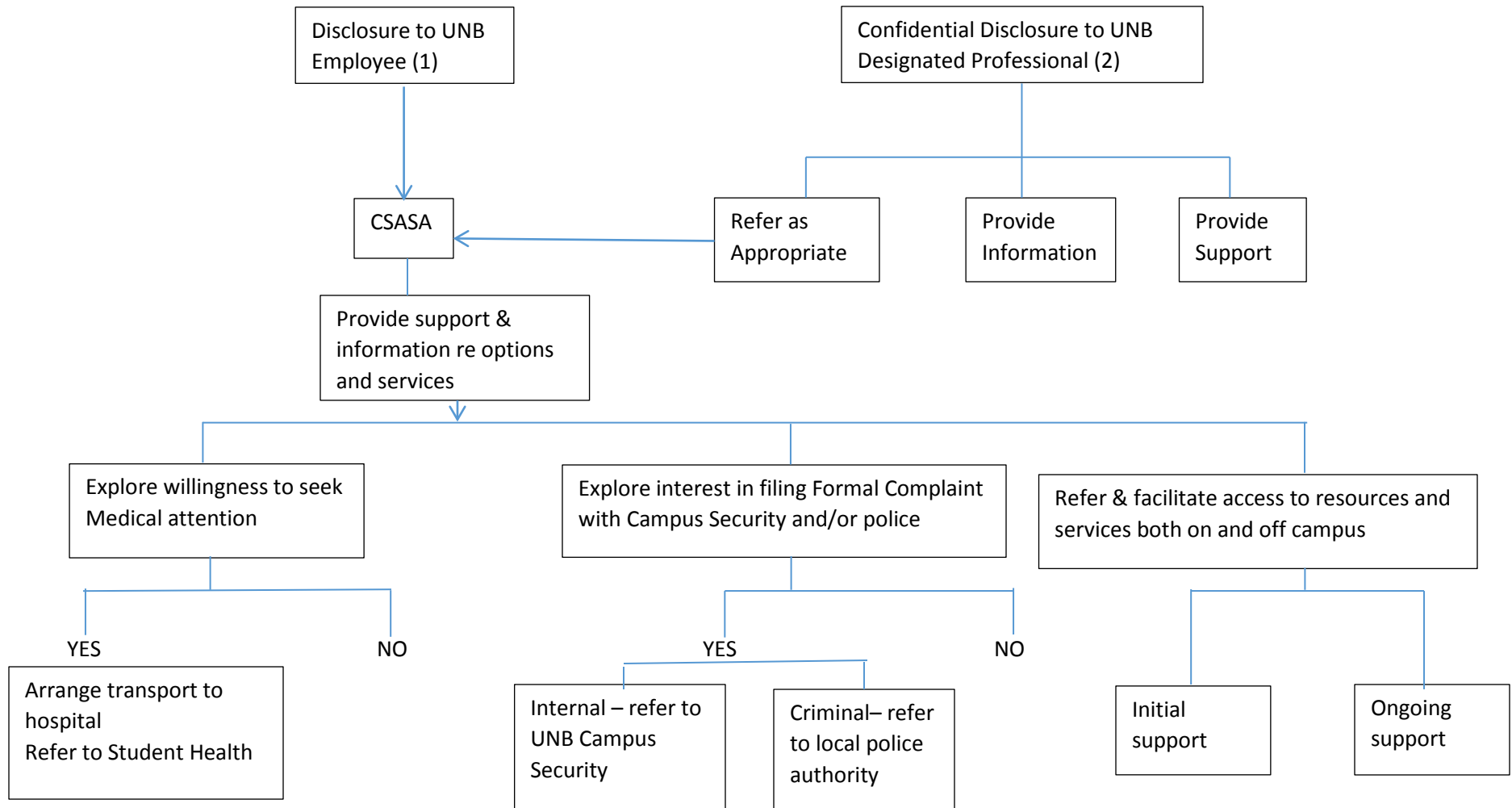
- UNB Employees other than those above: Persons who have experienced a Sexual Assault can make a Disclosure to these UNB employees. These employees are expected to inform the Campus Sexual Assault Advocate that they have received a Disclosure of a Sexual Assault or an alleged Sexual Assault. Such information will consist of the name of the individual making the Disclosure, and date of the assault or alleged assault and contact information, if available. The CSASA will follow-up with the individual making the Disclosure and offer to provide information and support.
- UNB Campus Security: Persons who have experienced a Sexual Assault can make a Disclosure to UNB Campus Security. Campus Security will address any immediate safety concerns and will refer the individual to the CSASA.

## 7.3 Formal Complaints

Formal Complaints would normally be filled with one of the following:

- Police: Complainants who wish to file a Formal Criminal Complaint must contact the local police authority (e.g., Fredericton City Police, Saint John City Police, RCMP).
- UNB Campus Security: Complainants who wish to file a Formal Internal Complaint may do so through Campus Security. They can receive advice and support from a CSASA in doing this. A specially trained staff member in Campus Security will conduct an investigation of the alleged assault and provide a report to the appropriate decision making authority. Such an investigation may result in a recommendation that charges be filed under the UNB Student Disciplinary Code or relevant collective agreements or human resources policies. The University may also take non-disciplinary actions under the relevant UNB policies, rules and regulations and collective agreements.

Figure 1 – Disclosure/Confidential Disclosure and Formal Internal Complaint Procedures



(1) All Employees, except as in (2); Includes UNB Campus Security, dons, proctors, residence assistants, coaches, managers

(2) Includes counsellors, physicians, nurses, human rights officers, CSASAs

## 8. Formal Internal Complaint Procedures

A Complainant who wishes to file a Formal Internal Complaint can do so through UNB Campus Security. The investigation arising from such a Complaint will be conducted by a member of UNB Campus Security who has been specially trained to conduct investigations related to sexual assault. An internal formal investigation usually includes some or all of the following:

- Interview(s) with complainant
- Interview(s) with Respondent
- Interview(s) with Witnesses or potential Witnesses
- Collection of evidence such as video surveillance, communication records (e-mails, text messages, social media posts)

Upon completion of the investigation, the UNB Campus Security member will prepare a report based on interview statements and evidence collected. The report will be sent to the individual(s) (e.g., Commissioner of Student Discipline, Dean) responsible for disciplinary and non-disciplinary processes under the relevant UNB policies, rules and regulations and collective agreements.

Upon receipt of the report from UNB Campus Security, the individual responsible for implementation of the relevant policy, rule, regulation or collective agreement will manage the case according to established procedures.

## 9. Disciplinary procedures for those accused of Sexual Assault

- When the Respondent is a student at the University, several codes and/or regulations may apply, including, but not limited to, the provisions of the Student Discipline Code and/or the General Regulations on Non-Academic Conduct.
- When the Respondent is an employee of the University (faculty or staff) or a student whose alleged actions relate to an employment relationship (e.g., Graduate Teaching Assistant, CAE), the disciplinary procedures under Human Resources policies and/or relevant collective agreements will apply.
- Normally, if the respondent is a student and the matter is before the courts, UNB will lay the charges under the Student Discipline Code and stay the matter until it is resolved prior to undertaking disciplinary procedures. However, the University may take steps in the interim to ensure the safety of its students and employees, including but not limited to, taking non-disciplinary steps such as separating the parties involved, requiring parties not to communicate directly with each other, non-disciplinary suspension, etc.



- If the Respondent is an employee of the University, or is a student whose alleged actions relate to an employment relationship, and the matter is before the courts, UNB may, while the matter is before the courts, still proceed with the disciplinary procedures under Human Resources policies and/or relevant collective agreements. The University may also take steps in the interim to ensure the safety of its students and employees, including but not limited to, taking non-disciplinary steps such as separating the parties involved, requiring parties not to communicate directly with each other, and non-disciplinary suspension.

## 10. Record Keeping and Reporting

The UNB Task Force on Sexual Assault is responsible for maintaining accurate records regarding Sexual Assaults and alleged Sexual Assaults falling under this Policy and will be the source of all information released by the University related to Sexual Assault. They will prepare an annual Statistical Report for the President and the University Community. The University is committed to collecting and storing information in such a way as to track and respond to patterns of behaviour. Data will include information collected directly by the Campus Sexual Assault Support Advocates and summary (non-identifying) information from individuals receiving Confidential Disclosures. Campus Sexual Assault Support Advocates will compile annual Statistical Reports and other reports as required. The Advocates shall strive to provide information on Sexual Assaults on campus to the Task Force within three working days of receiving a request (e.g., RTIPPA request). The privacy and confidentiality of both Complainant and Respondent will be respected at all times.