

Ontario student leaves N.S. university after alleged rapist returns to campus

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She was an 18-year-old freshman from the Toronto area studying at St. Francis Xavier University, a small-town Nova Scotia school with red brick buildings, green sports fields and a lively school spirit.

He was five years older, a friend of a friend.

The events of one Friday night last November would raise questions about how universities handle sexual assault allegations — and whether they are doing enough about sexual violence.

After a night of hanging out with friends, she realized she forgot her laptop charger in his room at a co-ed residence on the edge of campus.

She texted him asking to go grab it, and he offered to bring it to her room, according to a statement from the woman that was shared with The Canadian Press.

They chatted for a bit, hugged goodbye and then he started to kiss her, she said.

"Confused, I went with it but soon told him, 'No, we shouldn't,'" the woman, whose name is under a publication ban, said in the statement.

"It all kind of blurs together after that. I don't remember how he managed to take my clothes off."

The next thing she recalls is him being inside her, and her telling him no, she said.

"He didn't stop."

She says her harrowing experience would be exacerbated in the months ahead by the Antigonish university's mishandling of the reported sexual assault.

Although St. F.X. swiftly launched an investigation after she came forward and found the accused responsible, it quietly set aside its decision to suspend him for the next academic year — without notifying her.

The university says when an appeal is pending it has to maintain the accused's access to education. But a legal expert says he could have been suspended until a criminal prosecution in the matter was resolved.

The situation sheds light on the enduring challenge of addressing sexual assault claims on campus and changing what a recent report called a culture of acceptance towards sexual violence.

The day after the alleged sexual assault, the victim's mother says the accused sent text messages apologizing.

"He asked her if she was OK, if she was in pain ... saying he's sorry," the mother, who is not named to protect her daughter's identity, said in an interview. Her daughter declined an interview.

It was over the Christmas holidays at home in a Toronto-area suburb that the teen opened up.

"She said, 'You know Mom, I don't want to ruin his life. I just don't want to have to see him anymore.'"

In January, the student reported the alleged sexual assault to St. F.X. While the investigation was ongoing, he wasn't allowed to contact her, or set foot on her residence floor.

The university's quasi-judicial panel found him responsible in March. He was permitted to finish out the school year under stricter conditions — St. F.X. moved him out of her residence and restricted the hours he could go to the meal hall — but he would be suspended for the 2018-19 academic year, the mother said.

For the woman, whose grades had slipped, it was the promise of a fresh start.

Until he appealed the panel's ruling.

"When he decided to appeal, she was very upset and someone suggested she get a proper restraining order," her mother said. "She went to the RCMP and they decided to charge him."

Court documents show the man was charged with sexual assault last spring. A preliminary inquiry is set for Nov. 29.

He was released on conditions, including not to contact the complainant and to stay away from her residence or place of work.

It's unclear whether those conditions precluded him from being at her place of study — the order does not explicitly prevent him from being on campus — though an RCMP spokeswoman says the onus is on the person subject to the conditions to not have contact.

As the university had already suspended him, however, it wasn't an issue for the woman.

It's when she returned to campus this fall that she discovered his suspension had been lifted — and no one had informed her.

"She was devastated, she called me from the bathroom in tears," the mother said. "No one seemed to know how it happened."

The young woman left St. F.X. and is now enrolled at a university closer to home.

"I wasn't going to leave her in a place where she felt unsafe and where the school failed to protect her," the mother said. "She feels completely betrayed by the school."

A spokeswoman for St. F.X. said the decision to suspend the accused was not overturned, but that the case has been appealed to the university senate appeal board.

"While there is an appeal that is undecided the respondent can continue to attend classes," Cindy MacKenzie said in an email.

She said if criminal charges come into play, the university's proceedings are placed on hold pending the outcome.

As for the school's failure to inform the woman that the accused would be on campus, MacKenzie said "we have accepted responsibility for this and have since apologized to the victim."

The woman's mother disputes this, saying "the school has not apologized to my daughter."

Elaine Craig, a professor at Dalhousie University's Schulich School of Law in Halifax, said universities must balance the interests of students who allege a sexual assault with those who are accused.

But she said it isn't clear an appropriate balance was struck in this case.

"If a student has been charged with sexual assault and the university has determined through its process that he has violated another student's sexual integrity, then he should be removed from campus," Craig said.

"At a minimum he should not be permitted on campus until the criminal matter has been resolved."

Meanwhile, the mother said her daughter feels like she has been punished for coming forward.

"She liked the small town feel there. But she had to give that all up."

Brett Bundale, The Canadian Press

