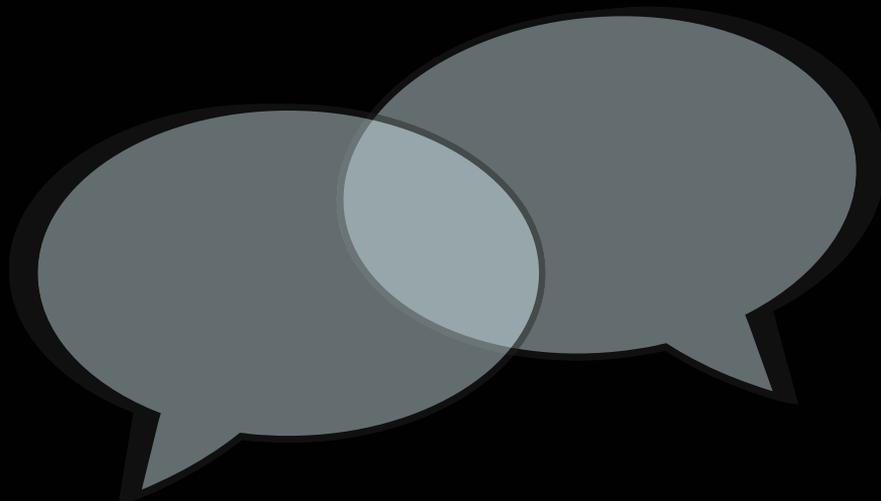


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SURVIVORS GUIDE

NAVIGATING UBC'S SEXUAL MISCONDUCT REPORTING PROCESS



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RESOURCES

SVPRO

"SVPRO is a confidential place for those who have experienced, or been impacted by, any form of sexual or gender-based violence, harassment, or harm, regardless of where or when it took place. We recognize that you are the expert of your own experience and you get to decide what is right for you. We aim to be a safer space for all by respecting each person's unique and multiple identities and experiences. All genders and sexualities are welcome".

To book an appointment with a Support Specialist **call 604-822-1588** or **email svpro.vancouver@ubc.ca**

UBC INVESTIGATIONS OFFICE

"UBC Investigations conducts impartial investigations into sexual misconduct and discrimination which are guided by the principles of procedural fairness, respect, and a trauma-informed approach. They investigate complaints that fall under Policy SC17: Sexual Misconduct and Policy SC7: Discrimination."

Phone: 604 827 2060

Email: investigations.office@ubc.ca

Website: io.ubc.ca

SASC

AMS Sexual Support Centre provides safe, confidential support for those who have experienced Sexual, Gender-based and or Intimate Partner Violence. Additionally they can provide support to survivors' friends and family.

To connect with a Support Worker, **call 604-827-5180** or **email sasc@ams.ubc.ca**

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RESOURCES

REPORTING

To submit a sexual misconduct report to UBC Investigations:
<https://io.ubc.ca/making-a-report/>

FAQs regarding jurisdiction to investigate:
<https://io.ubc.ca/jurisdiction-to-investigate/>

UBC Investigations' impartial & trauma-informed investigation process: <https://io.ubc.ca/>

Options for Alternative Resolution Processes (ARP):
<https://io.ubc.ca/alternative-resolution/>

UBC's Sexual Misconduct Policy (SC17): https://universitycounsel-2015.sites.olt.ubc.ca/files/2020/09/Sexual-Misconduct-Policy_SC17.pdf

COURSES

UBC Investigations' Canvas course for UBC Staff and Faculty:
<https://canvas.ubc.ca/courses/51485>

UBC Investigations' Canvas course for Students:
<https://canvas.ubc.ca/enroll/AP9W78>

The courses consist of 5-6 modules about the UBC Investigations Office's trauma-informed approach, ARP, and information about other UBC policies that may interact with the Sexual Misconduct Policy.

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DECIDING TO REPORT

It is important to remember that choosing to report sexual misconduct is **voluntary** and may not be the right decision for everyone. For instance, some individuals may feel empowered by reporting, and others may feel reporting would not be beneficial to their healing process.

We hope this resource guide provides you with a detailed overview of what reporting at UBC looks like and helps with **making the decision that is right for you**. Other resources like SVPRO can provide more details about support services.

REPORTING OPTIONS

There are a variety of reporting methods including filing a report with the police **and/ or** UBC's Investigations Office.

Making reports to UBC and law enforcement are considered **separate reports**.

More information regarding reporting sexual misconduct to the police is shared here: <https://svpro.ubc.ca/report-options/>

SVPRO can also help provide the correct contact information for law enforcement, as this varies depending on where the incident took place.

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REPORTING THROUGH UBC:

WHAT YOU NEED TO KNOW

Reporting sexual misconduct to UBC is an option for all students, faculty, and staff on both campuses. The incident and or perpetrator must have a real substantial connection to UBC in order for a report to be submitted. For instance, this would be the case if the perpetrator were a faculty member or a student.

Once you have made the decision to file a report with UBC, you can submit a report to UBC's Investigations Office, which is responsible for conducting impartial investigations into sexual misconduct or discrimination.

The Investigation's Office uses a trauma-informed approach, meaning all parties will be treated fairly, respectfully, and no one will be subject to cross-examination or interrogation.

Link to submit a report of sexual misconduct: <https://io.ubc.ca/making-a-report/>

The report is then sent to the Director of UBC Investigations who will determine if they have jurisdiction to investigate, according to the criteria in the Sexual Misconduct Policy.

SVPRO is able to support you while you prepare your report and throughout the investigation, including accompanying you through the investigation process.

If you are interested, prior to reporting, you are able to ask questions to investigators at UBC's Investigations Office to gain a better understanding of the reporting process. This can be done by scheduling a phone call or a video call info session.

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JURISDICTION TO INVESTIGATE

It's important to note that UBC's Director of Investigations determines if they have jurisdiction to investigate on a case by case basis, according to the criteria in the Sexual Misconduct Policy.

The following questions are considered:

1. Were the allegations made against an individual who was a Member of the UBC Community at the time of the alleged Sexual Misconduct and at the time the Report was submitted?
2. Does the alleged conduct fall within the definition of Sexual Misconduct? You can review UBC's SC17 Policy to view the definition of sexual misconduct here: https://universitycounsel-2015.sites.olt.ubc.ca/files/2020/09/Sexual-Misconduct-Policy_SC17.pdf
3. Does the alleged conduct have a real and substantial connection to UBC?

AFTER SUBMITTING REPORT

After you have submitted the report, the Director of Investigations has 14 days to determine if they have jurisdiction to investigate under the SC17 Sexual Misconduct Policy.

If they have found jurisdiction, UBC Investigations will notify you and will assign an **investigator**, who has significant experience conducting trauma-informed and impartial investigations of sexual misconduct.

To comply with the legal requirements of procedural fairness, the **Respondent** (the person who has had allegations made towards them) will receive a copy of the report. The **Complainant's** (the individual who filed the report) contact information is redacted.

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OVERVIEW OF INVESTIGATION PROCESS

After being notified of the report and their rights/resources accessible to them, the Respondent chooses how they wish to proceed:

Admit to sexual misconduct: The respondent may choose to make an admission, accepting responsibility for the allegations within the report. An investigation would not take place, although disciplinary measures may still be determined.

Deny and Defend: This option would initiate an investigation. If a Finding of sexual misconduct is made, disciplinary measures are determined by the appropriate UBC staff members.

Unwilling to Participate: The investigation is conducted without the respondent's interview/ further communication with them. A Finding of sexual misconduct may still be made in the absence of a Respondent's participation.

- If the Complainant has selected the option of **Alternative Resolution** when filling out the report form online, the respondent has the choice of participating in that, if both parties agree to it.

If the Respondent chooses to deny and defend, the next step is for the Complainant to be interviewed. All interviews are conducted using a trauma-informed approach.

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OVERVIEW OF INVESTIGATION PROCESS CONT.

Complainants and Respondents, during any time of the investigation process, can submit evidence (e.g. screenshots) of relevant messaging or social media posts to be reviewed by the investigator.

As well they may provide a list of witnesses who can be interviewed.

Note: Witnesses can be individuals who were NOT present during the incident.

Witnesses can speak on what the Complainant/Respondent may have told them in regards to the incident, and the impact of the experience.

Note: Witnesses of either party (Respondent or Complainant) are not guaranteed to remain anonymous to the other party.

After the Complainant and witnesses have been interviewed, the Respondent's interview takes place. Additional witnesses may be identified and also interviewed at this point.

Follow-up interviews for the Complainant, witnesses, and the Respondent may occur after each party's individual interviews.

From the start of the investigation, a Finding is usually determined within sixty days; however there can be delays.

ALTERNATIVE RESOLUTION

Alternative Resolution refers to a variety of non-investigative processes including mediation, restorative justice, shuttle diplomacy, and online resolution options. Both the Complainant and Respondent must voluntarily agree to Alternative Resolution to proceed with it.

- Can empower survivors of Sexual Assault/Misconduct/Violence through having a direct role in determining the outcome of the process (e.g. no-contact agreement, apology letter).

Can empower Respondents to accept responsibility and participate in determining outcomes.

- Mediation processes can be facilitated, even without the Complainant and Respondent communicating directly.
- If Alternative Resolution is chosen, the investigation does not occur. Complainants and Respondents may decide not to participate in AR **at any point** during the process. In that case, an investigation would take place.

For more information on Alternative Resolution please visit:

<https://io.ubc.ca/alternative-resolution/> or contact UBC Investigations Office.

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FINDING

“At the end of the investigation, the investigator determines if, on a balance of probabilities, the Respondent engaged in sexual misconduct and breached UBC's Policy SC17: Sexual Misconduct”

If a finding of a breach of the policy is determined, the Investigations Finding Report is sent to the proper UBC authority to determine the outcome. Complainants will not know what disciplinary measure was taken against the Respondent unless there are compelling health or safety reasons. The Investigative Findings Report can be emailed to the Complainant or can be delivered in a method that the Complainant prefers, such as going through the report with a support person from SVPRO. The Investigative Findings Report is sent to both the Complainant and Respondent and sets out all of the information collected during the investigation and the reasons for the finding. It is possible that certain names and or statements may be redacted from the report.

It's important to know that even if there is no finding of sexual misconduct, this does not mean that the Complainant didn't experience something traumatic. **The absence of a Finding does not negate the experience of the Complainant.** If you've experienced sexual assault or other forms of sexual violence remember that it is **not your fault.**

WE BELIEVE YOU.

