

Alternative Resolution Processes for Sexual Misconduct



Alternative Resolution Processes (ARPs) are a key tool for building accountability and engaging in community repair in response to sexual misconduct. We offer the following forms of ARPs in response to reports of sexual misconduct:

Restorative justice circle

- A facilitated discussion circle where respondents agree make a complete admission of harms caused by them to the complainant
- Restorative justice circles focus on repairing relations between complainants and respondents where:
 - Complainants express how the incident impacted them
 - Respondents gain insight to the harm they caused and play a role in the complainant's healing process
- The IO facilitator maintains a safe, respectful setting and discussion at all times

Mediation & Shuttle Mediation

- Facilitated negotiation between complainants and respondents to come to a mutual agreement regarding how to move forward
- Usually at least a partial admission of harms caused by the respondent
- Focuses on what arrangements need to be made for complainants and respondents to feel safe and well at UBC instead of focusing on repairing relationships. Agreements often include terms about how the complainant and respondent are to interact during the rest of their time at UBC. Common terms include:
 - The respondent has to take sexualized violence/discrimination training to help them avoid similar mistakes in the future
 - A formal written apology for the harms caused by the respondent
 - No further contact or very limited contact between the parties
 - Arranging schedules to avoid sharing classes, labs, workspaces, or generally running into one another on campus
- 6-month check in with the IO to ensure parties are following the agreement
- The IO facilitator helps the complainant and respondent respectfully discuss their desired outcomes with each other
- Shuttle mediation can be conducted at a distance where complainants and respondents do not directly speak to each other but instead propose ideas to the IO facilitator helps the complainant and respondent clearly articulate their desired outcome and carries that message to the other party.

Selecting the best ARP

The IO facilitator will consult with both parties at the beginning of the process to select the form of ARP that works best. Desired outcomes, logistics, and safety considerations determine the best ARP option. The IO can also offer most ARP options in-person or online.

Suitability

Not all reports are suitable for ARP. Factors such as concerns for the safety and wellbeing of participants, terms of an employment relationship to UBC, and potential power imbalances may impact the availability of ARP. If the Director of Investigations determines that ARP may be appropriate, an Investigator will discuss the option of ARP with the complainant. If the complainant agrees to attempt ARP, the Investigator will discuss the option of ARP with the respondent.

Voluntary

Participation in ARP is voluntary – both the complainant and respondent must consent and be willing participants. If, at any time during the ARP, either party withdraws their consent to participate, the report may be referred to an investigation process. The facilitator will not continue as the investigator if this occurs; a new investigator will be assigned to avoid bias.

When In Doubt – Ask The IO!

If you ever are confused, unsure about your options, or need more information, please reach out to the IO. We are committed to empowering you with all the information you need to make the best decisions for you.

 io.ubc.ca

 investigations.office@ubc.ca

 604.827.2060

