

# UBC Investigations Office

## Annual Report

*April 1, 2022 – June 30, 2023*

*Submitted August 15, 2023*



[io.ubc.ca](https://io.ubc.ca)

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## Executive Summary

The UBC Investigations Office (IO) manages complaint processes under two key policies: the Sexual Misconduct Policy (SC17) and the Discrimination Policy (SC7). The IO also addresses concerns under the Retaliation Policy (SC18) where the alleged retaliation relates to a sexual misconduct or discrimination complaint. Where sexual misconduct or discrimination complaints contain other forms of alleged misconduct, the IO may conduct a consolidated investigation under the revised Investigations Policy (SC8).

In this reporting period, the IO has prioritized the development of internal resources and quality control mechanisms to ensure consistent, legally defensible and trauma-informed investigations. Quality service for all UBC community members necessitates inclusive, culturally appropriate and anti-racist practices, including appointing investigators with relevant lived experience, and designing complaint resolution practices that resonate with various communities, such as the IO's pilot Indigenous Peacemaking Circle. Collaborative case management across units that address misconduct at UBC has been crucial to providing a more seamless participant experience. The IO also furthered UBC's commitment to transformative learning through the promotion and expansion of alternative resolution practices (ARPs), delivering sustainable and participant-centered outcomes where appropriate.

In this reporting period, the IO received 64 sexual misconduct, 21 discrimination, and 3 retaliation complaints. Reports of sexual misconduct decreased in the last year, while reports of discrimination and retaliation remained constant. Although there was a downturn in the total number of complaints to the IO in the last year, the long-term trend reflects an increase in complaints since the IO was established. Complaints are also becoming increasingly complex; 20 of the IO's investigations in this reporting period implicated multiple UBC policies.

Looking ahead, the IO remains focused on inclusive service delivery, specifically through the use of internal and external IBPOC investigators to reflect the communities we serve. We also aim to critically examine our investigation processes to reduce investigation timelines where possible and utilize ARPs where appropriate and agreed to by the parties. Finally, through the newly established Investigations Community of Practice, the Director of Investigations will provide leadership to other UBC offices that conduct investigations to ensure a more consistent institutional approach.

The IO has changed its reporting period from the fiscal year to the period of July 1 to June 30 going forward to better capture the work during the full academic year. As a result, this report includes the period from April 1, 2022 until June 30, 2023.

## Introduction to the Investigations Office

In 2017, the province of British Columbia enacted the *Sexual Violence and Misconduct Policy Act*, which required that all post-secondary institutions in British Columbia have a stand-alone sexual misconduct policy. As required by the *Act*, UBC established its Sexual Misconduct Policy and responsive offices: the IO and the Sexual Violence Prevention and Response Office (SVPRO) in 2017.

The IO and SVPRO are distinct offices with different roles under the Sexual Misconduct Policy. The IO is responsible for responding to formal complaints under the Policy, through investigations and ARPs. The SVPRO is responsible for sexual misconduct prevention education and support services for people who have experienced sexual or gender-based violence or harm. In 2022, UBC introduced a third office: the Respondent Resource Specialist (RRS) to support people who are alleged to have caused harm under the Sexual Misconduct and Discrimination Policies with guidance and support in processes.

In addition to the Sexual Misconduct Policy, the IO is tasked with responding to formal complaints under UBC's Discrimination Policy. The IO may also respond to complaints under UBC's Retaliation Policy where the alleged retaliation arises from an underlying sexual misconduct or discrimination complaint.

In April 2023, UBC amended its Investigations Policy to provide for consolidated investigations where allegations relating to the same respondent are received by multiple UBC offices, or where a single complaint raises multiple forms of misconduct. In the context of consolidated investigations, the IO has also addressed alleged breaches of UBC's Respectful Environment Statement, the Student Code of Conduct, and general employment-related concerns, including violations of the *Employment Standards Act* and breach of trust.

When the IO was established in 2017, all investigations and ARPs were referred to external practitioners, resulting in significant time, expense and a lack of localized knowledge in IO processes. Over the last five years, in response to a growing number of complaints to the IO, the team has grown to include four Investigators, a Legal Administrative Assistant, Operations Manager, Educator, and Legal Researcher.



## Strategic Priorities

### Strategic Framework

The IO serves students, faculty and staff at both the Vancouver and Okanagan campuses, and various other satellite locations. Given the subject matter of the IO's work and the multiple communities it serves, the following strategic plans and frameworks inform the IO's priorities:

- Shaping UBC's Next Century: UBC's Strategic Plan
- StEAR Framework<sup>1</sup>
- Indigenous Strategic Plan
- Student Strategic Plan
- Focus on People Plan

Some key themes that emerge from the relevant strategic plans and frameworks are equity, inclusion and anti-racism, connection and alignment across UBC units, compliance with relevant laws and policy, and promotion of a respectful environment. Some plans, such as the ARIE Final Report included specific recommendations for the IO, including the appointment of investigators with relevant lived experience in race-related discrimination complaints.

### Priorities and Progress

To further the commitments set out in the above plans and frameworks, the IO identified the following priorities and completed the following key initiatives from April 1, 2022 to June 30, 2023:

**Priority 1 - Enhanced Investigation Processes:** establish and employ legally-defensible and trauma-informed investigation practices through the development of internal resources and quality control mechanisms. In this reporting period, the IO:

- Developed and implemented investigations checklists
- Developed and implemented systems for file tracking
- Developed legal database (memorandums on foundational legal concepts are complete; ongoing expansion as needed and in response to legal developments)
- Developed template correspondence and investigation reports
- Implemented a peer and DOI review process for all draft investigation reports

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<sup>1</sup> The StEAR Framework guides the implementation of equity and anti-racism priorities, including those set out in the Inclusion Action Plan, Employment Equity Plan, Canada Research Chair Equity, Diversity and Inclusion (EDI) Action Plan, Dimensions Action Plan for EDI in Research, Task Force on Anti-Racism and Inclusive Excellence (ARIE) Final Report, Trans, Two-Spirit and Gender Diversity Task Force Report and UBC's forthcoming accessibility plan.

**Priority 2 - Inter-unit collaboration:** ensure a seamless user experience and alignment in practice by consulting and collaborating with relevant UBC units, including the SVPRO, RRS, Equity & Inclusion Office (EIO), Employee Relations, Faculty Relations, and Student Conduct and Case Management. In this reporting period, the IO:

- Consistently engaged in collaborative case management
- Established and co-chaired the Sexual Misconduct Policy Committee, collaboratively developing recommendations for sexual violence education strategy in partnership with stakeholders

**Priority 3 - Education:** build policy awareness and trust with UBC community members who may need to access the IO's services through outreach and consultation meeting offerings. In this reporting period, the IO:

- Offered consultation meetings for those considering filing complaints
- Developed resource sheets for parties to investigations
- Delivered presentations and engaged with key community and stakeholder groups

**Priority 4 - Inclusive, culturally appropriate and anti-racist practice:** critically examine, improve and expand on investigation processes and ARPs to reflect and resonate with a plurality of experiences and identities. In this reporting period, the IO:

- Audited its sexual misconduct report form and website content for gender-inclusive language
- Delivered targeted outreach to Indigenous, queer and international student groups
- Appointed investigators with lived experience on issues relevant to complaints
- Increased IO staff literacy in EDI through professional development, including Positive Space training, Decolonization Art Tour, Mental Health Training for Managers and Trans-inclusive Investigations Training
- Developed and conducted consultations for a culturally appropriate ARP offering, the Indigenous Peacemaking Circle (these consultations remain ongoing)

## Statistics and Trends

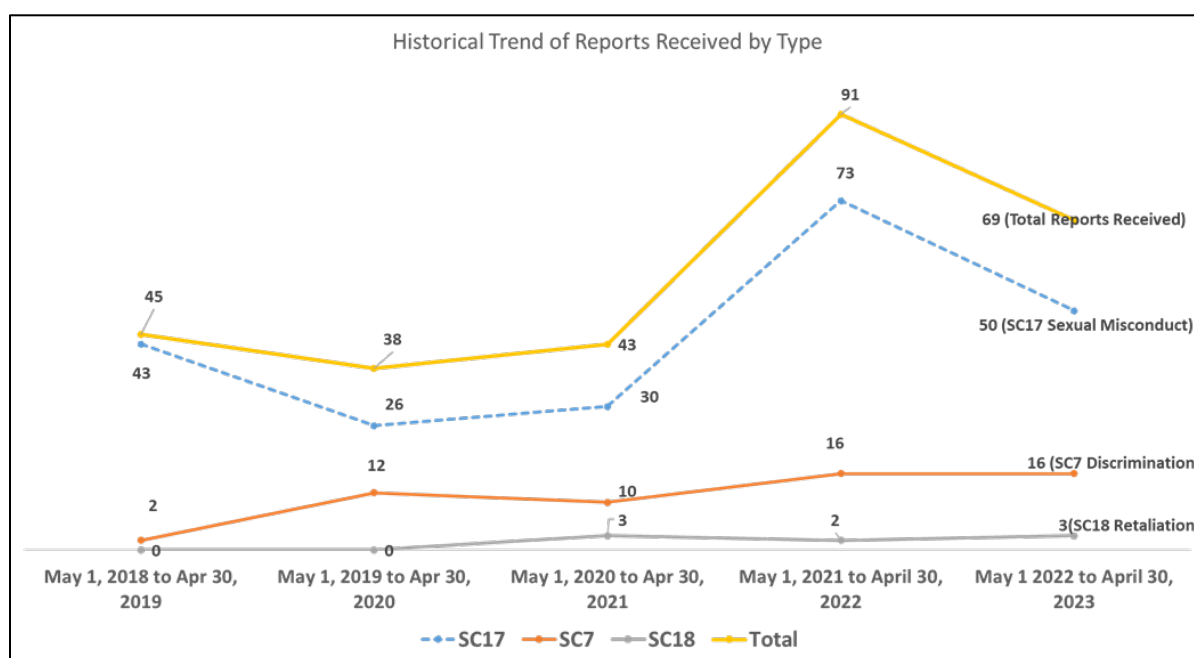
### Reporting Trends

Reports of sexual misconduct have decreased in the last year, while reports of discrimination and retaliation have remained relatively constant. The decrease in reports of sexual misconduct may represent a downturn in occurrences of sexual misconduct following the COVID-19 pandemic. During the pandemic, incidences of sexualized violence increased within and beyond the post-secondary sector.

Despite the downturn in complaints over the last year, the long-term trend reflects an increase in complaints since the IO was established. While we cannot conclusively identify the reason for the increase, we believe it is likely related to the outreach and education done by the IO, SVPRO and EIO, affirming UBC community members' right to a safe, inclusive and respectful environment, and creating trust that UBC will take complaints seriously.

Since the IO's inception, complaints have become increasingly complex, often including multiple complainants or respondents, implicating multiple policies, and including multiple allegations.

The year-over-year reporting trends are reflected in the chart below.<sup>2</sup>



<sup>2</sup> Prior to this year, statistics were kept on the fiscal year, and so, we have reported the year-over-year statistics using the May 1 to April 30 reporting period. Starting next year, we will shift year-over-year reporting to align with the new July 1 to June 30 reporting period.

## Sexual Misconduct Policy

The IO responds to reports of sexual misconduct under the Sexual Misconduct Policy by conducting investigations and facilitating ARPs, where appropriate.

### Reporting Statistics

From April 1, 2022 to June 30, 2023, the IO received **64 reports** of sexual misconduct.

- **48 reports** related to UBC's Vancouver campus; **16 reports** related to UBC Okanagan campus.
- **23 reports** did not meet the jurisdiction requirements of the Sexual Misconduct Policy. As a result, the IO was unable to investigate these reports.
- **39 reports** were referred for investigation.
- **2 reports** were resolved through an ARP.

The parties to the complaints were:

	Complainant	Respondent
Student	43	43
Employee	8	13
Dual-Status (Student and Employee)	2	4
Non-UBC or Unknown	11	4

### Investigation Statistics

Of the 39 reports that were referred for investigation from April 1, 2022 to June 30, 2023, investigations have been completed for **24 reports** as of the date of this Annual Report. The results from the completed investigations were as follows:

- **15 investigations** found a breach of the Sexual Misconduct Policy.
- **9 investigations** found no breach of the Sexual Misconduct Policy.

The status of the remaining investigations is as follows:

- Under the Sexual Misconduct Policy, the IO has the ability to suspend its investigation pending an external process, such as a criminal proceeding or human rights complaint. **4 investigations** are currently suspended pending another proceeding.
- **1 investigation** was closed because the complainant withdrew her complaint.
- **10 investigations** that were initiated during this reporting period remain in progress.



## Discrimination Policy

The IO responds to complaints under the Discrimination Policy by conducting investigations and facilitating ARPs, where appropriate.

### Complaints Statistics

From April 1, 2022 to June 30, 2023, the IO received **21 complaints** of discrimination.

- **17 complaints** related to UBC Vancouver; **4 complaints** related to UBC Okanagan.
- **4 complaints** did not meet the jurisdiction requirements of the Discrimination Policy. As a result, the IO was unable to investigate these complaints.
- **14 complaints** were referred for investigation.
- **1 complaint** was resolved through an alternative resolution process.
- **2 complaints** were referred to other UBC processes.

The parties to the complaints were:

	Complainant	Respondent
Student	6	0
Employee	9	17
Dual-Status (Student and Employee)	2	0
Systemic Complaint (UBC)	0	4

### Investigation Statistics

Of the 14 complaints that were referred for investigation from April 1, 2022 to June 30, 2023, investigations have been completed for **5 complaints** as of the date of this Annual Report. The outcomes of the completed investigations are as follows:

- **4 investigations** found a breach of the Discrimination Policy
- **1 investigation** found no breach of the Discrimination Policy.

**9 investigations** remain in progress as of the date of this Annual Report. In general, complaints under the Discrimination Policy tend to be more complex and take longer to investigate. All of the investigations that remain in-progress include multiple allegations; most include multiple complainants and/or respondents; and most implicate multiple UBC policies.

## Consolidated Investigations

As part of a trauma-informed approach, the IO has historically conducted consolidated investigations where a complaint of sexual misconduct or discrimination also includes alleged conduct which may violate another UBC policy, as opposed to conducting two parallel investigations. As of April 1, 2023, amendments to the Investigations Policy formalized this practice by requiring designated persons under various UBC policies to consider conducting a consolidated investigation instead of pursuing multiple parallel processes.

**20 of the above-noted complaints** involved alleged misconduct under multiple UBC policies or applicable standards of conduct. In addition to complaints of sexual misconduct, discrimination, and retaliation, the IO conducted investigations in the following areas:

- **6 investigations** involved alleged breaches of the Student Code of Conduct.
- **15 investigations** involved alleged breaches of UBC's Respectful Environment Statement.
- **1 investigation** involved an alleged breach of the *Employment Standards Act*.
- **1 investigation** involved an alleged breach of the *Freedom of Information and Protection of Privacy Act*.
- **1 investigation** involved breach of trust allegations.

## Education and Engagement

Through various education and engagement opportunities, the IO raised awareness about community members' responsibilities under the Sexual Misconduct Policy and Discrimination Policy, and the IO's processes under these Policies. Engagement with community members was critical to empower folks to access the IO's services when they needed them.

### Education Statistics

The IO delivered the following education and engagement programming from April 1, 2022 to June 30, 2023:

- Total education and outreach activities: **38**
- Total participants engaged: **2,293**
  - Student participants: **1,402**
  - Employee participants: **891**

Some key education and engagement opportunities included:

- Academic Leadership Development Program – Academic Leaders’ Role in Discrimination and Sexual Misconduct Processes
- Data Privacy Week Webinar – Student and Employee Investigations: The Privacy Issues
- JEDI in STEM Series – Panel with EIO, SVPRO, REDI and Ombuds Office
- IO Survivor Support Open House – SVPRO and SASC attend IO offices for coffee, snacks and celebration of collective achievements
- Indigenous Students Orientation – Resource Fair
- AMS Constituencies Conference – Introduction to the IO
- Campus Safety Week – IO Booth
- Imagine Day Equity “Super Booth” and Scavenger Hunt – IO, SVPRO and EIO Booth
- UBCO Deans’ Council – Academic Leaders’ Role in Discrimination and Sexual Misconduct Processes
- Pride Connect Staff Social
- Faculty of Medicine HR Roundtable – HR Professionals’ Role in Discrimination and Sexual Misconduct Processes
- Graduate Students Society Board – Introduction to the Sexual Misconduct Policy

The IO partnered with the following units to deliver education and engagement programming:

SVPRO

Equity & Inclusion Office

Faculty of Medicine

Graduate Students’ Society

Vantage College

Allard School of Law

Faculty of Education

First Nations House of Learning

Global Campus Initiatives

Campus Security

AMS Advocacy

AMS Sexual Assault Support Centre

Pride UBC

Disability Affinity Group



THE UNIVERSITY OF BRITISH COLUMBIA  
Faculty of Medicine



The Disability Affinity Group  
University of British Columbia



GRADUATE  
STUDENT SOCIETY  
UBC VANCOUVER



PETER A. ALLARD  
SCHOOL OF LAW



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## Looking Ahead

In the upcoming year, the IO will continue to focus on inclusive service delivery, improved timelines for investigations, institution-wide leadership in investigations practices, and ongoing support of education around prevention. Some key initiatives underway for the 2023-24 year include:

- Improved access to investigators with relevant lived experience. This includes recruiting and retaining IBPOC investigators, and working with external IBPOC investigators.
- Improved investigation timelines through:
  - Use of internal resources: Utilizing existing checklists, templates and legal memorandums to fast-track work for investigators
  - Investigation planning and monitoring: Investigators complete an Investigation Plan to manage timeline, and DOI administers periodic monitoring for compliance with timeline in Investigation Plan
  - Scheduling: Ensuring parties to investigations make themselves available to participate in a timely way
  - Staffing: Hiring additional investigators as needed in response to increase in complaints. Generally, internal investigations are more responsive and timelier than external investigations
  - Workload: Ensuring investigators have a manageable case load such that sufficient time can be dedicated to each investigation they are conducting
- Enhanced and expanded alternative resolution offerings, including professional development for IO team on restorative justice in campus sexual violence, and launch of the Indigenous Peacemaking Circle pilot.
- Supporting ongoing training initiatives that support education and prevention.