



SUBJECT	NEW POLICY #131 - SEXUAL ASSAULT AND OTHER SEXUAL MISCONDUCT
MEETING DATE	APRIL 13, 2017

Forwarded to the Board of Governors on the Recommendation of the President

**APPROVED FOR
SUBMISSION**

Santa Ono, President and Vice-Chancellor

DECISION REQUESTED	IT IS HEREBY REQUESTED that <i>the Board of Governors approve Policy 131 (Sexual Assault and other Sexual Misconduct), effective May 18, 2017.</i>
Report Date	April 5, 2017

Presented By Hubert Lai, Q.C., University Counsel
Louise Cowin, Vice-President Students
Lisa Castle, Vice-President Human Resources

EXECUTIVE SUMMARY

The proposed policy supports UBC's commitment to a respectful environment where its members can study, work, and live free from concerns of sexual misconduct. It also articulates UBC's commitment to support members of the UBC community who are affected by sexual misconduct, to provide a central site for information regarding the resources and options available to those affected by sexual misconduct, to create and make available programs and resources to educate its community on the prevention of sexual misconduct, and to provide a process to respond to and investigate allegations of sexual misconduct.

INSTITUTIONAL STRATEGIC PRIORITIES SUPPORTED

☐ Learning ☐ Research ☐ Innovation ☒ Engagement ☐ International
(Internal / External)

or ☐ Operational

DESCRIPTION & RATIONALE	<p>In late 2015, then-President Piper directed that a sexual assault policy be developed.</p> <p>A draft policy was presented to the Board of Governors for its information and input at its June 14, 2016 meeting. That draft was informed by an extensive survey and review of the sexual assault policies and protocols instituted at other universities and colleges across Canada and the US, and by an extensive review of the literature on the topic of sexual assault at educational institutions. It also reflected the Committee's consultation with key stakeholders.</p> <p>After that draft was presented to the Board, the Office of the University Counsel and the Equity & Inclusion Office undertook an extensive community consultation</p>
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exercise over a period of four and a half months. The consultation resulted in over 160 submissions, all of which were considered by the policy committee in creating the second draft that was presented to the Board of Governors at the February 14, 2017 meeting, including two significant changes reflecting the administration's approval of the creation and staffing of Sexual Violence Prevention and Response Offices on each campus, as well as the creation of a Director of Investigations position on each campus and a new investigation process to address reports of sexual misconduct.

Given these significant changes to the draft policy, a second community consultation period was undertaken from February 14 to March 14, 2017 to give the community an opportunity to comment on these new features. The community was once again invited to provide written feedback via email to the Office of the University Counsel or through a confidential website set up by the Equity & Inclusion Office. In addition, the Co-Chairs of the Policy Development Committee led two public information sessions to facilitate discussion about the proposed policy, one on the Okanagan campus and one on the Vancouver campus.

The second consultation resulted in 44 submissions, all of which were considered by the policy committee in creating the final draft. In addition, the UBC Steering Committee on Sexual Assault reviewed the submissions and provided input to the Policy Committee. Feedback provided through the consultation process ranged over the entire policy and procedures, but a significant portion of it was requests for further information and details that would be appropriate for inclusion in additional supporting materials but not for inclusion in the policy itself. These requests have been noted and referred to the appropriate UBC offices or bodies, including the UBC Steering Committee on Sexual Assault, for consideration. No significant changes were made to the policy or procedures, although clarifying information was added to some sections in response to the comments received.

BENEFITS Learning, Research, Financial, Sustainability & Reputational	The proposed policy provides a clear articulation of the commitments and principles the University will adhere to and the expectations the University has for its members with regard to sexual misconduct, which will assure all members of the UBC community that the University takes seriously its responsibility to ensure their safety and security. The policy outlines the new Sexual Violence Prevention and Response Offices' mandate and provides an extensive list of the services the Office can provide. This ensures that every member of the UBC community can easily locate the support and information they need. Having these services in one central location will reduce confusion and will improve the University's ability to respond to disclosures and reports of sexual misconduct in a timely manner. The procedures to the policy set out a separate and distinct investigatory process to address allegations of sexual misconduct made against members of the UBC community. Finally, the policy complies with the provincial legislation requiring all BC post-secondary institutions to have a policy in place that addresses sexual misconduct.
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CONSULTATION Relevant Units, Internal & External Constituencies	The proposed policy has been developed by a Policy Development Committee, constituted by the Office of the University Counsel at the request of the
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President to consider and advise on the proposed new policy. The Committee is comprised of the following members:

Kimberley Beck, Legal Counsel (Co-Chair)

Sara-Jane Finlay, AVP Equity and Inclusion (Co-Chair)

Susan Frohlick (Professor, Anthropology and Gender and Women's Studies, UBCO)

Isabel Grant (Professor, Allard School of Law, UBCV)

Daniel Justice (Professor, English, and Chair First Nations and Indigenous Studies, UBCV)*

Shannon Dunn (Director, Business Operations, UBCO)

Linda McKnight (Director, HR Advisory Services, UBCV)

Roger Wilson (Director, Health and Wellness, UBCO)

Janice Robinson (Director, Residence Life, UBCV)

Kimberly Rutledge (UBCSUO, VP External)

Samantha So (AMS, VP Academic)

Gen Cruz (GSS, President)


The proposed policy is unanimously recommended by the Policy Development Committee.

* Stepped down from the Committee effective January 10, 2017

Additional Materials

1. A clean copy of the proposed policy.
2. A black-lined version showing the changes that have been made compared to the version that was presented to the Board of Governors in February of 2017.
3. A summary of the feedback received during the second community consultation period, along with a description of the Committee's response.

Previous Report Date	February 14, 2017
Decision	Presented to the Board for information and input, following which community consultation was undertaken.

 The University of British Columbia Board of Governors	Policy No.: 131	Approval Date: <i>Anticipated April 2017</i>
	Responsible Executive: Vice-President, Students Vice-President, Human Resources	
Title: Sexual Assault and Other Sexual Misconduct		
Background & Purposes: UBC has a responsibility to maintain a respectful environment where its members can study, work, and live free from sexual misconduct. This policy articulates UBC's duty and commitment to support members of the UBC community who are impacted by sexual misconduct, to provide a central site for information regarding the resources and options available to those affected by sexual misconduct, to create and make available programs and resources to educate its community on the prevention of sexual misconduct, and to provide a process to respond to and to investigate allegations of sexual misconduct.		

1. Principles and Commitments

- 1.1 UBC will not tolerate sexual assault or any other Sexual Misconduct.
- 1.2 UBC recognizes that people's experiences will be affected by factors such as their access to power and privilege, their sex, sexual identity, gender identity or expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, Indigeneity, immigration status, socio-economic status, class, and language. UBC also recognizes that the university is a unique environment, in which power imbalances are inherent. These factors, along with an individual's personal history, impact individual experiences of Sexual Misconduct, the ability to access supports, and choices with regard to recourse. UBC will take this into account when carrying out its responsibilities under this Policy.
- 1.3 UBC is committed to providing comprehensive and inclusive Sexual Misconduct education, prevention, and response initiatives. Through these initiatives, UBC is committed to countering rape culture, a term that describes broader social attitudes about gender, sex and sexuality that normalize Sexual Misconduct and undermine equality.
- 1.4 UBC is committed to reducing barriers to Disclosing and Reporting, and to taking a trauma-informed approach when responding to and addressing Disclosures and Reports, and conducting Investigations.
- 1.5 UBC will provide support services and accommodations to Members of the UBC Community who Disclose or Report Sexual Misconduct.

- 1.6 UBC is committed to respecting the rights of those who Disclose to make their own decisions about accessing support services and accommodations, making a Report, or pursuing external processes such as a criminal or civil action.
- 1.7 UBC will provide support to Members of the UBC Community who have had Reports of Sexual Misconduct made against them.
- 1.8 UBC is committed to procedural fairness and will respond to and address Disclosures and Reports, and will conduct Investigations, in a timely manner.
- 1.9 UBC will not tolerate any retaliation, direct or indirect, against anyone involved in a Disclosure, a Report, or an Investigation.

2. The Sexual Violence Prevention and Response Office

- 2.1 UBC has established a Sexual Violence Prevention and Response Office at each of the UBC Vancouver and UBC Okanagan campuses. Each office consists of a Director who oversees the office and staff or volunteers.
- 2.2 The Sexual Violence Prevention and Response Office acts as a single point of contact and liaison on each campus for Members of the UBC Community who have experienced Sexual Misconduct. This Office will provide individualized information, advice, and assistance. The support services that can be provided by the Office include:
 - 2.2.1 receiving Disclosures;
 - 2.2.2 identifying, accessing, and coordinating appropriate accommodations;
 - 2.2.3 providing information about and referrals to UBC Counselling Services and UBC Student Health Services at UBC Vancouver, the Health and Wellness Centre at UBC Okanagan, and the UBC Employee and Family Assistance Program;
 - 2.2.4 providing information about and referrals to external organizations such as the UBC Hospital, Kelowna General Hospital, the AMS Sexual Assault Support Centre (SASC), the Vancouver Rape Relief and Women's Shelter, Women Against Violence Against Women, the BC Society for Male Survivors of Sexual Abuse, the Central Okanagan Elizabeth Fry Society, and the Family Centre Services Society;
 - 2.2.5 providing information about confidentiality and how confidentiality relates to the information provided through a Disclosure, a Report, or an Investigation;
 - 2.2.6 providing information about Reporting, Investigations, and alternative dispute resolution processes;
 - 2.2.7 providing information about any other relevant UBC policies, such as Policy #3 – Discrimination and Harassment, and Policy #14 – Response to At-Risk Behaviour;
 - 2.2.8 assisting with the creation of a Report or the submission of a Report to the Director of Investigations, or both;

- 2.2.9 acting as a liaison with the Investigator appointed to conduct an Investigation;
 - 2.2.10 acting as a support person during an Investigation, as referenced in section 3.8.1 of the Procedures to this Policy;
 - 2.2.11 receiving allegations regarding acts of retaliation relating to a Disclosure or Report of Sexual Misconduct and assisting with referral of these allegations to the appropriate employment or student disciplinary process; and
 - 2.2.12 providing information about the differences between the criminal process and UBC's investigatory process, and providing support in reporting to the police if requested.
- 2.3 The Sexual Violence Prevention and Response Office will also:
- 2.3.1 serve all Members of the UBC Community, including those who have received a Disclosure, those who are supporting someone who has experienced Sexual Misconduct, or those who may have witnessed Sexual Misconduct;
 - 2.3.2 establish, oversee, and coordinate sexual misconduct prevention and response protocols and processes, communications, resource materials, and training; and
 - 2.3.3 lead the education program to countering broader social attitudes regarding gender, sex and sexuality that normalize Sexual Misconduct and undermine equality.
- 2.4 Annually, UBC will publically report on the number of:
- 2.4.1 Disclosures received by the Sexual Violence Prevention and Response Offices;
 - 2.4.2 Reports received by the Directors of Investigations; and
 - 2.4.3 Reports investigated or referred to an alternative dispute resolution process.

3. Disclosures

- 3.1 The decision to Disclose and the decision to Report are separate decisions. An individual may choose to Disclose Sexual Misconduct without making a Report. Consequently, Disclosure does not result in a Report being made, and does not initiate an Investigation or other action by UBC, subject only to section 3.6.
- 3.2 UBC will make appropriate support services and accommodations available to Members of the UBC Community on the basis of a Disclosure, regardless of whether they decide to make a Report or whether UBC has the Jurisdiction to Investigate.
- 3.3 Accommodations that may be available to Members of the UBC Community who have Disclosed or Reported Sexual Misconduct include:
 - 3.3.1 student residence re-location or short term emergency student housing;
 - 3.3.2 class schedule changes;

- 3.3.3 academic accommodations;
 - 3.3.4 temporary work reassignment, location reassignment, or scheduling changes;
 - 3.3.5 emergency funding for students;
 - 3.3.6 safety planning; and
 - 3.3.7 the implementation of safety measures.
- 3.4 Records of any Disclosures made to a Sexual Violence Prevention and Response Office will be kept strictly confidential, and access to those records will be limited to the Director and staff members of the relevant Sexual Violence Prevention and Response Office.
- 3.5 UBC recognizes that disclosures of Sexual Misconduct are most often made to someone the individual making the disclosure already knows. If a Disclosure is made to a Member of the UBC Community who is not trained to receive Disclosures, that Member is encouraged to contact the Sexual Violence Prevention and Response Office for support and information on how best to respond to a Disclosure and to support the individual making the Disclosure.
- 3.6 To the greatest extent possible, UBC will respect an individual's choice to not make a Report and will keep the Disclosure confidential. In exceptional circumstances, where required by law or where there is a risk of significant harm to anyone's health or safety, and at the sole discretion of the Director of the relevant Sexual Violence Prevention and Response Office, UBC may do one or both of the following:
- 3.6.1 refer the matter to the relevant Director of Investigations as a Report under section 4, in which case the individual who Disclosed has the right not to participate in any subsequent Investigation;
 - 3.6.2 notify third parties, such as the police or child protection authorities.
- 3.7 If UBC takes any action under section 3.6, the Director of the relevant Sexual Violence Prevention and Response Office will notify the individual who made the Disclosure and will ensure that appropriate support services are made available to that individual.

4. Reports

- 4.1 Anyone directly subjected to Sexual Misconduct, including an individual who is not a Member of the UBC Community, can make a Report against a Member of the UBC Community under this Policy.
- 4.2 Reports must be submitted to the Director of Investigations on the relevant campus, who will address them in accordance with the Procedures to this Policy, which includes an initial review as set out under section 3 of the Procedures to determine whether the allegations contained in the Report fall within UBC's Jurisdiction to Investigate.
- 4.3 Sexual harassment may fall within the scope of both Policy #3 – Discrimination and Harassment and this Policy. Reports that contain allegations of Sexual Misconduct other than sexual

harassment will be addressed under this Policy. Reports that contain allegations of sexual harassment alone will be reviewed by the Director of Investigations who will determine, based on the particular facts of the case and in consultation with the individual making the Report, which policy is better suited to address the allegations.

- 4.4 An individual can both submit a Report to UBC and pursue other processes external to UBC against the individual alleged to have committed the Sexual Misconduct. These external processes may include reporting to the police or initiating a civil action (including a complaint under the *BC Human Rights Code*). These are separate processes and Reporting to UBC does not result in a report to the police or the initiation of a civil action, although in exceptional circumstances, where required by law or where there is a risk of significant harm to anyone's health or safety, UBC may notify third parties, such as the police or child protection authorities. If such action is taken, the Director of Investigations will notify the individual who submitted the Report and will ensure that appropriate support services are made available to that individual.
- 4.5 If an Investigation or alternative resolution process is initiated under the Procedures to this Policy and an external process is also being pursued, the Director of Investigations may elect, after consultation with the Complainant, to continue with the UBC process or to suspend the UBC process as appropriate.

5. Anonymous and Third Party Allegations

- 5.1 Anonymous allegations, or allegations of Sexual Misconduct made by a third party (someone other than the individual who was directly subjected to the Sexual Misconduct) can also be submitted to the Director of Investigations on the relevant campus.
- 5.2 UBC may be unable to proceed with an Investigation involving anonymous or third party allegations due to a lack of evidence from the individual who was directly subjected to the Sexual Misconduct, or where proceeding would violate procedural fairness. In such cases, the Director of Investigations will consider whether any other steps can and should be taken. In appropriate cases, the Director may contact the third party who submitted the allegations to find out if the individual who was directly subjected to the Sexual Misconduct would consider submitting a Report. However, where other sufficient evidence exists and where it would not violate procedural fairness, at the sole discretion of the Director of Investigations, UBC may decide to proceed with an Investigation. In such cases, the individual who was directly subjected to the Sexual Misconduct has the right to not participate in the Investigation.
- 5.3 If UBC is unable to proceed with an Investigation involving anonymous or third party allegations, the allegations will be retained by the Sexual Violence Prevention and Response Office on the relevant campus. These allegations will be kept strictly confidential, and access to them will be limited to the Director of Investigations and the Director of the Sexual Violence Prevention and Response Office.

6. Conflicts of Interest

- 6.1 If a Director or staff member of the Sexual Violence Prevention and Response Office, a Director of Investigations, an Investigator, or a UBC authority empowered to impose discipline has a real or apparent conflict of interest in a particular matter, or there is a reasonable

apprehension of bias, then that individual will not continue their involvement in the matter and UBC will appoint an appropriate individual to act in that role for the purposes of that matter.

7. Policy Review

- 7.1 UBC is committed to reviewing this Policy at least once every three years, in consultation with students and other Members of the UBC Community.

8. Definitions

- 8.1 **“Sexual Misconduct”** is any sexual act or act targeting an individual’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against an individual without that individual’s Consent. The following list sets out examples of Sexual Misconduct. The list is intended to help Members of the UBC Community understand the kinds of acts that will be considered Sexual Misconduct. The list is not exhaustive and other acts can still be considered Sexual Misconduct under this Policy even if they do not appear in the list below. Sexual Misconduct includes, but is not limited to, the following:

- 8.1.1 sexual assault, which is any form of sexual touching or the threat of sexual touching without the individual’s Consent;
- 8.1.2 sexual harassment, which is unwelcome conduct of a sexual nature that detrimentally affects the working, learning, or living environment, or leads to adverse consequences for the one directly subjected to the harassment;
- 8.1.3 stalking, which is engaging in conduct that causes an individual to fear for their physical or psychological safety, such as repeatedly following or communicating through any means with someone, engaging in threatening conduct, or keeping watch over the place where the individual happens to be;
- 8.1.4 indecent exposure, which is exposing one’s body to another individual for a sexual purpose or coercing another individual to remove their clothing in order to expose their body, without their Consent;
- 8.1.5 voyeurism, which is non-consensual viewing, photographing, or otherwise recording another individual in a location where there is an expectation of privacy and where the viewing, photographing or recording is done for a sexual purpose; and
- 8.1.6 the distribution of a sexually explicit photograph or recording of an individual to one or more individuals other than the individual in the photograph or recording without the consent of the individual in the photograph or recording.

- 8.2 **“Consent”** is the voluntary agreement to the act or acts in question and to continue to engage in the act or acts. Voluntary agreement to engage in the activity or to continue to engage in the activity must be communicated through words or conduct. For clarity:

- Consent cannot be implied, and it can be revoked at any time during the act or acts in question.

- Consenting to one kind of sexual activity does not mean that consent is given for another sexual activity, and consent only applies to each specific instance of sexual activity.
 - No consent is obtained where an individual is incapable of consenting. An individual may be incapable of consenting if they are intoxicated, or if they are induced to engage in the activity by fraud, by someone exercising a position of trust, power or authority, or through coercion or the threat of violence.
 - Evidence that an individual was impaired by alcohol or drugs is a relevant consideration for determining whether they consented to the sexual activity in question.
- 8.3 **“Members of the UBC Community”** are individuals who fall under one or more of the following categories:
- 8.3.1 students, defined as individuals enrolled at UBC, including co-op and exchange students;
 - 8.3.2 employees, including faculty and staff members;
 - 8.3.3 holders of teaching appointments;
 - 8.3.4 post-doctoral fellows; and
 - 8.3.5 anyone contractually obligated to comply with this Policy.
- 8.4 **“Disclose” or “Disclosure”** is the sharing of information with UBC regarding any incident of Sexual Misconduct. Further information about Disclosures is provided in section 3 of this Policy.
- 8.5 **“Report” or “Reporting”** is providing a statement of allegations to the Director of Investigations on the relevant campus about a Sexual Misconduct. Further information about Reporting is provided in section 4 of this Policy.
- 8.6 **“Jurisdiction to Investigate”** is the legal authority to investigate under this Policy, which is limited by the following: the allegations must be 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; the alleged conduct must fall within the definition of Sexual Misconduct; and the alleged conduct must have a real and substantial connection to UBC, as that term has been interpreted under BC law.
- 8.7 **“Investigation”** is an investigation carried out by UBC on the basis of a Report, as set out in the Procedures to this Policy.
- 8.8 **“Investigator”** is the individual appointed to Investigate a Report under the Procedures to this Policy.

PROCEDURES

Approved: [DATE]

Pursuant to Policy #1: Administration of Policies, "Procedures may be amended by the President, provided the new procedures conform to the approved policy. Such amendments are reported at the next meeting of the Board of Governors." Note: the most recent procedures may be reviewed at <http://universitycounsel.ubc.ca/policies/index/>.

1. General

- 1.1 The Director of Investigations and the Investigators will exercise their authority and discretion under these Procedures in conformity with the principles of procedural fairness in the university context.
- 1.2 The Director of Investigations will liaise with the Sexual Violence Prevention and Response Office to ensure that appropriate support services and accommodations remain in place, or are established, for the duration of the Initial Review and the Investigation.

2. Reports

- 2.1 Reports must be made in writing, and should set out the relevant details with regard to the alleged Sexual Misconduct. Reports should include a list of any potential witnesses, along with a description of the information those witnesses are expected to provide. Any relevant documents, including any social media communications, should also be included in the Report.

3. Initial Review

- 3.1 Upon receipt of a Report, the Director of Investigations will conduct an initial review to determine if UBC has the Jurisdiction to Investigate. This review will occur within 14 calendar days of receiving a Report unless exceptional circumstances exist that prevent the Director from meeting this timeline, in which case the Director of Investigations will contact the individual making the Report as soon as possible to inform them of the revised timeline.
- 3.2 If the Director of Investigations determines that UBC has the Jurisdiction to Investigate, the individual directly subjected to the Sexual Misconduct will be referred to as the Complainant in any subsequent process, and the individual against whom the allegations have been made will be referred to as the Respondent.
- 3.3 If the Director of Investigations determines that UBC has the Jurisdiction to Investigate, and the Respondent has an employment relationship to UBC, the Director will notify the appropriate UBC authority who may make any appropriate workplace arrangements required to ensure an effective investigation process.
- 3.4 If the Director of Investigations determines that UBC has the Jurisdiction to Investigate, they will do one of the following:
 - 3.4.1 appoint an Investigator to Investigate the Report under section 4 of these Procedures;
or
 - 3.4.2 subject to sections 3.5 and 3.6, refer the matter to an alternative resolution process.

- 3.5 If the Director of Investigations believes that an alternative resolution process may be appropriate in the circumstances, they will discuss this option with the Complainant. If the Complainant agrees that an alternative resolution process may be appropriate, the Director of Investigations will contact the Respondent to advise them that a Report was made, and will discuss this option with the Respondent. If the Respondent agrees to participate in an alternative resolution process and the Director is satisfied that an alternative resolution process is appropriate, then the Director of Investigation will explore the options available and, with the agreement of both parties, will refer the matter to that process for resolution.
- 3.6 Participation in an alternative dispute resolution process is entirely voluntary. If either the Complainant or the Respondent decides they no longer wish to participate in the alternative resolution process at any time, then the Director of Investigations will appoint an Investigator to Investigate the Report under section 4 of these Procedures.
- 3.7 If the Director of Investigations determines that UBC does not have the Jurisdiction to Investigate, the Director of Investigations will advise the individual making the Report of this decision along with their reasons. If the Director of Investigations believes that the Report discloses other kinds of misconduct or information that UBC may need to act on under another UBC policy or process, the Director may refer the Report or the relevant portions of the Report to the appropriate UBC authority. When appropriate, the Director will consult with the person making the Report before referring it elsewhere.
- 3.8 If an Investigation is initiated, the Director of Investigations will:
- 3.8.1 contact the Complainant to advise them that the Report has been referred to an Investigator, and provide them with information about the resources available and the investigation process, including their right to have an advisor, support person, or union representative present whenever they meet with the Investigator;
 - 3.8.2 contact the Respondent to advise them that a Report has been made and has been referred to an Investigator, and provide them with a copy of the Report along with information about the resources available and the investigation process, including their right to have an advisor, support person, or union representative present whenever they meet with the Investigator.

4. Investigations

- 4.1 Except in exceptional circumstances, Investigations (including the preparation of the Investigative Report) will be completed within 60 calendar days of the Investigator's receipt of the Report from the Director of Investigations. If during the course of the Investigation the Investigator believes that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent, and the Director of Investigations as soon as possible to inform them of the revised timeline.
- 4.2 Investigations are not adversarial processes, and hearings will not be held as part of the investigatory process. Formal rules of evidence commonly associated with a civil or criminal trial will not be applied.
- 4.3 In all Investigations, the Respondent will be fully informed of the allegations made against them, and will be given the opportunity to respond.

- 4.4 Subject to sections 4.2 and 4.3, the Investigator may investigate in any manner they deem appropriate in order to obtain the information required to make the necessary findings of fact. This may include, but is not limited to, the following:
- 4.4.1 requesting a written response to the Report from the Respondent, including a list of any potential witnesses along with a description of the information those witnesses are expected to provide, and any relevant documents, including any social media communications;
 - 4.4.2 meeting with or requesting further information from the Complainant;
 - 4.4.3 meeting with or requesting further information from the Respondent;
 - 4.4.4 meeting with or requesting further information from any other individuals who may have information relevant to the Investigation, including any witnesses identified by the Complainant or the Respondent;
 - 4.4.5 inviting the Complainant and the Respondent to submit questions they believe should be asked of the other party or any witness, though the decision as to whether such questions will actually be asked of the other party or a witness is entirely within the discretion of the Investigator; and
 - 4.4.6 obtaining any other evidence that may be relevant to the Investigation.
- 4.5 At the completion of the Investigation, the Investigator will prepare a written Investigative Report for the Director of Investigations. The Investigative Report will normally include the following information:
- 4.5.1 a summary of the evidence considered;
 - 4.5.2 any assessment of credibility that is required to render a determination; and
 - 4.5.3 the findings of fact, and a determination as to whether, on a balance of probabilities, Sexual Misconduct has occurred.

5. Outcome and Disciplinary Measures

- 5.1 If the Investigative Report includes a determination that Sexual Misconduct has occurred, the Director of Investigations will provide a copy of the Investigative Report to the appropriate UBC authority or authorities if the Respondent has more than one relationship to UBC, as follows:
- 5.1.1 in the case of a student Respondent, to the President, who will then determine what disciplinary or other measures are appropriate based on the findings of fact, up to and including suspension or expulsion;
 - 5.1.2 in the case of a faculty member Respondent, to the faculty member's Dean or, in the case of a librarian, to the University Librarian, who will meet with them and provide the Respondent with a copy of the Investigative Report in accordance with section 6.4 of these Procedures, and will then determine what disciplinary or other measures are appropriate based on the findings of fact. If suspension or termination of a faculty member or librarian's appointment for cause is considered appropriate by the Dean or

University Librarian, a recommendation will be made to the President who will then, in turn, make a decision on appropriate discipline. If the President's decision is that suspension for cause is the appropriate discipline, then the President will inform the Board of Governors. If that decision is that termination for cause is the appropriate discipline, the President will make a recommendation to the Board of Governors who will then decide if termination for cause is appropriate; and

- 5.1.3 in the case of a staff member Respondent, to the staff member's Administrative Head of Unit, who will provide the Respondent with a copy of the Investigative Report in accordance with section 6.4 of these Procedures, and will then determine what disciplinary or other measures are appropriate based on the findings of fact, up to and including suspension. If termination of a staff member is considered appropriate by the Administrative Head of Unit, they will consult with the applicable Vice President, or Deputy Vice-Chancellor and Principal, who will then decide whether to authorize the termination.
- 5.2 Once the appropriate UBC authority has made a decision regarding the appropriate disciplinary or other measures under section 5.1 above, that decision will be communicated in writing to the Respondent, and student Respondents will also be provided with a copy of the Investigative Report in accordance with section 6.4 of these Procedures. A copy of the decision will also be provided to the Director of Investigations. The Director of Investigations will then provide a copy of the Investigative Report to the Complainant and will inform the Complainant of any disciplinary outcomes that the University Counsel has authorized the Director to disclose for compelling health or safety reasons, in accordance with section 6.5 of these Procedures.
- 5.3 If the Investigation Report includes a determination that Sexual Misconduct has occurred, the Director of Investigations will also provide a copy of the Investigative Report to the following:
 - 5.3.1 UBC Student Housing and Hospitality Services, if the Respondent is subject to a UBC residence contract or agreement;
 - 5.3.2 the UBC authority charged with addressing concerns under a faculty or school's standards of professional conduct, if the Respondent is a student subject to those standards; and
 - 5.3.3 UBC Athletics and Recreation, if the Respondent is subject to a varsity student athlete agreement.
- 5.4 Whether or not the Investigative Report includes a determination that Sexual Misconduct has occurred, if the Director of Investigations believes that the Investigative Report discloses other kinds of misconduct or information that UBC may need to act on under another UBC policy or process, the Director may refer the Investigative Report or the relevant portions of the Investigative Report to the appropriate UBC authority. When appropriate, the Director will consult with the person making the Report before referring it elsewhere.
- 5.5 If the Investigative Report does not include a determination that Sexual Misconduct has occurred, the Director of Investigations will provide a copy of the Investigative Report to the Complainant and the Respondent in accordance with section 6.4 of these Procedures.

- 5.6 The Director of Investigations will conclude the investigatory process by ensuring all necessary communications are made to those responsible for implementing decisions, providing or adjusting support services and accommodations, providing education, or conducting administrative transactions.

6. Confidentiality and Privacy


- 6.1 In order to protect the integrity, fairness, and effectiveness of Investigations and to ensure compliance with the *Freedom of Information and Protection of Privacy Act* (FIPPA), all participants in an Investigation must act in accordance with the requirements set out below.
- 6.2 Individuals, including the Complainant and the Respondent, who have obtained information about an identifiable individual ("Personal Information") through their participation in an Investigation must not disclose this information to anybody except their own personal advisors or representatives, or as required by law. However, this section does not prevent:
- 6.2.1 any participants in the Investigation from disclosing information about themselves, or information that they have obtained outside the Investigation;
 - 6.2.2 UBC representatives from disclosing Investigation-related information as authorized under section 6.3; or
 - 6.2.3 Complainants and Respondents from disclosing the information that they have received under sections 6.4 and 6.5.
- 6.3 UBC will not disclose any Personal Information related to an Investigation except to the extent such disclosure is:
- 6.3.1 expressly authorized by the affected individual;
 - 6.3.2 to a UBC representative, if necessary for the performance of that individual's duties;
 - 6.3.3 to a Complainant, Respondent, witness, or other participant in the Investigation, if necessary for the conduct of the Investigation;
 - 6.3.4 to a Complainant or Respondent in accordance with sections 6.4 and 6.5;
 - 6.3.5 authorized by the University Counsel for compelling health or safety reasons;
 - 6.3.6 authorized by the University Counsel to correct misleading or inaccurate information if necessary to protect the integrity of the Investigation or UBC's investigatory processes; or
 - 6.3.7 authorized or required under law.
- 6.4 To maintain the integrity of the Investigation process, UBC must ensure that both Complainants and Respondents know the Investigation findings and the evidence upon which these findings are based. For this reason, Complainants and Respondents will be provided with a copy of the Investigation Report. The FIPPA may require UBC to remove Personal Information that is irrelevant to the Investigation findings, or that identifies third parties. If there are multiple

Complainants or multiple Respondents, they will only receive the portions of the Investigative Report that are relevant to them.

- 6.5 Under the FIPPA, UBC is only authorized to disclose disciplinary actions it has taken against the Respondent if the disclosure is authorized by the University Counsel for compelling health or safety reasons. For example, UBC will normally inform Complainants of any restrictions that may have been imposed upon the Respondent's movements or activities.
- 6.6 Section 6.2 does not prevent Complainants and Respondents from disclosing the information they received under sections 6.4 and 6.5. However, Complainants or Respondents who choose to disclose such information should keep in mind that the disclosure of such information may result in a legal claim being made against them by the other party or other individuals (including, for example, a defamation or breach of privacy claim), and may wish to seek advice before doing so.

7. Appeal Processes

- 7.1 Student Respondents may appeal any discipline that is imposed on them under these Procedures through the UBC Vancouver Senate Student Appeals on Academic Discipline Committee if they are a UBC Vancouver student, or the UBC Okanagan Senate Appeals of Standing and Discipline Committee if they are a UBC Okanagan student.
- 7.2 Staff or faculty may appeal any decision or discipline that is made or imposed on them under these Procedures in accordance with the provisions of their collective agreements or their terms and conditions of employment.

 The University of British Columbia Board of Governors	Policy No.: 131	Approval Date: <u>Anticipated April 2017</u>
	Responsible Executive: Vice-President, Students Vice-President, Human Resources	
Title: Sexual Assault and Other Sexual Misconduct		
Background & Purposes: UBC has a responsibility to maintain a respectful environment where its members can study, work, and live free from concerns of sexual misconduct. This policy articulates UBC's duty and commitment to support members of the UBC community who are affected <u>impacted</u> by sexual misconduct, to provide a central site for information regarding the resources and options available to those affected by sexual misconduct, to create and make available programs and resources to educate its community on the prevention of sexual misconduct, and to provide a process to respond to and <u>to</u> investigate allegations of sexual misconduct.		

1. Principles and Commitments

- 1.1 UBC will not tolerate sexual assault or any other Sexual Misconduct.
- 1.2 UBC recognizes that people's experiences will be affected by factors such as their access to power and privilege, their sex, sexual identity, gender identity or expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, Indigeneity, immigration status, socio-economic status, class, and language. UBC also recognizes that the university is a unique environment, in which power imbalances are inherent. These factors, along with an individual's personal history, impact ~~individuals' experience~~individual experiences of Sexual Misconduct, ~~their~~the ability to access supports, and ~~their~~ choices with regard to recourse. UBC will take ~~these factors~~this into account when carrying out ~~any of~~ its responsibilities under this Policy.
- 1.3 UBC is committed to providing comprehensive and inclusive Sexual Misconduct education ~~and,~~ prevention, and response initiatives. Through these initiatives, ~~#~~UBC is committed to ~~combatting~~countering rape culture, a term that describes broader social attitudes about gender, sex and sexuality that normalize Sexual Misconduct and undermine equality.
- 1.4 UBC is committed to reducing barriers to Disclosing and Reporting, and to taking a trauma-informed approach when responding to and addressing Disclosures and Reports, and conducting Investigations.
- 1.5 UBC will provide support services and accommodations to Members of the UBC Community who Disclose or Report Sexual Misconduct.

- 1.6 UBC is committed to respecting the rights of those who Disclose to make their own decisions about accessing support services and accommodations, making a Report, or pursuing external processes such as a criminal or civil action.
- 1.7 UBC will provide support to Members of the UBC Community who have had Reports of Sexual Misconduct made against them.
- 1.8 ~~UBC~~ UBC is committed to procedural fairness and will respond to and address Disclosures and Reports, and will conduct Investigations, in a timely manner.
- ~~1.9 UBC is committed to procedural fairness and to UBC's legal obligation to protect privacy when responding to Disclosures and Reports, and conducting Investigations.~~
- ~~1.10~~ 1.9 UBC will not tolerate any retaliation, direct or indirect, against anyone involved in a Disclosure, a Report, or an Investigation.

2. The Sexual Violence Prevention and Response Office

- 2.1 UBC has established a Sexual Violence Prevention and Response Office ~~at each of the UBC Vancouver and UBC Okanagan campuses. Each office consists of a Director who oversees the office and staff or volunteers.~~
- 2.2 The Sexual Violence Prevention and Response Office acts as a single point of contact and liaison on each campus for Members of the ~~University~~ UBC Community who have experienced Sexual Misconduct ~~at any time, and can.~~ This Office will provide individualized information, advice, and assistance. The support services that can be provided by the Office include:
 - 2.2.1 receiving Disclosures;
 - 2.2.2 identifying, accessing, and coordinating ~~support services and~~ appropriate accommodations;
 - 2.2.3 providing information about and referrals to UBC Counselling Services and UBC Student Health Services at UBC Vancouver, the Health and Wellness Centre at UBC Okanagan, and the UBC Employee and Family Assistance Program;
 - 2.2.4 providing information about and referrals to external organizations such as the UBC Hospital, Kelowna General Hospital, the AMS Sexual Assault Support Centre, (SASC), the Vancouver Rape Relief and Women's Shelter, Women Against Violence Against Women, ~~and the BC Society for Male Survivors of Sexual Abuse, the Central Okanagan Elizabeth Fry Society, and the Family Centre Services Society;~~
 - 2.2.5 providing information about confidentiality and how ~~#~~ confidentiality relates to the information ~~they provide~~ provided through a Disclosure, a Report, or an Investigation;
 - 2.2.6 providing information about Reporting, Investigations, and alternative dispute resolution processes;

- 2.2.7 providing information about any other relevant UBC policies, such as Policy #3 – Discrimination and Harassment, and Policy #14 – Response to At-Risk Behaviour;
- 2.2.8 assisting with the creation of a Report or the submission of a Report to the Director of Investigations, or both;
- 2.2.9 acting as a liaison with the ~~investigator~~Investigator appointed to conduct an Investigation;
- 2.2.10 acting as a support person during an Investigation, as referenced in section 3.8.1 of the Procedures to this Policy;
- 2.2.11 receiving allegations regarding acts of retaliation ~~for relating to a Disclosure or Report of Sexual Misconduct and assisting with referral of these allegations to the Director of the Sexual Violence Prevention and Response Office; appropriate employment or student disciplinary process; and~~
- ~~2.2.12~~ providing information about the differences between the criminal process and UBC's investigatory process, and providing support in reporting to the police, ~~including information about the police's ability to put measures into place to protect the individual's safety off campus; and~~
- ~~2.2.13~~ 2.2.12 ~~assisting with the creation of a report for the police or the submission of a report to the police, or both, if requested.~~

2.3 The Sexual Violence Prevention and Response Office will also:

- 2.3.1 ~~provide support and information to serve all~~ Members of the UBC Community, including those who receive Disclosures or have received a Disclosure, those who are supporting someone who has experienced Sexual Misconduct, or those who may have witnessed Sexual Misconduct;
- 2.3.2 establish, oversee, and coordinate sexual misconduct prevention and response protocols and processes, communications, resource materials, and training, ~~and a volunteer program;~~ and
- 2.3.3 ~~raise awareness of and provide~~ lead the education ~~on~~ program to countering broader social attitudes ~~about~~ regarding gender, sex and sexuality that normalize Sexual Misconduct and undermine equality.

2.4 Annually, UBC will publically report on the number of:

- 2.4.1 Disclosures received by the Sexual Violence Prevention and Response ~~Office~~Offices;
- 2.4.2 Reports received by the ~~Director~~Directors of Investigations; and
- 2.4.3 Reports investigated or referred to an alternative dispute resolution process.

3. Disclosures

~~3.1 Through the Sexual Violence Prevention and Response Office, UBC will make appropriate support services and accommodations available to Members of the UBC Community on the basis of any Disclosure, regardless of whether they decide to make a Report, or whether UBC has the Jurisdiction to Investigate.~~

~~3.23.1~~ The decision to Disclose and the decision to Report are separate decisions. An individual may choose to Disclose Sexual Misconduct without making a Report. Consequently, Disclosure does not result in a Report being made, and does not initiate an Investigation or other action by UBC—, subject only to section 3.6.

~~3.2 Appropriate accommodations can include:~~ UBC will make appropriate support services and accommodations available to Members of the UBC Community on the basis of a Disclosure, regardless of whether they decide to make a Report or whether UBC has the Jurisdiction to Investigate.

3.3 Accommodations that may be available to Members of the UBC Community who have Disclosed or Reported Sexual Misconduct include:

3.3.1 student residence re-location or short term emergency student housing;

3.3.2 class schedule changes;

3.3.3 academic accommodations;

3.3.4 temporary work reassignment, location reassignment, or scheduling changes;

3.3.5 emergency funding for students;

3.3.6 safety planning; and

~~3.3.7 the implementation of safety measures, including restrictions under Policy #14—Response to At-Risk Behaviour—.~~

3.4 Records of any Disclosures made to a Sexual Violence Prevention and Response Office will be kept strictly confidential, and access to those records will be limited to the Director and staff members of the relevant Sexual Violence Prevention and Response Office.

3.5 UBC recognizes that disclosures of Sexual Misconduct are most often made to someone the individual making the disclosure already knows. If a Disclosure is made to a Member of the UBC Community who is not trained to receive Disclosures, that Member is encouraged to contact the Sexual Violence Prevention and Response Office for support and information on how best to respond to a Disclosure and to support the individual making the Disclosure.

3.6 To the greatest extent possible, UBC will respect an individual's choice to not ~~to~~ make a Report and will keep the Disclosure confidential. In exceptional circumstances, where required by law or where there is a risk of significant harm to anyone's health or safety, and at the sole

discretion of the Director of the relevant Sexual Violence Prevention and Response Office, UBC may do one or both of the following:

3.6.1 ~~initiate an investigation~~refer the matter to the relevant Director of Investigations as a Report under section 4, in which case the individual who Disclosed has the right not to participate in ~~the any subsequent~~ Investigation;~~and~~

3.6.2 notify third parties, such as the police or child protection authorities.

3.7 If UBC takes any action under section 3.6, the Director of the relevant Sexual Violence Prevention and Response Office will notify the individual who made the Disclosure and will ensure that appropriate support services are made available to that individual.

4. Reports

4.1 Anyone directly subjected to Sexual Misconduct, including an individual who is not a Member of the UBC Community, can make a Report against a Member of the UBC Community under this Policy.

4.2 Reports must be submitted to the Director of Investigations on the relevant campus, who will address them in accordance with the Procedures ~~under to~~ this Policy, which includes an initial review as set out under section 3 of the Procedures to determine whether the allegations contained in the Report fall within UBC's Jurisdiction to Investigate.

4.3 Sexual harassment may fall within the scope of both Policy #3 – Discrimination and Harassment and this Policy. Reports that contain allegations of ~~any other~~ Sexual Misconduct ~~in addition to allegations of other than~~ sexual harassment will be addressed under this Policy. Reports that contain allegations of sexual harassment alone will be reviewed by the Director of Investigations ~~and assessed to who will~~ determine, based on the particular facts of the case and in consultation with the individual making the Report, which policy is better suited to address the allegations.

4.4 An individual can both submit a Report to UBC and pursue other processes external to UBC against the individual alleged to have committed the Sexual Misconduct,~~such as~~. These external processes may include reporting to the police or initiating a civil action (including a complaint under the BC Human Rights Code). These are separate ~~decisions~~processes and Reporting to UBC does not result in a report to the police or the initiation of a civil action, although in exceptional circumstances, where required by law or where there is a risk of significant harm to anyone's health or safety, UBC may notify third parties, such as the police or child protection authorities. If such action is taken, the Director of Investigations will notify the individual who submitted the Report and will ensure that appropriate support services are made available to that individual.

4.5 If an Investigation or alternative resolution process is initiated under the Procedures to this Policy and an external process is also being pursued, the Director of Investigations may elect, after consultation with the Complainant, to continue with the UBC process or to suspend the UBC process as appropriate.

5. Anonymous and Third Party ~~Reporting~~ Allegations

- 5.1 Anonymous allegations, or allegations of Sexual Misconduct made by a third party (someone other than the individual who was directly subjected to the Sexual Misconduct) can also be submitted to the Director of Investigations on the relevant campus.
- 5.2 UBC may be unable to proceed with an Investigation involving ~~an~~ anonymous or third party ~~Report~~ allegations due to a lack of evidence from the individual who was directly subjected to the Sexual Misconduct, or where proceeding would violate procedural fairness. In such cases, the Director of Investigations will consider whether any other steps can and should be taken. ~~Other steps may include practical measures, such as increased Campus Security presence at certain times or in certain places or, in~~ appropriate cases, ~~contacting~~ the Director may contact the third party who submitted the ~~Report~~ allegations to find out if the individual who was directly subjected to the Sexual Misconduct would consider submitting a Report ~~or participating in an investigation~~. However, where other sufficient evidence exists, and where it would not violate procedural fairness, at the sole discretion of the Director of Investigations, UBC may decide to proceed with an Investigation. In such cases, the individual who was directly subjected to the Sexual Misconduct has the right to not participate in the Investigation.
- 5.3 If UBC is unable to proceed with an Investigation involving ~~an~~ anonymous or third party ~~Report~~ allegations, the ~~Report~~ allegations will be retained by the Sexual Violence Prevention and Response Office ~~on the relevant campus~~. These allegations will be kept strictly confidential, and access to them will be limited to the Director of Investigations and the Director of the Sexual Violence Prevention and Response Office.

6. Conflicts of Interest

- ~~5.36.1~~ If a Director or staff member of the Sexual Violence Prevention and Response Office, a Director of Investigations, an Investigator, or a UBC authority empowered to impose discipline has a real or apparent conflict of interest in a particular matter, or there is a reasonable apprehension of bias, then that individual will not continue their involvement in the matter and UBC will appoint an appropriate individual to act in that role for the purposes of that matter.

~~6.7.~~ Policy Review

- ~~6.17.1~~ UBC is committed to reviewing this Policy at least once every three years, in consultation with students and other Members of the UBC Community.

~~7.8.~~ Definitions

- ~~7.18.1~~ “Sexual Misconduct” is any sexual act or act targeting an individual’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against an individual without that individual’s Consent. The following list sets out examples of Sexual Misconduct. The list is intended to help Members of the UBC Community understand the kinds of acts that will be considered Sexual Misconduct. The list is not exhaustive and other acts can still be considered Sexual Misconduct under this Policy even if they do not appear in the list below. Sexual Misconduct includes, but is not limited to, the following:

~~7.1.18.1.1~~ sexual assault, which is any form of sexual touching or the threat of sexual touching without the individual's Consent;

~~7.1.28.1.2~~ sexual harassment, which is unwelcome conduct of a sexual nature that detrimentally affects the ~~work~~working, learning, or living environment, or leads to adverse consequences for the one directly subjected to the harassment;

~~7.1.38.1.3~~ stalking, which is engaging in conduct that causes an individual to fear for their physical or psychological safety, such as repeatedly following or communicating through any means with someone, engaging in threatening conduct, or keeping watch over the place where the individual happens to be;

~~7.1.48.1.4~~ indecent exposure, which is exposing one's body to another individual for a sexual purpose or coercing another individual to remove their clothing in order to expose their body, without their Consent;

~~7.1.58.1.5~~ voyeurism, which is non-consensual viewing, photographing, or otherwise recording another individual in a location where there is an expectation of privacy and where the viewing, photographing or recording is done for a sexual purpose; and

~~7.1.68.1.6~~ the distribution of a sexually explicit photograph or recording of an individual to one or more individuals other than the individual in the photograph or recording without the consent of the individual in the photograph or recording.

~~7.28.2~~ **"Consent"** is the voluntary agreement to the act or acts in question and to continue to engage in the act or acts. Voluntary agreement to engage in the activity or to continue to engage in the activity must be communicated through words or conduct. For clarity:

- Consent cannot be implied, and it can be revoked at any time during the act or acts in question.
- Consenting to one kind of sexual activity does not mean that consent is given for another sexual activity, and consent only applies to each specific instance of sexual activity.
- No consent is obtained where an individual is incapable of consenting. An individual may be incapable of consenting if they are intoxicated, or if they are induced to engage in the activity by fraud, by someone exercising a position of trust, power or authority, or through coercion or the threat of violence.
- Evidence that an individual was impaired by alcohol or drugs ~~will always be~~is a relevant consideration for determining whether they consented to the sexual activity in question.

~~7.38.3~~ **"Members of the UBC Community"** are individuals who fall under one or more of the following categories:

~~7.3.18.3.1~~ students, defined as individuals enrolled at UBC, including co-op and exchange students;

~~7.3.28.3.2~~ employees, including faculty and staff members;

~~7.3.38.3.3~~ holders of teaching appointments;

~~7.3.48.3.4~~ post-doctoral fellows; and

~~7.3.58.3.5~~ anyone contractually obligated to comply with this Policy.

~~7.48.4~~ **“Disclose”** or **“Disclosure”** is the sharing of information with UBC regarding any incident of Sexual Misconduct. Further information about Disclosures is provided in section ~~33~~ of this Policy.

~~7.58.5~~ **“Report”** or **“Reporting”** is providing a statement of allegations to the Director of Investigations on the relevant campus about a Sexual Misconduct. Further information about Reporting is provided in ~~sections 4 and 5~~section 4 of this Policy.

~~7.68.6~~ **“Jurisdiction to Investigate”** is the legal authority to investigate under this Policy, which is limited by the following: the allegations must be 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; the alleged conduct must fall within the definition of Sexual Misconduct; and the alleged conduct must have a real and substantial connection to UBC, as that term has been interpreted under BC law.

~~8.7~~ **“Investigation”** is an investigation carried out by UBC on the basis of a Report, as set out in the Procedures to this Policy.

~~7.78.8~~ **“Investigator”** is the individual appointed to Investigate a Report under the Procedures to this Policy.

PROCEDURES

Approved: [DATE]

Pursuant to Policy #1: Administration of Policies, "Procedures may be amended by the President, provided the new procedures conform to the approved policy. Such amendments are reported at the next meeting of the Board of Governors." Note: the most recent procedures may be reviewed at <http://universitycounsel.ubc.ca/policies/index/>.

1. General

~~1.1~~—The Director of Investigations and the Investigators will exercise their authority and discretion under these Procedures in conformity with the principles of procedural fairness in the university context, ~~and will take a trauma-informed approach to their work.~~

~~1.21.1~~ ~~Investigations are not adversarial processes. Complainants and Respondents may have an advisor or support person present at any time during their participation in an investigation.~~

~~1.3~~1.2 The Director of Investigations will liaise with the Sexual Violence Prevention and Response Office to ensure that appropriate support services and accommodations remain in place, or are established, for the duration of the Initial Review and the Investigation.

2. Reports

~~2.1~~—Reports must be made in writing, ~~although the Director of Investigations has the discretion in exceptional circumstances to defer this requirement.~~

~~2.2~~2.1 ~~The Report and~~ should set out the relevant details with regard to the alleged Sexual Misconduct. Reports should ~~also identify~~include a list of any potential witnesses, along with a description of the information those witnesses are expected to provide. Any relevant documents, including any ~~available~~ social media communications, should also be ~~provided~~ with included in the Report.

3. Initial Review

3.1 Upon receipt of a Report, the Director of Investigations will conduct an initial review to determine if UBC has the Jurisdiction to Investigate. This review will occur within 14 calendar days of receiving a Report unless exceptional circumstances exist that prevent the Director from meeting this timeline, in which case the Director of Investigations will contact the individual making the Report as soon as possible to inform them of the revised timeline.

3.2 ~~Once if~~ the Director of Investigations determines that UBC has the Jurisdiction to Investigate, the individual directly subjected to the Sexual Misconduct ~~becomes~~will be referred to as the Complainant in any subsequent process, and the individual against whom the allegations have been made ~~becomes~~will be referred to as the Respondent.

3.3 If the Director of Investigations determines that UBC has the Jurisdiction to Investigate, and the Respondent has an employment relationship to UBC, the Director will notify the appropriate UBC authority who may make any appropriate workplace arrangements required to ensure an effective investigation process.

~~3.3.3.4~~ If the Director of Investigations determines that UBC has the Jurisdiction to Investigate, they will do one of the following:

~~3.3.13.4.1~~ appoint an Investigator to Investigate the Report under section 4 of these Procedures; or

~~3.3.23.4.2~~ subject to ~~section~~sections 3.45 and 3.6, refer the matter to an alternative resolution process.

~~3.4.3.5~~ If the Director of Investigations believes that an alternative resolution process may be appropriate in the circumstances, they will discuss this option with the Complainant. If the Complainant agrees that an alternative resolution process may be appropriate, the Director of Investigations will contact the Respondent to advise them that a Report was made, and will discuss this option with the Respondent. If the Respondent agrees to participate in an alternative resolution process and the Director is satisfied that an alternative resolution process is appropriate, then the Director of Investigation will explore the options available and, with the agreement of both parties, will refer the matter to that process for resolution.

~~3.5.3.6~~ Participation in an alternative dispute resolution process is entirely voluntary. If either the Complainant or the Respondent decides they no longer wish to participate in the alternative resolution process at any time, then the ~~matter will be referred back to the Director of Investigations and the~~ Director of Investigations will appoint an Investigator to Investigate the Report under section 4 of these Procedures.

~~3.6.3.7~~ If the Director of Investigations determines that UBC does not have the Jurisdiction to Investigate, the Director of Investigations will advise the individual making the Report of this decision along with their reasons. If the Director of Investigations believes that the Report discloses other kinds of misconduct or information that UBC may need to act on under another UBC policy or process, the Director may refer the Report or the relevant portions of the Report to the appropriate UBC authority ~~and~~. When appropriate, the Director will inform consult with the individual person making the Report when appropriate before referring it elsewhere.

~~3.7.3.8~~ If an Investigation is initiated, the Director of Investigations will:

~~3.7.13.8.1~~ contact the Complainant to advise them that the Report has been referred to an Investigator, and provide ~~the Complainant them~~ with information about the resources available and the investigation process and the resources available, including their right to them; and have an advisor, support person, or union representative present whenever they meet with the Investigator;

~~3.7.23.8.2~~ contact the Respondent to advise them that a Report has been made and has been referred to an Investigator, and ~~will provide the Respondent them~~ with a copy of the Report, along with information about the resources available and the investigation process and information on the resources available, including their right to them for have an advisor, support person, or union representative present whenever they meet with the Investigator.

4. Investigations

4.1 Except in exceptional circumstances, Investigations (including the preparation of the Investigative Report) will be completed within 60 calendar days of the Investigator's receipt of the Report from the Director of Investigations. If during the course of the Investigation the Investigator believes that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent, and the Director of Investigations as soon as possible to inform them of the revised timeline.

4.2 The Investigations are not adversarial processes, and hearings will not be held as part of the investigatory process. Formal rules of evidence commonly associated with a civil or criminal trial will not be applied.

4.3 In all Investigations, the Respondent will be fully informed of the allegations made against them, and will be given the opportunity to respond.

4.2.4.4 Subject to sections 4.2 and 4.3, the Investigator may ~~carry out the investigation~~ investigate in any manner they deem appropriate in ~~the circumstances order to obtain the information required to make the necessary findings of fact.~~ This may include, but is not limited to, the following:

4.4.1 requesting a written response to the Report from the Respondent, including a list of any potential witnesses along with a description of the information those witnesses are expected to provide, and any relevant documents, including any social media communications;

4.2.14.4.2 meeting with or requesting further information from the Complainant;

4.2.24.4.3 meeting with or requesting further information from the Respondent;

4.2.34.4.4 meeting with or requesting further information from any other individuals who may have information relevant to the Investigation; ~~and, including any witnesses identified by the Complainant or the Respondent;~~

4.4.5 inviting the Complainant and the Respondent to submit questions they believe should be asked of the other party or any witness, though the decision as to whether such questions will actually be asked of the other party or a witness is entirely within the discretion of the Investigator; and

4.2.44.4.6 obtaining any other evidence that may be relevant to the Investigation.

4.34.5 At the completion of the Investigation, the Investigator will prepare a written Investigative Report for the Director of Investigations. The Investigative Report will normally include the following information:

4.3.14.5.1 a summary of the evidence considered;

4.3.24.5.2 any assessment of credibility that is required to render a determination; and

4.3.34.5.3 the findings of fact, and a determination as to whether, on a balance of probabilities, Sexual Misconduct has occurred.

5. Outcome and Disciplinary Measures

- 5.1 If the ~~Investigator determines~~Investigative Report includes a determination that Sexual Misconduct has occurred, the Director of Investigations will provide a copy of the Investigative Report to the appropriate UBC authority or authorities if the Respondent has more than one relationship to UBC, as follows:
- 5.1.1 in the case of a student Respondent, to the President, who will then determine what disciplinary or other measures are appropriate based on the findings of fact, up to and including suspension or expulsion;
 - 5.1.2 in the case of a faculty member Respondent, to the faculty member's Dean or, in the case of a librarian, to the University Librarian, who will meet with them and provide the Respondent with a copy of the Investigative Report in accordance with section 6.4 of these Procedures, and will then determine what disciplinary or other measures are appropriate based on the findings of fact. If suspension or termination of a faculty member or librarian's appointment for cause is considered appropriate by the Dean or University Librarian, a recommendation will be made to the President who will then, in turn, make a decision on appropriate discipline. If the President's decision is that suspension for cause is the appropriate discipline, then the President will inform the Board of Governors. If that decision is that termination for cause is the appropriate discipline, the President will make a recommendation to the Board of Governors. ~~The Board of Governors who~~ will then decide if ~~suspension or~~ termination for cause is appropriate; and
 - 5.1.3 in the case of a staff member Respondent, to the staff member's Administrative Head of Unit, who will provide the Respondent with a copy of the Investigative Report in accordance with section 6.4 of these Procedures, and will then determine what disciplinary or other measures are appropriate based on the findings of fact, up to and including suspension. If termination of a staff member is considered appropriate by the Administrative Head of Unit, they will consult with the applicable Vice President, or Deputy Vice-Chancellor and Principal, who will then decide whether to authorize the termination.
- 5.2 Once the appropriate UBC authority has made a decision regarding the appropriate disciplinary or other measures under section 5.1 above, that decision will be communicated in writing to the Respondent, ~~along and student Respondents will also be provided~~ with a copy of the Investigative Report in accordance with section 6.4 of these Procedures. A copy of the decision ~~and the Investigative Report~~ will also be provided to the Director of Investigations. The Director of Investigations will then provide a copy of the Investigative Report to the Complainant and will inform the Complainant of any ~~relevant restrictions~~disciplinary outcomes that ~~may have been imposed upon the Respondent's movements~~University Counsel has authorized the Director to disclose for compelling health or activities safety reasons, in accordance with ~~sections 6.4 and section~~ 6.5 of these Procedures.
- 5.3 ~~If the Investigator determines~~Investigation Report includes a determination that Sexual Misconduct has ~~not~~ occurred, the Director of Investigations will also provide a copy of the Investigative Report to the ~~Complainant and the Respondent in accordance with section 6.4 of these Procedures.~~
- 5.45.3 ~~If the Investigator has determined that Sexual Misconduct has occurred and the Director of Investigations believes that other UBC authorities may need to act on that determination in~~

addition to the authority identified in section 5.1, the Director of Investigations may refer the Investigative Report to the appropriate UBC authority. This may include one or more of the following authorities: an Administrative Head of Unit, a Student Conduct Manager, UBC Student Housing, a student's program if that student is in a program that has standards of professional conduct, and a student's Administrative Head of Unit if the student is also a UBC employee.;

5.3.1 ~~#~~UBC Student Housing and Hospitality Services, if the Respondent is subject to a UBC residence contract or agreement;

5.3.2 the UBC authority charged with addressing concerns under a faculty or school's standards of professional conduct, if the Respondent is a student subject to those standards; and

5.3.3 UBC Athletics and Recreation, if the Respondent is subject to a varsity student athlete agreement.

~~5.5~~5.4 Whether or not the Investigative Report includes a determination that Sexual Misconduct has occurred, if the Director of Investigations believes that the Investigative Report discloses other kinds of misconduct or information that UBC may need to act on, ~~whether under another UBC policy or not the Investigator has determined that Sexual Misconduct has occurred~~ process, the Director of Investigations may refer the Investigative Report or the relevant portions of the Investigative Report to the appropriate UBC authority. When appropriate, the Director will consult with the person making the Report before referring it elsewhere.

5.5 If the Investigative Report does not include a determination that Sexual Misconduct has occurred, the Director of Investigations will provide a copy of the Investigative Report to the Complainant and the Respondent in accordance with section 6.4 of these Procedures.

5.6 The Director of Investigations will conclude the investigatory process by ensuring all necessary communications are made to those responsible for implementing decisions, providing or adjusting support services and accommodations, providing education, or conducting administrative transactions.

6. Confidentiality and Privacy

6.1 In order to protect the integrity, fairness, and effectiveness of Investigations and to ensure compliance with the *Freedom of Information and Protection of Privacy Act*, ~~(FIPPA)~~, all participants in an Investigation must act in accordance with the requirements set out below.

6.2 Individuals, including the Complainant and the Respondent, who have obtained information about an identifiable individual ("Personal Information") through their participation in an Investigation must not disclose this information to anybody except their own personal advisors or representatives, or as required by law. ~~This~~However, this section does not prevent:

6.2.1 any participants in the Investigation from disclosing information about themselves, or information that they have obtained outside the Investigation;

6.2.2 UBC representatives from disclosing Investigation-related information as authorized under section 6.3; or

- 6.2.3 Complainants and Respondents from disclosing the information that they have received under sections 6.4 and 6.5.
- 6.3 UBC will not disclose any Personal Information related to an Investigation except to the extent such disclosure is:
- 6.3.1 expressly authorized by the affected individual;
 - 6.3.2 to a UBC representative, if necessary for the performance of that individual's duties;
 - 6.3.3 to a Complainant, Respondent, witness, or other ~~individual who participated~~ participant in the Investigation, if necessary for the conduct of the Investigation;
 - 6.3.4 to a Complainant or Respondent in accordance with sections 6.4 and 6.5;
 - 6.3.5 authorized by the University Counsel for compelling health or safety reasons;
 - 6.3.6 authorized by the University Counsel to correct misleading or inaccurate information if necessary to protect the integrity of the Investigation or UBC's investigatory processes; or
 - 6.3.7 authorized or required under law or
 - 6.3.7—To maintain the integrity of the Investigation process, UBC policy.
- 6.4 must ensure that both Complainants and Respondents know the Investigation findings and the evidence upon which these findings are based. For ~~reasons of fairness~~ this reason, Complainants and Respondents will be provided with a copy of the ~~Investigative~~ Investigation Report, ~~subject.~~ The FIPPA may require UBC to the removal of remove Personal Information ~~where required under the Freedom of Information and Protection of Privacy Act that is irrelevant to the Investigation findings, or that identifies third parties.~~ If there are multiple Complainants or multiple Respondents, they will only receive the portions of the Investigative Report that are relevant to them.
- 6.5 ~~Complainants do not have~~ Under the ~~right to know whether~~ FIPPA, UBC ~~has taken any~~ is only authorized to disclose disciplinary ~~action~~ actions it has taken against the Respondent ~~because if the disclosure of such information is considered to be an unreasonable invasion of is authorized by the Respondent's privacy. However, if necessary~~ University Counsel for compelling health or safety reasons, Complainants. For example, UBC will be informed normally inform Complainants of any relevant restrictions that may have been imposed upon the Respondent's movements or activities.
- 6.6 Section 6.2 does not prevent Complainants and Respondents from disclosing the information they received under sections 6.4 and 6.5. However, Complainants or Respondents who choose to disclose such information ~~are responsible for the consequences of their decisions, and should be aware~~ should keep in mind that the disclosure of such information may result in a legal claim being made against them by the other party or other individuals (including, for example, a defamation or breach of privacy claim ~~), and may wish to seek advice before doing so.~~

7. Appeal Processes

- 7.1 Student Respondents may appeal any discipline that is imposed on them under these Procedures through the UBC Vancouver Senate Student Appeals on Academic Discipline Committee if they are a UBC Vancouver student, or the UBC Okanagan Senate Appeals of Standing and Discipline Committee if they are a UBC Okanagan student.
- 7.2 Staff or faculty may appeal any decision or discipline that is made or imposed on them under these Procedures in accordance with the provisions of their collective agreements or their terms and conditions of employment.

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
1	<p>The procedures for responding to reports of sexual misconduct are well defined. However, the procedures for disclosures are absent In this area, some concerning questions remain since it appears that those whom have had allegations of sexual misconduct made against them through disclosures will not be made aware of these allegations.</p> <p>What information will be recorded when disclosures are made and how confidential is this information?</p> <p>Under what circumstances will allegations of sexual misconduct made against an individual through disclosures be shared with other members of the UBC community?</p> <p>Will UBC be maintaining records of allegations of misconduct against an individual that that person is unaware of and cannot respond to?</p>	Section 3	Disclosures – informing respondent and record keeping	<p>Recommended in part. New section 3.4 added. Other aspects will be addressed as operational decisions by new Directors of the Response Offices.</p> <p>As above.</p> <p>Already addressed in section 3.5.</p> <p>As above.</p>
2	<p>Regarding Consent, it would be good to clarify what happens when both parties are unable to give consent, e.g. both parties are under the influence of alcohol or drugs.</p> <p>Regarding the definition of Sexual Misconduct - Under the proposed definition, small actions and even errors could constitute Sexual Misconduct. In the case when someone's gender identity includes a specific pronoun, someone using a different pronoun to refer to them could constitute an “act targeting an individual’s gender identity or gender expression , psychological in nature, committed against an individual without that individual’s Consent”, and as such be Sexual Misconduct. Is this intended?</p>	<p>Section 7.2</p> <p>Section 7.1</p>	<p>Definition - Consent – alcohol</p> <p>Definition - Sexual Misconduct</p>	<p>Level of detail not appropriate for inclusion in policy. Referred for consideration as a topic for supporting informational materials.</p> <p>Inclusion of sexual harassment in legislation requires this, and section 4.3 also addresses the issue.</p>
3	I am concerned about the broadened scope of sexual misconduct. What exactly is meant by a psychological act? Do you mean speech? If someone accidentally uses the wrong pronouns for someone does that constitute sexual misconduct? Even if someone were to purposefully and demeaningly use the incorrect pronouns, it is strange that this would be disciplined under sexual misconduct. This sounds more like	Section 7.1	Definition – Sexual Misconduct	Request for clarification/more information not appropriate for inclusion in policy. Referred for consideration as a topic for supporting informational materials.

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	the jurisdiction of a harassment policy. I think it is strange to assume that verbal harassment related to pronouns is sexual in nature which is what is currently implied.			
4	<p>First, the language in this package relies heavily upon Marxist terminology that I find objectionable. Such as privilege, for starters.</p> <p>Second, there is no such thing as rape culture.</p> <p>Third, the package makes for an incentive to file false reports. Receiving altered time schedules and even financial assistance? And the administration does not believe they can and will be abused?</p> <p>Forth, allowing for anonymous reporting is simply egregious. The accused has a right to know who their accuser is. 5.2 makes it so the accuser doesn't even have to participate in the actual investigation. Sexual assault and other forms of misconduct are criminal acts under Canadian law. The matter should be handled by the police and not by the university. This is circumnavigating the due process of law.</p>	<p>Section 1.3</p> <p>Section 3.3</p> <p>Section 5</p>	<p>Principles</p> <p>Disclosures – accommodations</p> <p>Anonymous and Third Party Reporting</p>	<p>No response required.</p> <p>Not recommended, based on Steering Committee's strong recommendation for inclusion.</p> <p>Not recommended. Accommodations are always subject to being reasonable based on the case in question.</p> <p>Not recommended. Safeguards for procedural process in place and addressed in section 5.</p>
5	<p>items of dispute:</p> <p>1.2 - Not sure how this has anything to do with sexual abuse or misconduct. Please explain to me how a black women being violated is any different than a white woman, black man, white man-- gay, straight or otherwise. If the implication is that males would be discriminated against if they were to forward a complaint of sexual harassment based on their perceived "power and privilege"-- which is itself a stereotype-- then I am in strong disagreement. This is self-serving sexism hidden under the guise altruism and self-righteousness. Also, if you are going to use logic like this shouldn't it be extended to the perpetrator? Should a "racialized" offender get off easier than someone who is not? If so, please explain the justification for this without resorting to specious platitudes. I would like data and well-crafted arguments.</p>	Section 1.2	Principles	Already addressed. Wording of section 1.2 includes all parties, including respondent.

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>1.3- rape culture! Really. I would honestly expect professionals to not use such contentious concepts in a document that is supposed to be taken seriously. That's like me saying we have a "killing culture" because we play video games and watch violent movies. Even the RAINN, the largest anti sexual violence organization, would dispute rape culture. Please leave this document professional and free from whatever biased and hysterical beliefs you might have.</p> <p>5- So if some anonymous 3rd party reports someone without any evidence and that report is "retained by the sexual violence prevention and response office" can anyone access those files? If so, that sounds like a violation against the person who is being reported and vulnerable to abuse.</p> <p>7- Sexual misconduct definition: should be updated to include whether or not the other party is intoxicated. If drunk intercourse between a man and a women is defined as rape, with the male being the guilty party, this is incredibly unethical. It would create the untenable double standard that males are responsible for what they do while drunk whereas women are not. It basically defines males as being predators and women as being infants incapable of being held responsible. Note: if there is a huge discrepancy between the intoxication status of two parties, that is a different situation.</p> <p>P.S. not sure why I even took time to write this as I am already convinced that whoever is working on the committee to draft this document has their political views set in stone and incorporating nuance might be triggering.</p>	<p>Section 1.3</p> <p>Section 5</p> <p>Section 7.1/7.2</p>	<p>Principles</p> <p>Anonymous and Third Party Reports – record keeping</p> <p>Consent – alcohol</p>	<p>Not recommended, based on Steering Committee's strong recommendation for inclusion.</p> <p>Recommended. See new wording in section 5.3.</p> <p>Not recommended. Definition is intended to define when consent is given by either party. Intoxication level of both parties may be a relevant finding of fact during the Investigation.</p>
6	I believe it must be stated clearly under the definition of consent that if someone undergoes a sexual act with consent throughout the entire experience, one cannot revoke consent AFTER the activity has taken place.	Section 7.2	Consent – cannot revoke after the fact	Already addressed. Definition of consent already states that consent can be revoked during the act in question. Does not say after the fact.

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
7	<p>1. This policy states that a person who is inebriated is unable to give consent. It follows that an inebriated person is deprived of his/her ability to make decisions. Are we then to assume that if the perpetrator of unwanted sexual advances is also inebriated, that he/she is not responsible? We have 50,000 students on this campus, most of whom are under 30 and a good number of whom are teenagers raised in an increasingly infantile environment. This policy does not speak to what are surely commonplace encounters between two inebriated persons which occur on a regular basis. How can it be that this policy does not countenance the most commonplace of encounters - those between two young people both of whom are feeling uninhibited due to being inebriated. The policy needs to explain what happens when both are inebriated, and what the obligations are of a person who chooses to become inebriated. The way this is written now, becoming inebriated would seem to be a good way to establish lack of culpability for any action whatsoever.</p> <p>2. I am concerned that this policy does not appear to include fact-gathering and trying of evidence as its primary concern. We live in Canada, not Afghanistan. We have to have a process to determine guilt. An accusation is just that. Destroying lives on the basis of the words of another is extremely potent. I am disappointed that the primary focus of this policy is not following the clearly enunciated policies of Canada's legal system. This policy was developed to respond to a high-profile incident. The policy needs to be sound, not expeditious. Please take the time to revise it again to address the legitimate issues regarding inebriated persons and fact-trying.</p>	<p>Section 7.2</p> <p>Procedures</p>	<p>Consent – alcohol</p> <p>Investigations - process</p>	<p>Not recommended: definition is to define when consent is given by either party.</p> <p>Recommended. Commitment to procedural fairness already in section 1.8 and in section 4 of Procedures, but some additional information added to section 4 in Procedures to clarify what Investigation entails.</p>
8	I suspect that there is a particular risk of sexual misconduct when members of the community meet in contexts that are not typical on-campus events (such as beginning or end of term drinks in a bar), or in contexts where the people in question are not acting in their capacity as UBC faculty or students. It might be worth specifying that the policy continues to apply in all such contexts.	Section 7.6	Jurisdiction	Request for clarification/more information, not appropriate for inclusion in policy. Referred for consideration as a topic for supporting informational materials.

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
9	I have read through the policy and have attended some of the events. I am concerned that the University is going to attempt to investigate something that is considered a criminal investigation in the case of sexual assault, and that the University personnel lacks the training and jurisdiction to conduct this kind of investigation. It seems very clear to me that the University has a conflict of interest in this case and will work to minimize the number of sexual assault cases as being "real." Overall, I find this policy misguided.		General – university not equipped to address sexual assault	No response required. Legislation requires UBC to investigate allegations. Existence of policy itself addresses concerns that UBC will work to minimize number of cases.
10	<p>UBC should review the policy more frequently than every 3 years and after the first year of implementation. If any changes are made to the policy at this time, the policy should be reviewed again each subsequent year until no changes are made and then reviewed every other year.</p> <p>UBC should also provide legal counsel/access to legal counsel for victims of sexual assault.</p> <p>UBC should state clear repercussions for sexual assault including automatic expulsion.</p> <p>Alleged offenders should also be made to stay away from the victim (for example, not taking the same class or attending the same university events) during the investigation and even potential suspension during an investigation.</p>	<p>Section 6.1</p> <p>Procedures</p> <p>Section 3.3</p>	<p>Policy review – schedule</p> <p>General – provide legal counsel</p> <p>Outcome and Disciplinary Measures – automatic expulsion</p> <p>Accommodations – restrict alleged offenders</p>	<p>Already addressed. Section says “at least” every three years. University not prevented from reviewing more often if required.</p> <p>Not recommended. Support office can advise on UBC process, and can refer complainants to advocacy groups.</p> <p>Already addressed in section 5 of Procedures. Automatic expulsion not appropriate given wide range of conduct covered by policy.</p> <p>Not recommended. Due to procedural fairness, cannot take action against respondent until proven to have committed sexual misconduct, unless conduct falls under Policy #14.</p>
11	I see no mention of "intent" vs "perception" in the definition of sexual misconduct in the draft.	Section 7.1	Definition – Sexual Misconduct – intent vs perception	Already addressed. This is a question of fact in each case, for the Investigator to determine.

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
12	<p>Thank you for ongoing work in this area.</p> <p>Key to the disclosure process would be that the process is safe and that the office has resources to offer the complainant for supports outside the UBC complaints process - i.e., how and whether to involve RCMP; how, why, and where to access medical care; where psychological support is available etc.</p>	Section 2.2	Support Office – Resources and Information	Already addressed in services to be provided by Response Office, as set out in section 2.
13	The Sexual Violence Prevention and Response Office needs to be physically available at both campuses - if this has already been determine please be clear in the policy. I am tired of seeing work done at UBCV and the Okanagan is not invited/involved. A physical presence is required instead of having to call multiple people to report. SARA and SASC should be involved with this office as well.	Section 2	Support Office – physical presence on both campuses; working with SARA and SASC	<p>Recommended: wording changed in section 2 to reflect two offices.</p> <p>Recommended: working with external agencies added to section 2.</p>
14	Hi, I think it would be a good idea to include when UBC would be required by law to report a sexual assault to police. For example, is there a legal obligation if the sexual assault happens to a child (student under a certain age) versus an adult? Does it make a difference if it's reported to a professional such as a UBC counsellor, professor or physician? If UBC is not legally required to report, then it would be good to know as well. If this is addressed in the policy please disregard as I just read this over quickly.	Section 3.5	Disclosures – reporting where required by law	Already addressed in section 3.6.
15	<p>1.10 is far too broad. As written it would forbid taking any action against someone who maliciously made a false report of sexual misconduct against someone else, or even against someone who was validly reported to have committed sexual misconduct, since they are clearly "involved".</p> <p>3.5-- The "sole discretion" seems rather limiting, and overly powerful. What if the Director is an idiot? This removes all opportunity and power to rectify their mistakes, or maliciousness.</p>	<p>Section 1.10</p> <p>Section 3.5</p>	<p>Principles – retaliation</p> <p>Disclosures – reporting where required by law; concern with discretion of Director</p>	<p>Not recommended: no tolerance for retaliation applies to individuals taking their own action: malicious reports can be reported to UBC for action when appropriate.</p> <p>Not recommended: complaints about Director can be taken to administration, but need to limit number of people who can make this significant decision.</p>

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>4.2 Again this is a single point of failure. What if the report is against the director? Or is made by someone in conflict with the Director? Or if someone thinks the director is an idiot?</p> <p>7.1 seems overbroad. If a psych prof calls attention to the fact that females and males differ (clearly an "act targeting an individual's sexuality, gender identity or gender expression") is it sexual misconduct? I could imagine other actions as well which the policy should not "criminalize" but could well be taken to fall under this definition.</p>	<p>Section 4.2</p> <p>Section 7.1</p>	<p>Reports – concern with role of Director; conflict of interest</p> <p>Definitions – Sexual Misconduct</p>	<p>Not recommended: complaints about Director can be taken to administration.</p> <p>Inclusion of sexual harassment in legislation requires this, though section 4.3 also addresses the issue.</p>
16	<p>I appreciate the challenge of developing a comprehensive policy that will, in the case of sexual misconduct or sexual assault, allow an individual to seek help, report and eventually receive justice. What I would suggest, and you may have already done this, is to take several examples of past sexual assault cases at the university and walk each individual circumstance through the policy to determine where there are pitfalls. Most importantly, I would place the greatest focus of the policy on preventative measures. Specifically, studying and understanding where the majority of these sexual assault or sexual misconduct cases take place on campus, and by who.</p> <p>My Personal Experience I recently finished school at UBC in December, 2016. During my 4.5 years at the school, every case of sexual assault disclosed to me by friends were cases of sexual assault committed by UBC fraternity members. I have three friends who were raped by fraternity members who did not feel comfortable going through with the process of reporting. My frustration with this policy is that it does not address fraternities specifically, which are the center of rape culture at UBC. I believe strongly, that a key to drastically reducing the number of sexual assaults on campus is through a more thorough auditing process of the UBC fraternities and their values, initiation process, perspectives on sexual assault and sexual violence and their leadership.</p>		<p>General – use past case studies to test policy; focus on preventative</p> <p>General - fraternities</p>	<p>Suggestion not for inclusion in the policy: Response Office will address education and prevention.</p> <p>Not for inclusion in policy as fraternities are separate legal entities from UBC, but issue will be addressed in additional supporting information.</p>

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>It always shocked me that UBC would support fraternities, they even have their own buildings on campus. The fraternities are where the majority of underage girls go to drink and party because they can't go downtown, speaking from firsthand experience. You end up with a situation where underage girls, who have little experience drinking, are being fed free alcohol by the fraternities and preyed on by older fraternity members. I have seen this on a number of occasions, I'm not saying this is always the case, but from every experience I've had with the fraternities it has been.</p> <p>I know that until a significant culture shift in UBC fraternities is achieved, that the number of sexual assaults at UBC will remain very high. The university should conduct a thorough investigation and strongly reconsider their support of UBC fraternities based on my 4.5 years at the school, two years of which I spent living on campus.</p> <p>**Disclaimer: I have friends who are fraternity members who are great people. It is the overall culture and leadership that is a huge problem. I also realize that sexual assault and sexual violence happens to people of all gender identities, but my experience of sexual assault cases have only been with my female friends who were the victims of it.</p>			
17	<p>1) The term "sexual misconduct", in my opinion, insufficiently reflects the severity and aggressive nature of rape. I see the name of the policy "Sexual assault and sexual misconduct" includes the concept of "assault" (and I recognise this is the, like, legal jargon for rape...a nicer way of saying it) however, this is not continued throughout the policy document and I think it needs to be for continuity of acknowledging the immense aggressiveness of rape and attempted rape which has an objectively different impact than a passing insensitive comment.</p>		General – include more references to sexual assault and rape	Not recommended. Term “sexual assault” is the recommended legal term, and the term set out in the legislation.

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>2) I see that 1.7 makes it clear that UBC will support those who have had allegations of 'sexual misconduct' brought against them. I support this, to be sure, as I understand that allegations can be immensely detrimental to a person if they are innocent. However, as the story about the PhD student from Green College emerged (both through the media and through friends and colleagues whom it impacted) it became clear that UBC 'supported' him a little too much. In conversation with a fellow PhD student from Green College who knew this man during her time at Green, as she reflected on her experiences in contact with him throughout her years there, she could not believe that even after allegations, that UBC would allow all these other women (herself included) to continue living in close quarters with him AND it is my understanding that he continued to TA undergrads for a long time. Essentially, what I don't see in the current draft is any language around protecting others in the wider community (like Green College) around a victim who alleges sexual assault. It cannot be assumed that an alleged sexual assaulter/raper will limit their activities to just that one time. Could there be some sort of more specific alerts for parts of the campus, for example? And I understand the need to only do what a victim wants to do or is willing to do...but there is also a responsibility to protect other potential victims within a small community, is there not?</p> <p>3) Where is the language around not showing any special treatment in investigations towards those with allegations against them...especially when it is someone in a place of power (i.e. tenured professors/'famous', money-making professors, etc.)?</p> <p>4) Should there be specific language included that even those who allege sexual assaults/misconduct from the past (pre-policy) fall within this new policy retroactively?</p>		<p>General – actions taken to protect/alert community when an allegation is made</p> <p>General – no special treatment for respondents in investigations</p> <p>Disclosures Reports – past assaults covered by policy</p>	<p>Not recommended: due to procedural fairness cannot take action against respondent on the basis of due to procedural fairness, cannot take action against respondent until proven to have committed sexual misconduct, unless conduct falls under Policy #14 or Campus Security deems safety alert necessary.</p> <p>Not recommended: commitment to procedural fairness ensures no special treatment, and process applies equally to all.</p> <p>Already addressed in definition of Jurisdiction: no time limit.</p>

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>5) Will there be another more pragmatic document to come that clearly and objectively outlines protocol? Will we be able to also provide feedback on this?</p> <p>6) I love that UBC will be reporting annually on sexual assaults and allegations! This is a great step! I would suggest, so that allegations of "sexual misconduct" (as you so politely call it) are not watered down, there are categorisations as best as possible of what types of 'sexual misconduct' has been reported. Reporting allegations and investigations in aggregate definitely helps maintain opaqueness of the REAL story of what is going on...which I think is the opposite of what UBC is trying to actually do here. Again, perhaps specific language is needed around how reporting will be done... the less room for interpretation around these matters the better.</p> <p>Overall, I'm very glad to see that UBC has taken this seriously. I hope that past, current and future victims can begin to trust that UBC will take serious action after so many years of shameful practices to cover up and hide this long-time reality of not only this campus, but of basically all/most post-secondary institutions across Canada. I think the serious and objective way in which UBC has decided to deal with sexual assaults can, in a way, be a marketable selling point for the campus (which is really what UBC exists for now, no?).</p>	Section 2.4	<p>Supporting documents – protocol</p> <p>Support Office – annual reporting of statistics, need for more specificity</p>	<p>Not for inclusion in policy: referred to Response Office and other UBC offices to address.</p> <p>Not recommended: commitment to statistics includes the minimum that will be reported annually, but further statistics can be made available if appropriate and if compliant with FIPPA. We will not know until the policy has been in place if this will be possible.</p>
18	<p>Having just read the proposed policy 131 document, there's a few details I feel strongly that should be added.</p> <p>1. It should be stated clearly that languages other than English are available for anyone reporting to the Prevention and Response Office. Because UBC has so many international students, many of whose first language is not English, they may have an easier time knowing they can speak, perhaps more comfortably, in their own tongue. All available languages should be listed in the document.</p>		Support Office – specific mention of support in other languages	Not for inclusion in policy: operational decision for Response Office.

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>2. Along with various language options, there needs to be a clear statement of the Prevention and Response Office's provision, knowledge and sensitivity that cultural factors make it more difficult for victims of violence (sexual or physical) or misconduct to come forward and speak. This is somewhat addressed in Sections 3 and 4, but I think this needs to be stressed. I know too many women, and men, who have taken years to openly acknowledge their experiences of rape or molestation due to fear, shame or because initially they were mocked or discredited, or blamed for inviting such violence when they tried to speak up in the first place.</p> <p>Thank you for requesting and listening to feedback on this important policy.</p>		Support Office – specific acknowledgement of cultural factors	Already addressed in section 1.2 and by creation of Response Office with trained staff.
19	<p>Overall I am reasonably happy with the modifications made since the original conference I remember in 2016.</p> <p>The one problem which remains, and which tends to be the problem world-wide, in both in and outside of Universities, is the defining of Consent.</p> <p>It appears that UBC can make one definition, other Universities, both in Canada, and outside, make their own definitions.</p> <p>What would be my definition? Consent MUST be given for any touching of any person, child or adult, for any reason, whether police or anyone else within the grounds of UBC. This could certainly mean that a UBC Counselor attempting to comfort a child by holding/embracing can only do so if a legal parent of the child gives consent. This, literally, applies to any child under 18 years of age. To myself, this sounds ridiculous, and I am not a lawyer, but on reflection it makes sense. Throughout North American Universities, there have been numbers of incidents where comforting was abused.</p>	Section 7.2	Definitions – Consent expanded for any touching for any reason	Not recommended: this expansion is not consistent with the law, and would not be enforceable. Definition in policy is current and reflects Canadian law.

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>If there is no parent, or an inadequate parent (e.g. their state of drunkenness; the Counselor may proceed provided that an adult witness agrees.</p> <p>The most important thing is that the rules must be generalized, certainly at all Canadian Universities, ideally at all North American ones.</p>			
20	<p>I am currently a third year student at the Vancouver UBC campus. I have reviewed the newly revised and approved second draft of Policy #131- Sexual Assault and Other Sexual Misconduct. As a student who has been directly victimized by sexual violence occurring at the Vancouver campus, I have a few concerns over the depth of policy #131. I know firsthand how difficult reporting and accessing resources for sexual assault are on campus, and how incredibly upsetting and frustrating it can be to even find these resources.</p> <p>In September 2015, Professor Sara Milstein (Professor of Hebrew Studies in the Faculty of Arts) connected me with the Dean of Arts, Dr. Gage Averill. I provided him with my opinion and review of an informational pamphlet he was creating for UBC Faculty and Staff on the proper procedures and information that they can give students who have been effected by sexual assault. This pamphlet made its way into distribution, and was a stepping stone into improving UBC commitment against sexual violence and assaults. However, as I read through the policy proposed, there are several key components that I believe are missing from it.</p> <p>I.</p> <p>There is no clause or inclusion of Residence Advisors (RA) sexual assault training and procedures that they must follow. UBC RA's should have to attend mandatory training sessions, by employees/volunteers with the reporting office. This would ensure that each RA receives comprehensive knowledge on what to do if a sexual assault occurs in any residence. When I was in my first year at UBC, I lived in the Vanier Residence. In the second month of living there, a male RA, who lived in</p>		Other – training for RAs	Not for inclusion in policy: referred to Response Office for future education and prevention training initiatives.

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	<p>a neighbouring building, attempted to enter my private room. Instead of contacting my female residence advisor, or her superior, to assist me, he instead tried to enter my bedroom, knowing that I was intoxicated. Luckily, other UBC members stepped in and prevented him from entering. However, I was too fearful to report this, as he was extremely close friends with all of the other residence advisors living in my building, and I was scared of having my allegations ignored or downplayed.</p> <p>II.</p> <p>Due to the abuse of power that those superior positions can commit, I believe the policy should include an option for students to report cases of sexual assault through an online, optionally anonymous platform. This platform would ensure that reporting could occur at any time and on any day, and would not be restricted to the hours of the reporting office. This platform, or reporting form, could encourage more students to come forward with reports, and prevent the shame one might feel by reporting the incidence in person or even on the phone. When dealing with an off-campus assault of my close friend, who is also an UBC student, I found it EXTREMELY difficult to find support and resources for her, as it occurred on a long weekend, and many things were closed. Therefore, I believe that having a 24/7 online reporting and comprehensive resource based website conducted by UBC would be exceptionally beneficial and useful for students.</p> <p>III.</p> <p>Following point number #1 on the training of RA's, Residence Advisors should have to conduct mandatory sexual assault workshops and/or meetings with their floors on sexual assault prevention and awareness. This would ensure that students living in all residence, not just first year, would be provided with correct information and resources on the steps that they can take to prevent/ spot sexual assaults, but also if one does occur, they know exactly what their options are. If residents are educated upon UBC's Sexual Assault Policy, and are not left to examine</p>		<p>Other – reporting option through online, anonymous platform</p> <p>Other – provide website based comprehensive resource</p> <p>Other – mandatory training to be provided by RAs to residents</p>	<p>Not for inclusion in policy: operational decision for referral to Response Office.</p> <p>As above.</p> <p>Not for inclusion in policy: referred to Response Office for education and prevention training initiatives.</p>

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	<p>it on their own, it could lead to fewer sexual assaults occurring on both Vancouver and Kelowna campuses.</p> <p>IV.</p> <p>Furthermore, in order for Policy #131 to be effective, UBC must examine structures and clubs/cultures on campuses that are exceptionally at risk for sexual assault occurrence. For example, currently UBC has an extremely limited presence in the fraternity and sorority Greek system. The drinking and sexual culture associated with fraternity and sororities cannot be ignored and must be addressed by Policy #131 and UBC. UBC needs to have a greater impact in these clubs/groups that associate themselves with the university. By engaging these students with the reporting office, for example, ambassadors or volunteers could increase awareness and knowledge about sexual assault, and would ultimately have a greater impact on campus. I believe that the office should have student volunteers or ambassadors from large campus wide organizations, such as fraternities or varsity athletes, in order to promote and encourage students' awareness of Policy #131 and the structures set up by it to protect students from sexual assaults. By doing so, these volunteers or ambassadors would have the chance to go back to their respective organizations with goals and guidelines in order to further the success of Policy #131.</p> <p>Ultimately, each and every one of us wants to reduce the occurrence of sexual assaults on campus. It has been a devastatingly prevalent and re-occurring event that UBC must address and actively defend against. While I believe Policy #131 is a good stepping block, it is not comprehensive enough. In order to ensure the protection of students, more needs to be done and included within this Policy in order to reduce barriers and limit the occurrence of sexual assaults.</p>		<p>Other – review of particular UBC clubs and cultures for targeted training, as well as external entities that associate themselves with UBC, including fraternities and sororities</p> <p>Other – engage student volunteers and ambassadors to increase awareness and knowledge</p>	<p>Not for inclusion in policy: referred to Response Office for education and prevention training initiatives.</p> <p>Not for inclusion in policy: referred to Response Office for education and prevention training initiatives.</p>

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21	<p>I applaud the university for all its efforts in this regard. I am fully in support of the principles the university is trying to support, the document, procedures etc. - with one two-word exception.</p> <p>I am disappointed by the inclusion of the term "rape culture" in section 1.3. It is used in the opening statements, and then appears nowhere else in the document. It is accompanied by a bit of explaining of the term in 1.3, which enforces a UBC definition on the term as a very broad description of forms of behaviors or attitudes that tolerate Sexual Misconduct. This is a much watered down definition than some of the more accusatory and inflammatory definitions that may also be attached to the term in the broader societal and media discussions. The phrase then never appears again to be used in any way and is not further defined. This usage comes across that UBC is clearly uncomfortable with the term but seems to be including it anyway because it feels it has to. The choice to use this particular phrase in the third paragraph of the whole document as opposed to a more general description seems to me to cheapen the whole policy and the effort behind it by making it seem much more like "UBC trying to look like we are doing something about the recent outrage, and using the trendy term for it so everyone notices".</p> <p>To me, it makes this whole, well thought, carefully considered policy and overall effort seem more like a short term reaction to a media storm rather than what it really is, and needs to be seen as - a genuine response to the wider, longer term issue and longer term efforts to make change. It makes the document seem like a short term band aid that everyone will forget when the storm dies down.</p> <p>I would suggest simply removing it and leaving the description of what the rest of the document is clearly about - "...combatting broader social attitudes about gender, sex, and sexuality that normalize Sexual Misconduct and undermine equality".</p>	Section 1.3	Principles – objection to the use of rape culture	Not recommended, based on Steering Committee's strong recommendation for inclusion.

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22	1. Right or wrong, the University doesn't exactly have a stock of good will or trust on this issue. The only way to build trust and confidence is through transparency. If the complainant isn't going to be informed of any disciplinary action taken, then the University needs to publish statistics on the percent of cases in which the findings were in favor of the complainant and what disciplinary measures were imposed in cases that were found in favor of the complainant (if there are too few in any one year they can aggregate across years). Similarly, the University needs to publish annual statistics on time to resolution. Specifically, the distribution of time from initial contact with the university to final determination and the percent of cases in which the university meets each of the benchmarks laid out in the policy (e.g. 14 days for initial determination and 60 days for investigations).	Section 2.4	Response Office – Statistics	Not recommended: commitment to statistics includes the minimum that will be reported annually, but further statistics can be made available if appropriate and if compliant with FIPPA. We will not know until the policy has been in place if this will be possible.
	2. Except in extraordinary circumstances, "alternate resolution" should not even be suggested in rape cases. I can imagine a few particular circumstances where it might be appropriate but it should be clear that it should not be routinely suggested in rape cases. Just suggesting to a survivor that s/he should have some sort of mediation with her rapist could be extremely damaging.	Procedures – Section 3.4	Alternative Dispute Resolution	Already addressed in the wording of section 3.5 and 3.6 of Procedures.
	3. "If the Director of Investigations believes that the Report discloses other kinds of misconduct or information that UBC may need to act on, the Director may refer the Report to the appropriate UBC authority and will inform the individual making the Report when appropriate." (3.5 and also 5.5). This section needs to be clarified to make clear that this does not mean the complainant will be referred for discipline if, for example, s/he discloses illegal drug use or underage drinking.	Procedures -Section 3.5 and 5.5	Amnesty	Not recommended: although not likely to refer cases where complainant has disclosed these activities, Committee not comfortable with full blanket amnesty.
	4. The complainant and respondent should both have the right to read the full written report prepared by the investigator before a final determination has been made so that they can correct any inaccuracies (mistakes do get made by even the most careful investigator).	Procedures – Section 4.3	Right to review draft report	Not recommended: review of draft report leads to attempts to re-hear case and lengthens process. Reasonable to rely on Investigator to be accurate. Not required for procedural fairness.

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	5. Section 6.2: "own personal advisors" should be clarified to note that it includes therapists and support groups, family members, etc.	Procedures – Section 6.2	Clarify what is meant by personal advisors	Not recommended: general term more appropriate to ensure widest possible interpretation.
23	<p>Hey, So, I guess first off I wanted to say thanks. As in, by the sounds of it all of you have spent a long time working through this policy document, and have wrestled with some difficult issues. I've got a bunch of questions about it, but it seems important not to ignore the fact that lots of work has gone in. That probably could have been worded better, oh well. I'll cite section numbers of the policy where possible, although the reset on the numbering with each section makes this slightly ambiguous.</p> <p>Questions: So... what exactly IS a policy document? Is it a set of goals/aspirations? Is it a rule book of how certain things should be done? Is it a guide for students to help them navigate the process, or is it a document from which such guides are made, and complainants are not expected to interact with the policy itself so often? Is it a legal document, and if so, how much legally binding force does it contain? I initially assumed it was meant to be something fairly tight/narrow- a recipe of sorts. Some aspects of the document read like that, others don't. I guess many of the subsequent questions stem from that, and I'm fairly sure not all of them are meant to be answered in the policy itself... but I hope that most of them can be answered somewhere.</p> <p>Section 7.6 "... and the alleged conduct must have a real and substantial connection to UBC, as that term has been interpreted under BC law" What does this mean? Can we re-write the policy such that it is clear to the reader what this means. Or perhaps have an FAQ somewhere? (Will the policy be linked to the FAQ?)</p>	Section 7.6	<p>General questions about what is meant by a policy</p> <p>Definitions – Jurisdiction more info requested</p>	<p>Not for inclusion in policy: general questions about what policies are.</p> <p>Request for clarification/more information, not appropriate for inclusion in policy. Referred for consideration as a topic for supporting informational materials.</p>

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	Accommodations: “3.3.1 student residence re-location or short term emergency student housing.” How will this work, precisely? How long is “Short term emergency Student Housing”? 2 days? 2 weeks? What resources will the SVPaRO have on hand to provide this? When will this office be open? ... Based on talk at the info session, this (and other associated details) are things to be determined once the SVPaRO has been set up- a part of the latitude they have available to them.	Section 3.3	Disclosures - Accommodations – info requested	Level of detail not for inclusion in policy, and will be case by case: Response Office to address in each case.
	Definitions (section 7) Nowhere in the list of definitions is rape ever mentioned. This seems... unusually. I presume that “Sexual assault” is intended to implicitly include rape/forced intercourse/whatever the legal term is as a particular example of non-consensual sexual touching, but for the sake of anyone reading this, the absence is a little strange. Depending on the reading some might assume this implies that rape is beyond the scope of the document. Is this a deliberate choice- potentially trying to match the federal legal obligations, or just a quirk of the wording (or my reading of it)?	Section 7	Definitions – lack of the term “rape”	Not recommended. Term “sexual assault” is the recommended legal term, and the term set out in the legislation.
	What funding will the SVPaRO have access to? This was alluded to in today’s info session, but no concrete numbers were given. Also... Okay- I have several other questions about how many staff the place would have, if it would be open 24/7 etc... but by the sounds of it that would be out of scope of this document, so I’ll drop those.		General question about Response Office funding, number of staff, etc.	Not for inclusion in policy: general questions about operation of Response Office, to be referred to Response Office.
	Procedures 2.1: “Reports to be made in writing, although in exceptional circumstances this is not required.”.... We are dealing with Sexual assault/harassment/ etc. I would hope this counts as exceptional circumstances by itself... but I guess not, given what the policy is for... Does the report need to be written in person by the reporter? Is it sufficient for this to be recorded, and then transcribed by a third party? (possibly to be signed off by the complainant)	Procedures – Section 2.1	Request for more info about “written” report	Wording said could be deferred, not eliminated, but subsequent amendment removed deferral as well, so all reports must be in writing. No restriction on who physically writes the report.
	Reports 2.2: “The report should set out relevant details” - WHICH relevant details. Witnesses etc. is great, but perhaps some more detail on “relevant details” is useful here, or if not here, then potentially in	Procedures - Section 2.2	Request for more info on what are “relevant details”	Not recommended: relevant detail depends on the circumstances of each

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	<p>the presumed FAQ (to be set up either by this committee, or by the Director of Investigations, once they are assigned?)</p> <p>Procedures 3.4: Alternative resolution processes. This is a legal (??) document, so perhaps this is not the place for it, but what Alternative resolution processes do we have in mind here? Under what circumstances or by what metrics might they be determined to be appropriate? Could the document (or some other document) contain examples of the types of alternatives that might be considered, and the circumstances under which they might be used? Examples are really great and should exist somewhere. (As previously mentioned, this may or may not be the job of this document).</p> <p>Section 3.6.2 - Giving the respondent the report. ... This basically suddenly gets really hairy. On the one hand I understand that the accused should know what they are being accused of... on the other hand, telling them that such a report has been submitted may put the complainant at risk... and also... Look- if you want to lie your way out of something knowing exactly what it is you are trying to dodge, and what evidence has been submitted seem like an advantage in some sense. Is it not sensible to at least have a single interview with the respondent before they get a full read of the report – traumatic, sure, and you’d want to know the legality of it, but even so....? Or is that something only the police can do? In which case... where does that put us? I imagine this is an issue you have talked over, so I guess the “it gets messy fast” is much help... oh well.</p> <p>Procedures (4) – investigations How is an investigator selected? From what pool of people? Are they volunteers from campus? (Students? Lecturers? Who?) Are they private detectives? Paid campus bureaucrats? What training is available to them? Is there a requirement that the Complainant and/or respondent be comfortable with the Investigator? Is the investigators gender taken into consideration in such matters? (Is that legal? I don’t know, but I can easily imagine there</p>	<p>Procedures – Section 3.4</p> <p>Procedures - Section 3.6.2</p> <p>Procedures – Section 3.3</p>	<p>Request for more info on what ADR entails</p> <p>General question about whether respondent must get report</p> <p>Request for more info about investigators</p>	<p>case, and Investigator can seek further information if required.</p> <p>Request for clarification/more information, not appropriate for inclusion in policy. Referred for consideration as a topic for supporting informational materials.</p> <p>Procedural fairness dictates that Respondent receives the Report.</p> <p>Operational questions not for inclusion in Policy. Will be referred to the Directors of Investigation for consideration of need for supporting informational materials.</p>

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	<p>being a significant assumed bias one way or another depending on which sides gender they match) By the sounds of it, (once again) this policy is not the place for answers to such questions, but until they are answered....</p> <p>[Note, this was answered in Info session, but we were encouraged to submit all questions via writing, so... here it is] 4.3 – the report. In addition to a determination of probable fact, is there also a discussion of severity? Or is this done elsewhere? Or is this just not a question for the Investigator to mind with? By this, I mean....look, we have different “levels” of murder. There is a difference between “You got drunk and knocked your mate off the roof”, “You got in an argument and shoved someone off the roof” and “You bought a rifle, camped outside someone’s house and shot them”. Similarly, there’s a big difference between “You deliberately roofied this girl and raped her”, “You were drunk, and horny, and lacked the willpower to keep it in your pants” and finally “You were dating this girl for a while, and both got drunk together, and there was a serious lack of communication, such that even though you intended no harm, you still did it, and still caused significant harm.” The intentionality is WAY different in those cases, and the expected future behavior too. (Obviously I am focused on the more extreme end of where this policy is used. I assume that is where it will be stress tested, so) ... That said, the separation of the above is pretty much at the difficult legal crux of the whole question, and perhaps beyond the scope of you over in the policy assembling team. I guess my main question here is... to what extent is it the Investigators job to answer questions of fact, and to what extent questions of motive? Are they expected to recommend or comment on judgement, or likely future behaviors, or are they purely there to say “Event X happened, event Y happened”? When dealing with questions of Consent it seems that they are almost obliged to dig a little deeper into intentions and motivations, but how much is... uncertain.</p>	Procedures - Section 4.3	Request for info about report and findings – severity/intent finding	Not for inclusion in policy: part of findings of fact made by Investigator during Investigation.

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	<p>5- Outcomes, disciplinary measures:</p> <p>5.1.1 What happens to the credits of someone who is expelled for this reason? Do they just move on to another university? This section appears to say that the investigator determines the notion of fact, and the decision of university response is passed up the chain of command. There appear to be no guidelines as to what the expected responses should BE. I understand that things are on a case by case basis, but... well I guess my point is that everything earlier in the “Investigative procedures” section has had fairly narrow constraints on it, and now once the facts are determined and passed up there is little to no explanation for what to expect. This leaves things open to anything from “getting expelled because you spoke to someone the wrong way one too many times” to “well, it’s only the third rape recorded for this person, so whatever”. It seems likely there should be some more details here, or at least somewhere, in order to restrict or guide the decision makers judgement based on what the university as a whole thinks is an appropriate response for a particular level of misconduct.</p>	Procedures - Section 5	Request for more detail about possible outcomes	Not recommended: possible range of outcomes wide and based on case by case basis based on the findings.
	<p>5.1.2 – this is the section which discusses questions of termination of employment. There seems to be a whole lot of people who need to sign off before someone’s employment gets terminated. This in itself isn’t a problem- Terminating employment is a serious thing to do, and it would be preferable not to set up a situation where this is done lightly. That said.... given the legal stuff involved, how likely is it that there is a significant incentive for the president and/or board of governors to avoid terminating employment wherever possible? Firing someone can potentially have legal backlash. Firing someone might upset nearby staff members (if they were, for example unaware of, or unconvinced by the investigation). Firing someone might easily feel like a more public display of failure (as opposed to the private failure of not doing so). Are there ANY systems in place that would actually incentivise the board/president to go through with this? It seems like the investigator is answering the “On the balance of evidence” question, and then handing it up to people who have incentives much closer to “is the evidence so overwhelming that we can’t get away with doing nothing”.</p>	Procedures – Section 5.1.2	Request for more info on how termination decisions are made	Not for inclusion in policy: process for disciplining employees dictated by contractual terms of employment. Existence of policy and commitments to address sexual misconduct assist in creating accountability of decision-makers.

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	<p>In particular, I would like to draw attention to the fact that the SVPaRO has the mandate to publicly report things (section 2.4), but that none of these things discuss the resulting response- they merely comment on how many disclosures and reports were made, and there is no mandate to report how many reports were signed off as true according to their investigator, and subsequently no mandate to report on what actions (if any) were then carried out. Given that even the complainant is not entitled to know of the results of a positive report (according to 6.5), this leaves a system where the community seems to have no way of telling if it's actually working in any way.</p>	Section 2.4	Statistics	Not recommended: commitment to statistics includes the minimum that will be reported annually, but further statistics can be made available if appropriate and if compliant with FIPPA. We will not know until the policy has been in place if this will be possible.
	<p>5.4 - Which programmes don't have standards of professional conduct? Why not? Would it be useful to request programmes to look into making such things? Or is this more of a case of professional programmes having standards passed down from their profession, things not within the control of the actual schools and departments of the university?</p>	Procedures – Section 5.4	General question about professional standards	Not for inclusion in policy: only programs with professional bodies have these standards.
	<p>Is this stage (after a full investigation has been completed) the earliest stage that Student housing can be informed in any manner? Is this appropriate? If we have a potentially hazardous person living with a bunch of other people (many of whom might like to get safely drunk with their friends in the weekends), is this problematic? Or is this covered under the universities ability to report potential hazards for legal/safety reasons? Overall the moral/legal relationship between the University and the residences should be made more clear... somewhere (maybe not here, maybe here, I don't know)</p>		General question about when housing is informed	Not for inclusion in policy: Housing contracts have provisions addressing this, and policy #14 addresses situations where other actions like Housing decisions, can be made.
	<p>6 Confidentiality etc.: 6.2 does NOT preclude any complainant from also informing/discussing the sexual misconduct with anyone of their choosing- including fellow students/faculty etc., or (for example) with their residential assistant (or whatever they are called) in Campus housing. It may be worth making this explicit. I'm not sure what powers Campus housing (or any</p>	Procedures – Section 6.2	Request to make section more explicit	Already explicitly stated in Policy.

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	other group) then has, but having some document that discusses this would be super useful.			
	6.4) Just to check my understanding: Each person gets a copy of the investigative report, possibly with some names blanked out? Except, in all likelihood these will be names that may well be easy to deduce for those who are already intimately familiar with the story- is this a correct understanding? Can we get examples of what the privacy act requires?	Procedures – Section 6.4	Question about privacy and reports	Not for inclusion in Policy, as will be assessed on case by case basis.
	6.6: “You are free to make public the results of an investigation, but the other person is quiet likely to be able to sue you if you do” - is this a correct interpretation? Perhaps a little more clarity here? Or is the purpose of the SPVaRO to provide such clarity, and this policy document is primarily a legal something?	Procedures – Section 6.6	Request for more clarity about meaning of section	Not recommended, as section already clear, though wording added for other reasons to indicate individual may want to seek advice.
	Okay, final couple questions (I apologise for the number of them). What happens if someone breaks the privacy rules, or some other rule, in this document, or handed down as the result of discipline? How does the university/legal system react? It is said that “Retaliation will not be tolerated” - but what form does this lack of tolerance take? How will punishments for infractions against this policy be meted out (note, not the sexual misconducts themselves, that is already described fairly well).		Question about infractions of policy, including retaliation	Not for inclusion in Policy: infractions of privacy may be enforced by one whose privacy was violated, or under UBC disciplinary processes. Retaliation will be addressed under UBC disciplinary processes.
	To what extent is it possible for there to be sharing between cases? If one person gets accused by 6 independent people this seems like fairly strong evidence that they are probably not a safe person, even if each individual case has only medium levels of evidence. The systems seems set up such that privacy restrictions would forbid any case from knowing about the existence of any other case, and yet this knowledge, and comparative work seems like precisely the kind of information that moves us from “50:50 odds” to “Yeah, we are pretty sure this person is		Question about multiple allegations against the same person	Not for inclusion in policy: Directors of Response Office and Directors of Investigations will track multiple reports, and disciplinary action would increase with each finding.

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	<p>unsafe to our community". I don't know- I understand that there are legal difficulties tangled up here, but it seems like something worth discussing explicitly, as opposed to being an implicit effect of the system. If the system does have to work this way (for legal reasons), then we should at least admit that is the case (Even if investigators can't share information for example, complainants can, and could even potentially volunteer their evidence to investigations not directly their own, for example?)</p> <p>And... That's all. Thanks for reading through this great heap of questions. Good luck with your next draft, and thank you for all the hours you have put in previously.</p>			
24	<p>Item 1.1 under the heading 'General' in the 'Procedures' section says that 'the Director of Investigations and the Investigators' 'will take a trauma-informed approach to their work'. A trauma-informed approach to working with populations that are often dealing with the effects of sexual assault/misconduct is obviously a positive thing. However, I would like a definition of 'trauma-informed approach' to appear in Policy 131, given that this approach seemingly will inform all of the work that you do with Respondents, Complainants and perhaps others as well. My concern here is that the definition of what constitutes 'trauma informed work' may well change over time and staff will naturally need to be trained and retrained accordingly, to assure that they are and remain able to deliver a standard of care consistent with whatever definition of 'trauma informed work' may consistent with best practices at any given time. However, getting the dollars and time allocated to train Investigators and the Director of Investigations to a specific standard of 'trauma informed' work may prove impossible if no agreed upon standard exists. Also, it is important for those who may choose to make a disclosure or a report to know what standard of care they can expect to receive while working with UBC employees. Accountability and transparency around key issues when at all possible is obviously important here. I would also recommend that the definition of 'trauma informed work' that appears</p>	Procedures – Section 1.1	Request for definition of "trauma informed" in Policy	Recommended: definition added to section 1.4.

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	<p>in Policy 131 be changed periodically to reflect major changes in what this term may mean to UBC in ways that are deemed likely to materially impact delivery of services.</p> <p>Under section 3 "Disclosures" there is a subsection (3.3) that lists specific support services and accommodations that can be offered when disclosures or reports are made. I am left wondering how many of these accommodations/support services might potentially be offered to the various populations within the campus community (students, staff, faculty and administrators). For example, item 3.3.5 reads 'emergency funding for students'. Does this mean that emergency funding would specifically be withheld from staff who have a low income and thus need such funding? Can item 3.3.4 be read as applying to staff, students, faculty and administrators and can item 3.3.6 be read similarly? I would like the language of section 3.3 and its subsections to be rewritten to make it crystal clear which accommodations/supports may potentially be offered to students, staff, faculty and administrators when disclosures or reports are made.</p> <p>In the 'Principles and Commitments' section of draft Policy 131, UBC's commitment to 'providing comprehensive and inclusive Sexual Misconduct education and prevention initiatives' is spelled out in section 1.3. I think that it would be important to make it mandatory for all members of the campus community to be educated via such initiatives, and for UBC to also commit in Policy 131 to offering initiatives tailored to the various populations within the campus community (students, staff, faculty and administrators). I would also like to have those who attend such education sessions to fill out a brief anonymous questionnaire in order to measure what was learned, so that the efficacy of the sessions can be evaluated and changes made when necessary.</p> <p>Under 'Disclosures' section 3.2 notes that the decision to report and the decision to disclose are separate decisions-but what will be done with the information associated with disclosures? For what purposes is</p>	<p>Section 3.3</p> <p>Section 1.3</p> <p>Section 3.2</p>	<p>Disclosures – Request for more clarity around which accommodations are available to each of students, employees</p> <p>Principles – make training mandatory for all members and offer initiatives, and QA for all training</p> <p>Disclosures – record keeping</p>	<p>Already addressed in policy: sections are specific as set out. List is non-exhaustive, so accommodations also assessed on case-by-case basis.</p> <p>Not for inclusion in policy: operational decision referred to Response Office.</p> <p>Recommended: see new section 3.4.</p>

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	<p>the information kept and how/under what circumstances will it be used? How long will information associated with disclosures and reports be retained and how will it be disposed of? Will information associated be stored digitally and if so will it be stored on a computer that is connected to the internet? Insofar as it is possible to do so, describe briefly and in general terms within the policy (1) how information related to disclosures will be used and (2) what precautions that will be taken to secure information associated with disclosures and reports while protecting the privacy of all concerned.</p> <p>Section 2.2.13 notes that the Sexual Violence Prevention and Response Office (SVP&RO) may be involved with ‘assisting with the creation of a report for the police or the submission of a report to the police, or both. However, my understanding is that while the SVP&RO may support persons who make a report of Sexual Misconduct to the RCMP that this office will not physically create such reports or any portions thereof. Is this correct? If my understanding is correct, please rewrite this section of the draft policy to make it clear what forms of assistance the SVP&RO will offer to those who wish to create or submit reports concerning Sexual Misconduct to the RCMP.</p> <p>I assume that the types of ‘support services’ made available by the Sexual Violence Prevention and Response Office (SVP&RO) are outlined in sections 2.2.3 and 2.2.4 – is this correct? Section 3.3 and its subsections list what it calls ‘accommodations’ and section 3.1 makes it clear that the SVP&RO can make various ‘support services’ available, but the types of ‘support services’ that the SVP&RO can ‘make available’ are not explicitly listed under disclosures in section 3. This is somewhat problematic as section 3.1 refers to the SVP&RO making support services available. Assuming that sections 2.2.3 and 2.2.4 list the support services that the SVP&RO can make available, I would suggest doing the following in order to make section 3/disclosures easier to read: (1) Remove items 2.2.3 and 2.2.4 from section 2; (2) use the data from these subsections to create a section 3.4 under “Disclosures”; (3) create a Section 3.4 , which reads “Appropriate</p>	<p>Section 2.2.13</p> <p>Sections 2.2.3 and 2.2.4 and 3.1 and 3.3</p>	<p>Response Office – Request for clarity around “assisting” with police report</p> <p>Response Office and Disclosures – suggestions for drafting to make clearer support services and accommodations</p>	<p>Recommended: amended to clarify extent of involvement of Response Office.</p> <p>Recommended in part: wording amended to clarify.</p>

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	<p>support services can include:" (4) create a subsection 3.4.1 which would include all of the text now under 2.2.3; (5) create a subsection 3.4.2, which would include all of the text now under 2.2.4. In the place of what is now section 2.2.3 a revised section 2.2.3 could be created, which would read 'making available support services, such as those listed in sections 3.4.1 and 3.4.2' In the place of what is now section 2.2.4 a revised section 2.2.4 could be created, which would read 'making available accommodations, such as those listed in sections 3.3.1 through 3.3.7'. The purpose of making these revisions would be to allow the reader to easily and concretely understand the reference in section 3.1 to the SVP&RO providing support services without referring back to sections 2.2.3 and 2.2.4 and extrapolating that these services are what Policy 131 means by 'support services'. Making these revisions may also allow the reader of Policy 131 to more easily understand the concrete meaning of the reference to 'support services' in section 1.5.</p>			
	<p>I have some questions about the meaning of subsection 2.2.10 under "The Sexual Violence Prevention and Response Office" (SVP&RO) and related sections of draft Policy 131. This subsection states that that the SVP&RO office can be involved with 'acting as a support person during an investigation' (presumably this means that either an Investigator or the Director of Investigations can act as a support person during an investigation...). What does 'acting as a support person' in a way consistent with 2.2.10 mean, concretely? I assume that this involves making available 'support services and accommodations' as spelled out in sections 2.2.3 and 2.2.4? Does 2.2.10 also envision the (SVP&RO) office making other unspecified 'support' available as well? If you could rewrite 2.2.10 to make its meaning easier to understand that would be appreciated.</p>	Section 2.2.10	Response Office – Question about support person role, request for clarity	Recommended: added wording to clarify.
	<p>Section 3.5 and its subsections makes it clear what the Sexual Violence Prevention and Response Office (SVP&RO) must do if a situation involving 'risk of significant harm to anyone's health or safety' comes to the attention of the office. The subsections of 3.5 outline what seem to</p>	Section 3.5	Disclosures – Recommendation to add recognition of effect of taking	Recommended: added wording to address informing complainant and offering support services.

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	<p>me to be wholly appropriate and necessary responses. However, given that the SVP&RO will be taking a 'trauma informed' approach to its work, I think that it is worth noting that trauma may be a foreseeable and also unavoidable outcome when actions consistent with section 3.5.2 are taken by the SVP&RO. For example, calling MCFD may result in a complaint losing custody of her children, perhaps resulting in additional trauma to an individual who has recently been sexually assaulted and trauma to the complainant's children as well. In order to make it clear that the SVP&RO recognizes the potential for additional trauma in such circumstances and intends to take a 'trauma informed' approach which minimizes the likelihood of additional trauma should actions consistent with section 3.5.2 be necessary, maybe a subsection 3.5.3 could be added. Perhaps section 3.5.3 could say something like "The Sexual Violence Prevention and Response Office takes a trauma-informed approach to practice. If third parties such as police, child protection, or other authorities must be notified against the expressed wishes of a Complainant, support services such as biopsychosocial or other supports may be made available as needed to minimize the likelihood that the Complainant will experience trauma or other harms as a result of the unwanted involvement of third parties". I realize that such support services would likely be made available through referrals to other UBC departments or to outside agencies (such as Health and Wellness or Elizabeth Fry as noted in subsections 2.2.3 and 2.2.4) but I don't think that it is necessary to spell this out in section 3.5.3. Again, the purpose of adding section 3.5.3 would be to outline what taking a 'trauma-informed' approach to the circumstances outlined in section 3.5 would look like when operationalized, so that all who read the policy can easily understand this.</p> <p>Section 2 The Sexual Violence Prevention and Response Office does not spell out where the Investigators and the Director of Investigations will be physically located. I assume that the Director of Investigations will be located in Vancouver given the prominence of the Vancouver campus, but I think that it is important that at least one Investigator be located on the UBC Okanagan campus so that persons wishing to make</p>	Section 2	<p>actions under this section, consistent with trauma-informed approach</p> <p>Response Office - Physical location(s) of Investigators and Directors</p>	<p>Already addressed: wording added to clarify Response Offices and Directors on both campuses.</p>

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	<p>a disclosure or report can meet face-to-face with this Investigator and form a relationship of trust with them. I believe that having at least one Investigator at UBC Okanagan would be an important way of reducing the barriers to disclosing and reporting for those at UBCO.</p> <p>I would recommend that a new section, 2.5, be inserted in order help members of the UBCV campus community to gain an accurate picture of barriers that are likely to be faced should one decide to file a report with the UBCV RCMP detachment following an incident of sexual misconduct. I would suggest that section 2.5 read “UBC will file a report annually detailing the gap, in percentage terms, between the number of sexual assault cases filed with the UBCV RCMP that ended with criminal charges being filed versus the number of sexual assault cases filed with the Vancouver police that resulted in criminal charges being filed.” I recommend this because a Globe and Mail article titled “Criminal Charges Less Likely in UBC Sex Assault Cases” revealed that the UBCV RCMP detachment’s investigations of sexual-assault cases resulted being filed in criminal charges being filed just 7 per cent of the time over a five year period, starting in 2010, compared with criminal charges being filed following about 17 per cent of the time following such investigations in Vancouver. (See this link for the article in question http://www.theglobeandmail.com/news/british-columbia/criminal-charges-less-likely-in-ubc-sex-assault-cases/article34014500/). According to a UBC ‘front line worker’ and ‘advocates’ quoted in this article, the RCMP officers at the UBCV RCMP detachment lack experience with investigating sex assault cases and Mounties from the UBCV RCMP detachment ‘often’ asked questions about what those who filed sexual assault charges ‘were wearing and if they had a previous sexual relationship with the suspect’. Apparently, in 2013 and 2014, sexual assault charges were filed in only one case out of the ‘dozens’ reported in each of those years to the UBCV RCMP detachment. In order to overcome barriers to disclosing and reporting, I believe that the percentage gap between the UBCV RCMP and Vancouver police (in terms of the number of sexual assault cases that result in criminal charges being filed) should be understood by those</p>		<p>Other – Suggestion for new section to address barriers in reporting to police, and publishing stats of same</p>	<p>Not for inclusion in policy: part of information that new Response Office can provide on a case-by-case basis. RCMP statistics are theirs to report, though Response Office may liaise with them when appropriate: operational decision for Response Office to determine.</p>

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	who may decide to report a sexual assault with the UBCV RCMP detachment. Impetus for investigating the causes of the above gap, and closing it, may also be provided publication of an annual report detailing the above described gap in percentage terms.			
25	"7.3.4 post-doctoral fellows; and" might need to be broadened to "7.3.4 post-doctoral fellows; research associates, lab technicians, and"	Section 7.3.4	Definitions – suggestion for expansion to definition	Not recommended: definitions all carefully considered to include all. By adding too many specific references, run risk of implying list is exhaustive.
26	Relationships between students and faculty should be banned at UBC. I was extremely disappointed to hear during the info session mention of students wanting to be "treated like adults" as a consideration for not prohibiting them. Power differentials apply to adults. It is for that reason, that adults cannot form relationships with their psychologist or physician. I believe this power differential is even more drastic and consequential in student/faculty relations as professors control students' grades and reference letters. For this reason, I believe students cannot give true consent in these situations. I am disappointed that the revised policy did not include this.		Other – request for relationships between faculty and students to be banned	Not for inclusion in policy: separate issue for university to consider. Possible abuse of a position of trust, power or authority addressed in definition of consent.
27	<p>Overall, this is much improved; good work!</p> <p>Three points to consider for further improvement:</p> <p>1. Thanks for including education about harmful "social attitudes...that normalise Sexual Misconduct and undermine equality" as a role of the SVP&R office. How about including something positive here as well (like education about healthy sexuality and gender relations)?</p> <p>2. There's still not enough here about prevention -- particularly education about compulsive sexuality and support for those struggling with it.</p>	Section 2.3.3	<p>Response Office – Request to add positive statement</p> <p>Other – request for more info about prevention and education</p>	<p>Recommended: re-worded to address.</p> <p>Level of detail not for inclusion in the policy: referred to Response Office for operationalization.</p>

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	<p>3. Relative to #1 above, equality cannot be the final measure of healthy sexuality. Based on the given definitions for consent and sexual assault, it is very possible for two people to engage in sexual assault with each other--in fact it is probably quite common. We need to recognise that even if both people are equally at fault, they are still both at fault.</p>		<p>Other – recognition that equality is not the definitive measure of sexual assault</p>	<p>Addressed already in definitions of consent, and part of fact finding carried out during Investigations.</p>
28	<p>Thank you for soliciting feedback on the February 2017 release of the proposed Policy #131 - Sexual Assault and Other Sexual Misconduct</p> <p>In my opinion the February release of the proposed policy includes many improvements to the Summer/Fall 2016 release of the proposed policy.</p> <p>My main remaining comment is about the definition of a “real and substantial connection” to UBC in §7.6. Will this include fieldwork funded by UBC or undertaken for a UBC program, professional activities such as off-site conference attendance, student activities such as off-site conference attendance, activities during off-site Varsity Athletics, communications using UBC computer networks, and fraternity housing in the Greek system? These are not hypothetical concerns: fieldwork, Varsity Athletics, and the Greek System have been identified at many universities as being places and times associated with allegations of sexual misconduct.</p> <p>I have submitted other line-by-line comments to the GSS Sexual Assault Policy Taskforce.</p>	Section 7.6	<p>Definition – Jurisdiction – Request for more info</p>	<p>Request for clarification/more information, not appropriate for inclusion in policy. Referred for consideration as a topic for supporting informational materials.</p>
29	<p>I am a survivor of sexual assault. I have reviewed UBC's latest draft of the SA policy that is to be implemented by May 18 of this year. I have the following questions and concerns:</p> <p>1) Item 1.4 - "UBC is committed to reducing barriers..." Can examples be provided? Of both the types of barriers and the types of remedies UBC plans to use?</p>	Section 1.4	<p>Principles – Request for examples</p>	<p>Policy itself and its principles and process set out reduce barriers. Further work to be carried out by Response</p>

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	<p>2) Item 2.2.10 - "acting as a support person..." What about providing representation for victims? Will that be made available?</p> <p>3) Item 2.3.1 - "provide support and information to..." Does this include witnesses of an assault, etc.?</p> <p>4) Item 5.3 - "If UBC is unable to proceed..." How long is the report retained for? Until the accused is no longer a member of UBC, or longer?</p> <p>5) Item 7.2 - "Consent" A very important part of the definition of consent is that it may be revoked at any time during the act(s). This point is not included in your definition.</p> <p>6) Item 7.6 - "Jurisdiction to Investigate" Is there some sort of statute of limitations on reporting? What happens if a report is made after an incident and the accused is no longer a member of UBC?</p> <p>7) I saw very little with regards to campus security's involvement and/or the use of public safety announcements.</p>	<p>Section 2.2.10</p> <p>Section 2.3.1</p> <p>Section 5.3</p> <p>Section 7.2</p> <p>Section 7.6</p>	<p>Response Office – query about representation</p> <p>Response Office – query about who can access supports</p> <p>Anonymous and Third Party Reporting – query about retention of report</p> <p>Definitions – consent</p> <p>Definitions – query about time limits and effect</p> <p>Other – comment on lack of mention of Campus Security and safety alerts</p>	<p>Office, detail not for inclusion in the policy.</p> <p>Not recommended: support through the Response Office, and referrals to legal advocacy groups.</p> <p>Recommended: wording amended to clarify.</p> <p>New wording added to section 5.3 about reports, but retention timeline an operational decision for Response Office, not for inclusion in policy.</p> <p>Already included in bullet points under definition.</p> <p>Already addressed: definition does not include time limit, but must fall within definition to be addressed.</p> <p>Not for inclusion in policy: referred for consideration as a topic for supporting informational materials.</p>

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	<p>8) Training & Education could be expanded on; both are large components in preventing and handling sexual assaults, but are briefly mentioned in the policy.</p> <p>9) Item 6.5 - "Complainants do not have the right to know..." I feel strongly that complainants should be entitled to know what disciplinary actions have been taken against the accused, if not the entire campus community. This point works against closure for the victim, and therefore does not take into account the needs/wants of the survivor(s). What person would want to put themselves through an investigatory process knowing they will not receive the outcome? I strongly feel that UBC should re-evaluate this point as it is not keeping with fairness.</p> <p>10) Item 7.1 - "Student Respondents may appeal..." Why can't the complainant appeal? Is it because they wouldn't know if they wanted to without an outcome? This point also seems largely unfair. If Staff/faculty/respondents can appeal, it would only be fair to allow complainants access to the appeals process as well.</p> <p>11) Where do complaints about the process or those involved in the investigation go? Who will handle those?</p> <p>I believe that is everything for now. Thank you for taking the time to consider each point.</p>	<p>Section 1.3</p> <p>Procedures: Section 6.5</p> <p>Section 7.1</p>	<p>Principles – request for more info re prevention and training initiatives</p> <p>Request for Complainants to receive outcome</p> <p>Request for right to appeal for Complainants</p> <p>Query about where complaints about the process can be made</p>	<p>Detail not for inclusion in policy: referred to Response Office for operationalization.</p> <p>Not recommended, as FIPPA prevents UBC from disclosing disciplinary outcomes unless disclosure of them is required for compelling health and safety reasons.</p> <p>Not recommended: the University Act restricts appeals to those who have been subject to discipline.</p> <p>Not for inclusion in the policy: complaints can be made to any of the Directors, or the administration.</p>
30	<p>With respect to consulting on the Proposed Policy 131:</p> <ul style="list-style-type: none"> Sec 2: It would be helpful if this office or some other office were charged with the responsibility of supporting the individual against whom a Report is file. If one assumes innocence until an investigation determines otherwise, a student, staff, or faculty member who has been accused also needs to be supported out of a sense of equity and fairness. 	Section 2	Response Office – request for office to provide support to Respondents	Already addressed: section 3.8.2 of Procedures states that Director of Investigations will refer respondent to support services.

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	<ul style="list-style-type: none"> • Sec. 2.4: It would be help to educate the community if not only were numbers reported but also summaries [properly anonymized] of incidents so that the community can develop a clear understanding of what we consider problematical and how prevalent the various forms are. 	Section 2.4	Response Office – request for more detailed statistics	Not recommended: commitment to statistics includes the minimum that will be reported annually, but further statistics can be made available if appropriate and if compliant with FIPPA. We will not know until the policy has been in place if this will be possible.
	<ul style="list-style-type: none"> • 2.1: I cannot conceive of a situation when a report cannot be ultimately in writing – even if it is a summary of an oral discussion. Without this happening procedural justice is seriously compromised. 	Procedures - Section 2.1	Comment on requirement for written report	Already addressed: section 2.1 of Procedures requires reports in writing. Amended to remove ability to defer.
	<ul style="list-style-type: none"> • 4: There needs to be a mechanism to ensure that the investigator is properly trained and behaves appropriately. Unfortunately, I have direct knowledge of a current investigator acting in appropriate ways. There needs to be a process to challenge assertions made by the investigator. 	Procedures - Section 4	Request for mechanism to ensure investigators are properly trained and mechanism to challenge	Not for inclusion in the policy: for Director of Investigations to ensure Investigators are properly trained.
	<ul style="list-style-type: none"> • 4.2: This is problematical in the sense that an investigation must be procedurally fair and so must include meetings with the relevant complainant and respondent unless they refuse such a meeting. Leaving this to the investigator is too wide-open. 	Procedures - Section 4.2	Request that investigation must include meetings with parties	Recommended in part: more detail added to section 4.4, but always left to discretion of Investigator, subject to procedural fairness.
	<ul style="list-style-type: none"> • 6.2: I have a problem with section if it is intended to prevent the complainant or the respondent from speaking about the Investigative Report since this is supposed to be a statement of fact and so it should be fair game for criticism. Perhaps 6.6 deals with my concerns. 	Procedures - Section 6.2	Comment on effect of this section	Section misunderstood.

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	<ul style="list-style-type: none"> 6.5: I strenuously disagree with the assertion that revealing disciplinary action is an unreasonable invasion of the respondent's privacy. Without this level of transparency the University continues the practice of keeping these issues behind closed doors and so undermines the public's confidence the University has acted appropriately given the circumstances. <p>I hope that this has been helpful.</p>	Procedures - Section 6.5	Comment on not providing outcome to Complainant	Not recommended, though wording amended to clarify that UBC is not making an arbitrary assessment about an unreasonable invasion of privacy, but it is FIPPA that prevents UBC from disclosing disciplinary outcomes unless disclosure of them is required for compelling health and safety reasons.
31	<p>I: Introduction</p> <p>It is to society's credit that many of the beliefs and myths that characterized our attitude towards sexual misconduct are being abandoned. This progress is beneficial not only to the sensitivity with which we approach complainants, but also to the truth-finding process that follows a sexual misconduct allegation.</p> <p>But these beneficial developments must supplement—not replace—the value that the process is fair to the accused person, hereinafter referred to as the respondent. Therefore, it is with procedural fairness for the respondent in mind that the authors have prepared these submissions in response to UBC's proposed sexual misconduct policy. Nothing in these submissions is meant to take away from the values of empathy and support for sexual misconduct victims.</p> <p>II: Submissions</p> <p><i>A: Particularizing the offence</i></p> <p>As the policy is currently drafted, the respondent may not know what actions he is being accused of. Section 2.2 of the Procedure section of the policy states as follows:</p> <p>2.2 The report should set out the relevant details with regard to the alleged Sexual Misconduct. Reports should also identify any potential witnesses, along with a description of the information witnesses are expected to provide. Any relevant documents, including any available social media communications, should also be provided with the Report.</p>	Procedures Section 2.2	Request for inclusion of more details about what are "relevant details" in report – type of misconduct and date(s)	Not recommended: relevant detail depends on the circumstances of each case, and Investigator can seek further information if required.

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	<p>(emphasis added)</p> <p>The issue with the way this policy is currently worded is that “relevant details” is left undefined. An offence of sexual misconduct could include a broad array of actions, from harassing words to non-consensual sex, as per s 7.1 of the policy. Such uncertainty could have consequences for fairness to the respondent and the efficiency of resolving sexual misconduct allegations.</p> <p>This could result in unfairness for the respondent because it does not allow the respondent to make full answer and defence for his/her actions. For example, if a respondent is only told that they are accused of sexual misconduct on a particular day, yet he/she saw the complainant for an extended period of time on that day, it may be difficult for the respondent to fully understand the allegation, as it could be referring to an action in the morning, the afternoon, or the evening. This may also prevent the respondent from gathering legitimate evidence in their defence, for example alibi evidence, as they do not know the time period of the allegation. This uncertainty may also make it difficult for the respondent to determine who their witnesses should be, and which text or social media messages he/she should submit to the Investigator.</p> <p>The potential uncertainty of these “relevant details” could also affect the efficiency of resolving sexual misconduct allegations. If a respondent is unsure of the precise nature of the allegations, he/she may be unable to admit to the offence from the start of the investigation because, once again, the alleged offence could be anything from harassing/threatening text messages to non-consensual sex. Specifying the misconduct alleged could give the respondent an opportunity to understand the nature of the misconduct immediately, admit to it, and proceed to resolve the matter by agreement instead of through an investigation.</p> <p>Given these issues, it would be in the interests of both the respondent, the complainant, and the UBC community to include in the policy a requirement that the Report from the complainant include</p>			

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	<p>relevant details of the offence including, but not necessarily limited to, the type of sexual misconduct that occurred as well as the approximate date and time that it occurred (or dates, for ongoing misconduct).</p> <p><i>B: Right of the respondent to give evidence</i></p> <p>As it is currently written, the Procedure section of UBC's proposed policy does not give the respondent the right to provide any evidence. The policy provides that if the Director of Investigations appoints an investigator for the allegation, the investigator then conducts the investigation in accordance with s 4.2 of the Procedure section of the policy:</p> <p style="padding-left: 40px;">4.2 The Investigator may carry out the investigation in any manner they deem appropriate in the circumstances. This may include, but is not limited to, the following:</p> <p style="padding-left: 80px;">4.2.1 meeting with or requesting further information from the Complainant;</p> <p style="padding-left: 80px;">4.2.2 meeting with or requesting further information from the Respondent;</p> <p style="padding-left: 80px;">4.2.3 meeting or requesting further information from any other individuals who may have information relevant to the Investigation; and</p> <p style="padding-left: 80px;">4.2.4 obtaining any other evidence that may be relevant to the Investigation</p> <p style="padding-left: 40px;">(emphasis added)</p> <p>At this point, the complainant will have already submitted his/her own statement in the original Report provided to the Director of Investigations, who must then pass on the report to the Investigator (see ss 2.1 and 3.6.1, which states that the Report is referred to the Investigator). The complainant has also had the opportunity, under s 2.2, to provide any additional relevant evidence, including potential witnesses corroborating his/her story, and relevant documents such as social media communications.</p> <p>However, the policy is written in such a way that it does not give the respondent the right to provide any evidence, including his/her own</p>	<p>Procedures - Section 4.2</p>	<p>Request to include right of Respondent to provide evidence, and information about what evidence is relevant</p>	<p>Recommended: added new section 4.3 to Procedures to clarify, as well as further detail in section 4.4 about how investigations may be conducted. Due to strict requirements of procedural fairness, Investigators will have to put all relevant evidence to respondent.</p>

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	<p>statement of the events. Any ability of the Investigator to receive such evidence is discretionary: “The Investigator may carry out the investigation in any manner they deem appropriate in the circumstances ...” (emphasis added). Without a specific directive to do so, an Investigator may choose not to permit the respondent to present certain types of evidence, or may simply not think to inform the respondent of the types of evidence that would assist in the investigation process. The result would not only be unfair for the individual respondent, but would also harm the overall truth-seeking process of the investigation by omitting potentially relevant and probative evidence.</p> <p>In order for the respondent to have the ability to make full answer and defence, and to support the truth-seeking function of the investigation, the respondent’s ability to produce evidence should not be discretionary for the investigation. UBC’s policy should include the right of the respondent to produce relevant evidence to the investigation, including their own statement, other witnesses’ statements, documents, and communications that are relevant to the allegation. This could come in the form of a subsection of the policy which states that the Investigator must accept relevant evidence from the respondent.</p> <p>Furthermore, the respondent should not only have the right to produce evidence, but also the right to be informed of that right by the investigator, including suggestions of the types of evidence they should consider gathering. Students, staff, and faculty at UBC come from diverse backgrounds and many may not be familiar with the investigative processes that accompany allegations of serious misconduct. Unless they are informed of their right to produce evidence, they may not know that they have that right, and they may also be unsure of which evidence would be useful for the investigation. This creates a risk that relevant evidence that exists may not be provided. When considering how fundamental relevant evidence is to the truth-seeking function of an investigation, it is essential that the</p>			

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	<p>respondent is informed of the right to produce evidence and informed of which evidence may be relevant.</p> <p><i>C: Reasons for Decision</i></p> <p>The policy currently includes admirable recommendations on the details and reasons that the Investigative Report should include in section 4.3:</p> <p>4.3 At the completion of the Investigation, the Investigator will prepare a written Investigative Report for the Director of Investigations. The Investigative Report will normally include the following information:</p> <p>4.3.1 a summary of the evidence considered;</p> <p>4.3.2 any assessment of credibility that is required to render a determination; and</p> <p>4.3.3 the findings of fact, and a determination as to whether, on a balance of probabilities, Sexual Misconduct has occurred. (emphasis added)</p> <p>However, for greater certainty and fairness to the respondent, including an assessment of credibility in the decision should be mandatory, not discretionary.</p> <p>Allegations of sexual misconduct are often confirmed in whole or in large part by the testimony/statements of witnesses. It should not be discretionary for the Investigator assigned to the file to show his/her rational process behind determining why one version of events was considered more credible than the other. The Investigator could do this by referring to supporting evidence in the Investigation that supports one side of events (such as other witness statements); or by commenting on the demeanour of witnesses if they are personally interviewed (as the Investigator has the authority to do under s 4.2 of the Procedure).</p> <p><i>D: Right of the Respondent to Make Submissions at Disciplinary Stage</i></p>	Procedures - Section 4.3	Request to make assessment of credibility mandatory	Not recommended: wording of section 4.5 already has safeguard by saying any assessment of credibility that is required. Although many if not most cases will require it, not every case will.

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	<p>As the policy is currently written, the respondent has no right to make submissions regarding what the proper discipline should be if he/she is found to have committed sexual misconduct. S 5.1 directs that, if the Investigator determines that Sexual Misconduct has occurred, he/she is to provide a copy of the Investigative report to the appropriate UBC authority. S 5.2 then states:</p> <p>5.2 Once the appropriate UBC authority has made a decision regarding the appropriate disciplinary or other measures under section 5.1 above, that decision will be communicated in writing to the Respondent, along with a copy of the Investigative Report in accordance with section 6.4 of these Procedures. A copy of the decision and the Investigative Report will also be provided to the Director of Investigations. The Director of Investigations will then provide a copy of the Investigative Report to the Complainant and will inform the Complainant of any relevant restrictions that may have been imposed upon the Respondent's movements or activities, in accordance with sections 6.4 and 6.5 of these Procedures.</p> <p>It is clear from the above section that the Respondent is not even made aware of the Investigator's conclusion until after the appropriate authority has determined what disciplinary measures should be taken.</p> <p>This omission makes it far less likely that the discipline applied will be fair and appropriate to the circumstances. As the policy is currently written, the UBC authority making the decision on what disciplinary measure to apply would only have the Investigative Report to assist in making that decision, which would likely include the facts of the offence. But determining an appropriate disciplinary measure requires more than the facts of the misconduct. Other factors such as the background of the respondent (both socio-economic and their disciplinary history), the remorse the respondent feels for his/her conduct, and the steps taken by the respondent to make amends for his/her actions should play an important role in determining the disciplinary measures. For example, a respondent who committed sexual misconduct while intoxicated may have immediately begun</p>	<p>Procedures - Section 5</p>	<p>Request to allow Respondent to make submissions on sentencing</p>	<p>Not recommended: not a legal requirement to ensure procedural fairness.</p>

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>counselling for alcohol abuse after recognizing the harm his/her actions have done. Such factors would inform the UBC authority making the decision of whether this person is still a risk to the UBC community or not. This would then help determine whether the primary aim of the discipline should be punishment of the offender, protecting the UBC community, deterring future conduct, denouncing the conduct, promoting a sense of responsibility in the respondent, or reintegrating the respondent into the community in a healthy way. Identifying these goals would be exceedingly difficult under the policy as it is currently written because the authority would have no knowledge of the context surrounding the misconduct and the respondent.</p> <p>Therefore, the authors suggest that the policy be amended to direct the Investigator to provide a copy of the Investigative Report to the respondent upon completion. The respondent should then have a period of time to prepare a statement or speak in person with the relevant UBC authority in order to make submissions on what the appropriate discipline should be.</p> <p>III: Conclusion</p> <p>We are very pleased to see that UBC is protecting students by moving forward in creating this responsible sexual assault policy. While we approve of the majority of the current draft, we do have some concerns regarding procedural fairness. We believe that our aforementioned suggestions would both increase the efficacy of truth-finding in UBC sexual misconduct investigations and minimize wrongful discipline by ensuring that all parties are informed of the process, the allegations being made, and what they can do to participate.</p>			
32	<p>Re: Section 6.5 - It is important for complainants to have the right to know whether UBC has taken any disciplinary action against the respondent. Otherwise, it'll be difficult for complainants to have a sense of closure after going through the ordeal of reporting, and it will further discourage survivors of sexual misconducts to report.</p>	Procedures - Section 6.5	Request for complainant to be provided with outcome	Not recommended, as FIPPA prevents UBC from disclosing disciplinary outcomes unless disclosure of them is required for compelling health and safety reasons.

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
33	<p>As a female student, the most important change I would like to see made to the policy is that professors are strictly forbidden to engage in any sexualized behaviour with a student (regardless of gender, I am simply speaking from my perspective). The argument that students and professors are adults does not hold here; consent does not exist in a power differential. Professors are responsible for reporting our grades and providing reference letters, not to mention opportunities such as conferences and research. Nearly every professional body stipulates that its members cannot engage in sexual/intimate relationships with subordinates. These professional bodies include, but are not limited to: lawyers, physicians, prison guards, nurses, and psychologists. In all of these contexts, despite both parties being adults, sexualized relationships are strictly prohibited. Given the amount of influence and power a professor has over his/her students, it follows that consent cannot exist. Further, students who become involved in these dynamics often struggle to extract themselves; we have to have a mechanism that allows others to report when they see such situations arise. This campus has some problematic professors that actively engage in this behaviour. When this happens, every student suffers. The student who is the target of the sexual advances as well as the students who are brushed off because a professor has a crush. Beyond that, it is damaging to the professional and personal reputations of those graduating from UBC - our CV's are called into question - did we earn our status or merely engage in sexual behaviour with a professor with a reputation. It's disgusting. I refuse to apply to graduate school here because of the reputation of a couple of the professors in my department, and I am not alone in this sentiment. I hope you will consider these comments and see the big picture. This is, after all, supposed to be, "a place of mind".</p>		Other – Request for relationships between faculty and students to be banned	Not for inclusion in policy: separate issue for university to consider. Possible abuse of a position of trust, power or authority addressed in definition of consent.
34	<p>The revised policy continues not to address many of the broader recommendations in the report titled "Sexual Assault at the University of British Columbia: Prevention, Response, and Accountability" created by an expert panel of faculty published in June 2016. More of these principles and broader</p>		Other – Request for inclusion of more of the Expert Panel recommendations	Not addressed, as non-specific in nature.

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>institutional goals can be written into the report in order to support broader changes that need to happen in order to actually "comba[t] rape culture..." as outlined in Principle 1.3 in the policy.</p> <p>Add to 1.3 "Through these initiatives, it is committed to combating rape culture, a term that describes broader social attitudes about gender, sex, sexuality, AND COLONIALISM that normalize Sexual Misconduct and undermine EQUITY AND CONSENT."</p> <p>Under section 2 The Sexual Violence Prevention and Response Office - need to clarify the difference between this office and existing support services such as SASC. How does the creation of this office support and not undermine existing programs and services that are survivors-centred? What guarantees are put in place to ensure that this office will serve to support survivors and justice?</p> <p>More needs to be outlined in the policy to ensure that culturally appropriate and culturally sensitive supports will be guaranteed through this policy. It is acknowledged in Principle 1.2 that people's experiences will be affected by various factors such as differences in gender identity and ethnicity, yet there is not much in the policy to actually recognize that because of this, it is imperative to not take a "whitewashed" or "differentially neutralizing" approach to supporting survivors and engaging with perpetrators. For example, under section 3, the policy could state that the Sexual Violence Prevention and Response Office will develop and offer culturally appropriate, inter-culturally competent, and inclusive training for supporting survivors and handling disclosures.</p> <p>The scope of the Sexual Violence Prevention and Response Office can be expanded to identify patterns in sexual violence and "rape culture" and initiate measures for intervention at a higher (institutional) level, rather than focusing all intervention at the level of individuals.</p>	<p>Section 1.3</p> <p>Section 2</p> <p>Section 3</p> <p>Section 2</p>	<p>Principles – Request to add certain terms</p> <p>Response Office – Request for more info on other support services</p> <p>Disclosures – Request to include reference to culturally sensitive services</p> <p>Response Office – Request to expand scope of office</p>	<p>Not recommended, as colonialism already addressed in language of section 1.2 and consent not appropriate for inclusion here, though addressed elsewhere.</p> <p>Not for inclusion in policy, though additional wording added to clarify that Response Office will liaise with existing support services.</p> <p>Not recommended, as wording in section 1.2 already addresses this, along with the individualized assistance offered by the Response Office in section 2.2.</p> <p>Not for inclusion in the policy: referred to Response Office for future consideration.</p>

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>In regards to culturally appropriate and inter-culturally competent ways of responding to disclosures, reports, and investigations, the University can make a stronger commitment to learning about different ways for responding to sexual violence and supporting survivors in a truly trauma-informed approach. For example, making outreach to Indigenous community support services, involving elders and community-based counseling services, and putting resources into educating staff, front-line workers, faculty, and so on. This is a high priority if the University wishes to actually combat rape culture within a framework of decolonizing education.</p> <p>The policy makes no mention of the context of place and location on the unceded, ancestral, and traditional territories of the Musqueam people. Indigenous people are virtually absent from the policy, which fails to acknowledge the broader social and political contexts of gendered and racialized colonialism that uphold rape culture at UBC.</p>		<p>Other – Request for stronger commitment to train in culturally appropriate responses</p> <p>Other – Request for acknowledgement of Musqueam place and location and Indigenous people</p>	<p>Not for inclusion in the policy: referred to Response Office for consideration.</p> <p>Not recommended, as this policy addresses the behaviour of its Members in many places and locations.</p>
35	<p>I'm impressed with the committee's language surrounding terms like consent and rape culture; however, I'm disappointed in the vague speech about "reducing barriers" to disclosing and reporting (1.4) -- this is very complex and there is no explanation of HOW this will be done. As well, words such as "timely" are thrown in from time to time without further descriptions of their practical meaning. Of course this will vary, but it seems like there should be a goal named at least.</p> <p>Thanks for your work on this important document.</p>	Section 1.4	<p>Principles – Request for more info on reducing barriers</p> <p>Other – Request for more description when "timely" used</p>	<p>Policy itself and its principles and process set out reduce barriers. Further work to be carried out by Response Office, detail not for inclusion in the policy.</p> <p>Not recommended: "timely" used only in section 1.8 in general reference to a number of processes so generality appropriate.</p>
36	<p>2.2.10 - there will need to be a fire-wall/recusal system at work in the office, if staff will be potentially be working both with the accuser and the accused...</p> <p>5.3 - What happens to these reports? What is to prevent abuse of anonymous reporting (so that the accused cannot respond to the accuser)?</p>	<p>Section 2.2.10</p> <p>Section 5.3</p>	<p>Response Office – firewall if accused has access</p> <p>Anonymous and Third Party Reports – use of reports</p>	<p>Support for Respondents will be located elsewhere, so no need to address.</p> <p>Recommended: wording added to section 5.3 to clarify.</p>

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	1.2 - Add: "unions of UBC employees will be informed in advance and invited to participate in any such investigations launched that involve their members."	Procedures - Section 1.2	Add reference to union	Not recommended, as it is generally up to the employee to decide if they want union representation and to advise their union should they wish for them to attend meetings. The University doesn't have the right to take that decision away from them.
	3.6.2 – Add: "and inform their union if they have one."	Procedures-Section 3.6.2	Add reference to union	Recommended, and added to section.
	5.1.3 - Throughout, this policy needs to properly and explicitly address the right to representation provided by campus unions and professional associations, ombudspeople and the like, for both complainants and respondents.	Procedures-Sections 5.1.3	Add reference to unions and other representation	Already addressed, in wording of section 3.8.
	5.2 – Add: "and their union if they have one."	Procedures-Section 5.2	Add reference to union	As above, regarding 1.2.
	6.3 – Add: "or union/representative"!	Procedures-Section 6.3	Add reference to union	Not recommended in order to ensure list is expansive and not limited.
	7 - This policy seems to be saying that appeals to the union or Senate are only possible once a disciplinary action has been imposed. Ugh.	Procedures-Section 7	General dislike for limited availability of appeals	Not recommended: availability of appeals dictated by University Act and terms and conditions of employment.
	7.1 – academic discipline??; seriously inadequate, unless these bodies are frequently trained (as they are not currently).	Procedures-Section 7.1	Complaint about Senate body charged with appeals of discipline by students	Not recommended: name of Senate body not an issue to be addressed in policy.

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No.	Comment	Applicable Section(s)	Category	Committee Recommendation
37	<p>The revised draft Policy #131, though improved, continues some deficiencies which I argue violate principles of due process, procedural fairness, and which continues to discriminate against women and vulnerable populations. The deficiencies include, but are NOT limited to, the following:</p> <ul style="list-style-type: none"> • Undefined jurisdiction • Unsatisfactory definitions • Unclear relationship between the new centralized office and existing resources including SASC, outside service organizations, Security Services, etc. • Fundamentally unfair/unequal relationship between the respondent(s), complainant(s), and the university, especially with respect to cross-disclosure, the right to appeal, and the right to know process outcome • Deficient in providing resources/advocacy to victims/survivors truly independent from the university • Absent any consideration of patterns of past behavior on the part of respondent(s), or consideration of the rights of victims/survivors to know about past/future misconduct of respondents of which the university is aware 	Section 3.3	<p>Definitions - Jurisdiction</p> <p>Definitions - General</p> <p>Response Office - Request to clarify relationship with other resources</p> <p>Procedures - General comment about investigations and right to know outcome unfair</p> <p>Response Office - Comment that independent resources are deficient</p> <p>Disclosures - Comment that past misconduct should be considered/disclosed</p>	<p>Not recommended: jurisdiction defined in section 8.6.</p> <p>Unable to address: too non-specific.</p> <p>Wording added to section 2 to indication liaison with other agencies.</p> <p>Unable to address: too non-specific. Right to appeal dictated by University Act and terms and conditions of employment. Right to know disciplinary outcome dictated by FIPPA.</p> <p>Not recommended: university has no mechanism to provide independent services.</p> <p>Not recommended: FIPPA prevents disclosure of past history to complainants, but university can consider and act on it, including escalation of discipline.</p>

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<ul style="list-style-type: none"> Discriminatory accommodations which burden the survivor to change their behavior 	Section 5	Disclosure - Comment that accommodations are discriminatory	Not recommended: procedural fairness requires that no punitive action be taken prior to a finding, unless conduct falls under Policy #14.
	<ul style="list-style-type: none"> Unclear third party reporting procedure, standards of evidence, and general lack of clarity 	Procedures – Section 3.4	Anonymous and Third Party Reports - Comment about general lack of clarity	Not recommended: third party reporting addressed to the extent possible in section 5.
	<ul style="list-style-type: none"> Inappropriate discretion to the Director of Investigations to "encourage" alternative dispute resolution 		Comment about ADR	Not recommended: ADR is not encouraged, but can be offered as an option in very circumscribed circumstances.
	<ul style="list-style-type: none"> Absent any attempt to measure baseline misconduct rates/type via a campus climate survey 	Section 2.4	Other – comment about baseline information	Not for inclusion in policy: referred to Response Office for possible operationalization.
	<ul style="list-style-type: none"> Absent any attempt to audit policy efficacy using campus climate survey or some other independent method annually or quarterly 	Procedures – Section 1.1	Other – comment about auditing policy efficiency	As above.
	<ul style="list-style-type: none"> Absent the public right to know anonymized information about sexual misconduct committed in UBC's jurisdiction 		Other – comment about making information public	Already addressed in part by section 2.3 on statistics. Other statistics may be released if possible.
	<ul style="list-style-type: none"> Absent any attempt to make sure outside investigators are truly independent, such as by hiring out-of-province AND with the consent/approval of outside service organizations 	Procedures – Section 6	Comment about independence of investigators	Not recommended: not practical or necessary to ensure lack of bias and procedural fairness.
	<ul style="list-style-type: none"> Absent any internal accountability such as a clear organizational structure which identifies to whom and standards against which each UBC employee is accountable 	Procedures – Section 6	Comment about accountability of employees	Not for inclusion in policy: all usual employee standards apply.

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No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<ul style="list-style-type: none"> Privacy standards which are not in accordance with the Human Rights Code Deficient disclosure standards Complainants MUST have a right to know outcomes, as anything else is discriminatory, unfair, and violates due process Respondents must have an articulated right to know the full evidence against them, including the existence of complaints the investigator/the university collects in the course of the investigation Absent any practical consideration of retaliation or the right of the complainant to have a retaliation plan 	<p>Procedures – Section 6</p> <p>Procedures – Section 4</p> <p>Section 1.10</p>	<p>Comment about privacy standards</p> <p>General comment about disclosure standards</p> <p>Comment about disclosure of outcome to complainants</p> <p>Comment about right of respondents</p> <p>Principles – request for more information about retaliation</p>	<p>Not recommended, as disclosure provisions reflect FIPPA obligations</p> <p>Not recommended, as disclosure provisions reflect restrictions on disclosure by UBC under FIPPA</p> <p>Not recommended, as FIPPA prevents UBC from disclosing disciplinary outcomes unless disclosure of them is required for compelling health and safety reasons.</p> <p>Recommended: section 4.3 of Procedures added to clarify.</p> <p>Already addressed in section 2.2.11.</p>
38	<p>Thank you for allowing me to provide feedback on the draft of policy 131 - the Sexual Assault and Other Sexual Misconduct policy. I will comment on both the information included in the draft but I also will make suggestions based on my unique experience with being a student complainant in an ongoing investigation against a faculty respondent at UBC. I believe it is important to note that the ultimate decision in this investigation has not been made, so my comments are not biased by the outcome - but are solely based on my experience with the investigation process itself. There are some overarching issues that I have encountered with this process that I believe need to be rectified to allow for a just process for both the respondent and the complainant. I will outline each of these below:</p>			

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No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>(1) equal access to relevant resources on both the UBC Vancouver and Okanagan campuses. The draft includes reference to a Sexual Violence and Prevention Office (SVPO) and a Director of Investigations (DOI). It does not make clear whether both campuses will be receiving these offices. I understand that the Okanagan campus is much smaller but access to similar resources should be provided to students on both campuses. If full SVPO and DOI offices cannot be supported on the UBCO campus - students should have access to a unique resource who is familiar with policy 131 and who can help them to secure the resources that they need. For example, an ombudsperson who is knowledgeable about the policy and can direct them to individuals who may help them to make a disclosure or a report. Currently, the UBCO campus does not have an ombudsperson; this campus needs additional support and resources for victims of sexual assault / misconduct. Further, they do not have counsellors in the Health and Wellness Centre who are well equipped to deal with the trauma that may result from sexual assault / other sexual misconduct. The university should hire counsellors with this specific knowledge or ensure that they are able to guarantee support and access to a trained psychologist in the community who is equipped to deal with these specific issues.</p> <p>(2) I understand, and appreciate, the opportunity for students to disclose information without necessarily filing a report. However, this disclosure data should be aggregated and used to protect students/staff/faculty from individuals who have been the subject of repeated disclosures. I understand that an investigation cannot be initiated unless a formal report is submitted but this disclosure data must be able to be used in some manner to protect the campus. An example of ineffective use of disclosure data is in a recent student who disclosed to a campus mental health counsellor that she had been the subject of sexual harassment by a faculty member. Before the student was able to disclose the name of the faculty member, the counsellor correctly guessed the name of the faculty member because she had heard his name from previous student clients who also had complained</p>	<p>Section 2</p> <p>Section 3 – Disclosures</p>	<p>Response Office – Request for office at UBCO as well as UBCV</p> <p>Other – Request for counsellors with specific knowledge or access to a trained psychologist</p> <p>Other – Use of disclosure data</p>	<p>Already addressed: wording added to clarify that there will be Offices on both campuses, and Directors on both campuses.</p> <p>Not for inclusion in policy: will be undertaken through hiring by the Response Office.</p> <p>Not for inclusion in policy: Directors will be aware of multiple allegations, and will act if possible and as appropriate.</p>

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No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>of sexual misconduct enacted by this faculty member. This information should be communicated to relevant individuals who may be able to institute risk management strategies and protective measures to ensure that future students are not victimized.</p> <p>(3) It is imperative that the complaint process be FULLY explained to students before they make a decision to file an official report of sexual assault / other sexual misconduct to allow students to make an informed choice as to whether they wish to instigate an investigation. It was my experience that I was informed by HR that the process would be "an interview with the investigator, then the Dean would make a decision, and pass his decision along to the President who would make a final ruling." I was under the impression that it would be a relatively brief, linear process. I quickly came to realize that this was, indeed, not the case and that the complaint process can be long, drawn out, and biased in the favour of the faculty respondent. Complainants should be informed of all stages of the investigation (i.e., his/her interview with the investigator, that the respondent has the opportunity to respond, that the complainant will not get an opportunity to respond to the respondents defence, that the report writing stage can be quite lengthy as is the time it can take the Dean / President to come to an ultimate decision, that the faculty respondent will be provided support in the form of a Faculty Association Representative but that the student will not be provided with the same supports and counsel, that the Board of Governors also must rule on the final decision, that the respondent has more FIPPA rights than the complainant, that the complainant will not be informed of the ultimate decision against the respondent as per FIPPA, and, in the case of a faculty respondent, that the respondent will be given the opportunity to meet with the President to influence his ultimate decision (as per the collective agreement) but that the respondent will not be awarded this same opportunity to meet). It is only with all of the information that a complainant can be fully informed and agree to file an official report.</p>	<p>Section 2 – Response Office</p> <p>Procedures</p>	<p>Other - Request for complaint process to be fully explained to students</p> <p>Other - Request for complainants to be kept informed at all stages</p>	<p>Already addressed, as one of the services the Response Office can provide.</p> <p>Already addressed, as one of the services the Response Office can provide and through the role of the Director of Investigations.</p>

Feedback on Policy #131 - Comment Table

No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>(4) It is critical that complainants be given the same counsel / protection that is afforded to faculty members through the collective agreement. In my experience, the investigation was clearly biased in the favour of the respondent because he was given counsel by his Faculty Association Representative while I was offered the opportunity to "bring an unofficial support person, such as a friend" to the interview. Friends of complainants and Faculty Association Representatives do not have the same degree of knowledge about the complaint process and the legal ramifications of information divulged during the course of an investigation. The investigation process should be fair for both parties, and if a faculty respondent is provided counsel by an informed and trained support person and the student complainant is not, there is no parity in this process. Students / any complainant should be provided with a support person who is equally knowledgeable as a Faculty Association Representative to ensure that they are properly advised as to their rights throughout the investigation. This is particularly true in student complainant - faculty respondent investigations where a power dynamic likely already exists between the two parties, and the student is already at a disadvantage with less power in the relationship. Indeed, the existence of power dynamic relationships could be more clearly emphasized in the policy draft to elucidate the incredibly unique power differential between professors and students.</p> <p>(5) It is proposed in the policy draft that the respondent will be given the draft of the report from the DOI office and that the DOI "will inform the Complainant of any relevant restrictions that may have been imposed upon the Respondent's movements or activities, in accordance with sections 6.4 and 6.5 of these Procedures." If this is the case, then I believe that this is a fantastic and much needed addition to the current procedures. However, I am skeptical that FIPPA and the Privacy Office would allow such a large departure from the current practices surrounding the report and information about the disciplinary action handed down to a respondent. In my experience, the respondent was provided with a comprehensive copy of the report</p>	Procedures	<p>Other – Request for complainants to be provided with counsel/representation during Investigations</p> <p>Other - General request for more emphasis on power differential between professors and students</p>	<p>Already addressed, as staff in the Response Office can act as support persons during the Investigation, and can also refer complainants to available advocacy resources. Also addressed through clarification that Investigations are not adversarial processes and do not involve hearings.</p> <p>Recommended: wording added to section 2.1 to address.</p>
	<p>(5) It is proposed in the policy draft that the respondent will be given the draft of the report from the DOI office and that the DOI "will inform the Complainant of any relevant restrictions that may have been imposed upon the Respondent's movements or activities, in accordance with sections 6.4 and 6.5 of these Procedures." If this is the case, then I believe that this is a fantastic and much needed addition to the current procedures. However, I am skeptical that FIPPA and the Privacy Office would allow such a large departure from the current practices surrounding the report and information about the disciplinary action handed down to a respondent. In my experience, the respondent was provided with a comprehensive copy of the report</p>	Procedures – Section 6	Request that complainant receive outcome, and if cannot be due to FIPPA, need to ensure complainant is aware of this before making a report	Not recommended, as disclosure provisions reflect restrictions on disclosure by UBC under FIPPA. New Response Office and Director of Investigations will ensure all parties are aware of restrictions.

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No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>(with names redacted) at the same time that the report was submitted to the Dean. I, as a complainant, had to submit a specific request for a copy of the report and have been informed that the Privacy Office will take 60 to 80 business days to provide me with a copy of the report and that the respondent has the opportunity to identify information that he does want included in my copy of the report. I was not given this same opportunity before a copy of the report was provided to him. This is incredibly unfair treatment of the respondent and complainant. I understand that the respondent has the right to defend himself (and so needs all relevant information pertaining to this case) and argue only that respondents and complainants should be given equal treatment throughout this process. Further, I have been informed by HR that, due to FIPPA, I will not be informed as to the ultimate outcome of this complaint and the specific disciplinary actions enacted because this is the "private information" of the respondent. I would argue once again that this is unfair treatment slanted in the direction of the respondent and that the complainant has the right to know the ultimate decision made in his/her investigation and complaint. If the policy is draft, this should not be an inequality issue in the future, but if FIPPA requirements will not allow the DOI to provide complainants with information such as the report and the ultimate findings / discipline resulting from the investigation, complainants should be made aware of this BEFORE they choose to file a complaint to ensure that they are fully informed about the entirety of the investigation process.</p> <p>I am very pleased to see emphasis being put on the development of a Sexual Assault / Other Sexual Misconduct policy for UBC as it is sorely in need of one. I am in support of the development of SVOP and DOI offices and hope that student/staff/faculty on both campuses will have equal access to these resources. Ultimately, my commentary on the development of this draft is that it is critical that complainants and respondents are treated equally throughout all stages of the investigation process, especially as it relates to equal representation and counsel during the investigation, receiving the report that results from the investigation at the same time (and with the exact same</p>	Procedures	Request that complainant receive report at same time as respondent	Not recommended: respondent may receive Report first, though complainant will receive report at almost the same time or very shortly thereafter, as set out in Procedures.

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	<p>information), and being informed of the findings of the report and the disciplinary action that is decided upon. It also is critical that this policy acknowledge the unique power dynamic that professors have over students and address this discrepancy throughout the investigation, especially as it relates to students' hesitation to file a report and provide information against a supervisor who may have incredible decision-making power over their degree and their future careers. It also is important that faculty are not given special privileges throughout the investigation because of their access to a Faculty Association Representative as there is no equivalent protection for students and staff. The University is in a unique situation wherein it has responsibilities to both the complainant and the respondent; but this allows them to ensure that they conduct fair investigations where complainants and respondents are given equal rights and access to information pertaining to the investigation. And, if the University cannot offer protection to students / staff in the same way that they can to faculty - it is their responsibility to ensure that students and staff are made aware of these disparities throughout the investigative process BEFORE an official report is filed to ensure that the complainants are fully informed as to the process that they are instigating and what they can expect throughout the investigation. This should be written in to the draft so that expectations are made clear to all parties.</p> <p>Thank you for allowing students / staff / faculty to provide feedback on policy 131 - I believe it will be a stronger policy because of the numerous perspectives that have been considered as this draft undergoes additional revisions.</p>			
39	<p>Comments from Office of the Ombudsperson for Students:</p> <p>Thank you for this opportunity to submit feedback to this further draft of Policy 131. My comments are as follows:</p>			

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No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<u>Policy</u>			
1.	1.2 last sentence – “UBC will ... when carrying out any of its responsibilities ...”	Section 1.2	Editing suggestion.	Recommended, editorial change made.
2.	Could the university’s commitment to a trauma-informed approach be included in 1.6 as a general, overarching statement (in addition to being referenced under 1.1 of Procedures)?	Section 1.6	Expansion of commitment to trauma-informed	Recommended, and added to section 1.4.
3.	1.7 references UBC’s commitment to provide support to Respondents but there is no further clarification in the Policy or Procedures regarding from whom and how such support can be accessed, and what such support might include and not include. How will a Respondent understand how to access support to navigate the process? Could a section be added in the Procedures, under Section 3 Initial Review?	Section 1.7	Support for Respondents	Not recommended, as details of supports for respondents still being developed, and for now Director of Investigations can refer Respondent to interim resources under 3.8.2 of Procedures.
4.	While I believe I understand the intent of the current wording in sections 1.8 and 1.9, timeliness is integral to procedural fairness. Could a possible re-write be: <i>1.8 UBC is committed to procedural fairness and will respond to address Disclosures and Reports and conduct investigations in a timely manner.</i> <i>1.9 UBC is also committed to its legal obligations to protect privacy when responding to Disclosures and Reports and conducting investigations.</i>	Section 1.8 and 1.9	Editorial suggestion	Recommended. Section 1.8 amended and section 1.9 deleted as no need for commitment to fulfill a legal obligation.
5.	2.4 states that “UBC” will provide public reports. Can there be any further specification of <i>who</i> or which unit might be responsible to support transparency and accountability?	Sections 2.4	Request for specific reference to person responsible	Not recommended, as Committee believes it’s important for obligation is owed by the university and not just one office.

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No.	Comment	Applicable Section(s)	Category	Committee Recommendation
6.	3.2 makes an unequivocal statement that Disclosure <u>does not</u> initiate “other action by UBC”. However, 3.5 sets out circumstances in which action could be taken in the absence of a Report. Could the relationship between 3.2 and 3.5 be clarified by adding “subject to section 3.5” to the last sentence in 3.2? And perhaps 3.2 should become 3.1 in terms of flow?	Section 3.2	Editorial suggestions for clarity	Recommended. Wording added to section, and section 3.2 now 3.1.
7.	If current ordering is maintained, 3.3 could start with “ <i>Upon receipt of a Disclosure, accommodations available include:</i> ” Is “appropriate” necessary? Presumably the list would only include appropriate accommodations.	Section 3.3	Question about use of “appropriate”.	Appropriate removed in section here, but added elsewhere to ensure that reader is aware that accommodations are not provided on demand, but must be appropriate to the circumstances.
	Is 3.3.4 sufficiently clear to indicate to readers of the Policy that it includes personal and medical leaves of absences for students and employees?	Section 3.3.4	Accommodations	Not recommended, as personal and medical leaves are not accommodations, but a separate right governed by their own conditions.
8.	5.2 lists lack of evidence as the only reason that UBC may be unable to proceed with an anonymous or third party report. There may be circumstances where a potential breach of procedural fairness principles would require the university to cease or not initiate an investigation even if evidence exists in these cases.	Section 5.2	Add other reasons unable to proceed on anonymous reports.	Recommended, and wording added to section.
9.	7.2, last bullet: “Evidence that an individual was impaired by alcohol or drugs will always be is a relevant consideration ...”	Section 7.2	Editorial suggestion.	Recommended, and change made.
10.	Are residents (e.g. medical) included in the definition of students under 7.3.1?	Section 7.3.1	Medical residents.	Medical residents are not included in the definition of students, according to Senate.
	<u>Procedures</u>			
1.	2.1 - Unless the intent is to postpone the requirement for the Report to be in writing, “waive” might be a better word than “defer”.	Procedures – 2.1	Question about use of term “defer”.	“Defer” was meant to indicate postpone only, but section has now been amended to delete deferral.

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2.	3.2 – “If” rather than “Once” communicates a stronger sense of impartiality in the context of the Director’s determination of jurisdiction. Rather than an individual <i>becoming</i> a Complainant or Respondent, could the section state “ <i>will be referred to as the Complainant ...</i> ”	Procedures – 3.2	Editorial suggestions.	Recommended, and changes made.
3.	3.4 is a dense paragraph with many steps. Could it be broken down into sub-sections or separate sections for ease of reading and understanding?	Procedures – 3.4	Editorial suggestion.	Recommended, and change made.
4.	3.6 – Replace passive voice with “ <i>If the Director of Investigations determines to proceed with an investigation, they will:</i> ”	Procedures – 3.6	Editorial suggestion.	Recommended, and change made.
5.	As 4.3 provides for the investigator to make findings of fact and draw conclusions with respect to whether sexual misconduct has occurred, I would submit that it is critical under procedural fairness principles that the Respondent be given an opportunity to either review the report in its entirety or a summary, including the findings of facts and conclusions, before the matter is moved to next stages. This would give the Respondent an opportunity to correct any perceived errors or omissions in the report and to add any further information or make a submission with respect to any potential penalty. The first disclosure of the report to the Respondent is contemplated in section 5.2 and occurs only after the decision is made.	Procedures – 4.3	Request that respondent be provided with opportunity to review draft report.	Not recommended, based on external legal advice indicating that this step was not required for procedural fairness, and step adds time to process, generally leads to attempts to re-submit their case, should be able to rely on good investigators not to make material errors, and any material errors can be addressed through appeal.
6.	Any referrals made by the Director of Investigations pursuant to sections 5.4 or 5.5 should require the Director of Investigations to give notice to the Respondent or other individuals who might be impacted by such referral (i.e. potential impact on rights, interests, privileges).	Procedures – 5.4 and 5.5	Request for notice to respondent if report referred to other UBC bodies for possible action.	Not recommended, as Respondent will be notified by unit that the Report is referred to if they intend to take any further action under their process. Added wording to notify person who made the Report, in section 5.5.

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	<p><u>General</u> Disclosures can lead to supports/referrals/information provided by the SVPRO; reports can lead to investigations. Where there is a disclosure, no report, or anonymous/third party report, who has the responsibility/authority/discretion to consider, recommend and/or initiate other actions (e.g. climate audit, education, facilitated conversations) that might be necessary to ensure that Policy 131 commitments and responsibilities are effected? Would that be the Director of the SVPRO?</p>		Question about other functions of Response Office.	Already addressed by sections 2.3.2 and 2.3.3 of Policy describing Response Office mandate.
40	<p>Comments from AMS and Sexual Assault Support Centre:</p> <p>Section 1.3 – The usage of the word “combatting” in this context is inappropriate as it invokes violence and war. More suitable language could include ending, eliminating or minimizing.</p> <p>Section 2.2.4 – In listing external organizations, we request that the Sexual Assault Service (both at Vancouver General Hospital and UBC Hospital) and BC Society for Male Survivors should be included. There is also concern that Elizabeth Fry Society is not an appropriate referral as they do not offer direct support or advocacy for sexual assault survivors.</p> <p>Section 2.2.6 and Procedures Section 3.4 – While the AMS and SASC are pleased to see that alternative dispute resolution processes are included as potential options through this policy, it would be helpful to understand what this option might look like. We are also supportive of the option for either party to decide to withdraw from the alternative resolution process at any time, as outlined in the Procedures.</p> <p>“Complainant” - We also have concerns around the language used to identify the person who files a Report. Throughout the Procedures attached to this policy, Complainant is used to identify a person who makes a report of sexual misconduct. This language is usually reserved for legal cases. Given that this process is not a formal legal proceeding</p>	<p>Section 1.3</p> <p>Section 2.2.4</p> <p>Procedures - Section 2.2.6 and Section 3.4</p>	<p>Editorial suggestion.</p> <p>Request for inclusion and consideration of external agencies listed.</p> <p>Question about alternative resolution process options.</p> <p>Proposed alternative to use of term “Complainant” in Procedures.</p>	<p>Recommended, and change made to wording of section.</p> <p>Recommended, in part. List of external agencies reviewed and amended as appropriate.</p> <p>Not for inclusion in Policy, as options change and are still being developed.</p> <p>Not recommended, as Complainant is a well understood term in this area. Use of “individual making Report” intentional in section 3.5 as they do not</p>

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	<p>and there is a concern that this identifier may be minimizing, we suggest “Reporting Person” as a more suitable alternative terminology to identify this person. Also, there is currently inconsistency in the language used to identify this person. For example, in Section 3.5 of Procedures “the individual making the Report” is used. The language should be consistent throughout this section.</p> <p>Procedures Section 6.5 – The AMS and SASC are cognizant of the restrictions that privacy legislation places on the sharing of information related to investigations. However, we are left wondering who will decide whether it is “necessary for health or safety reasons” to disclose restrictions on a Respondent’s movements or activities. A truly survivor-centric approach would take into account the survivor’s perception of health and safety. We look forward to clarification around this point.</p> <p>Third Party Reporting – The AMS and SASC encourage the university to implement an online third party reporting mechanism. This may also help to reduce barriers to reporting and allow UBC to develop a greater understanding of violence on campus.</p> <p>Relationship between the Sexual Violence Prevention and Response Office and the Sexual Assault Support Centre – As this policy moves towards implementation, the AMS and SASC hope to see a collaborative relationship develop between the two offices that takes into account areas of overlap as well as identifies gaps in services between the two offices. Specifically, in response to Section 2.4 regarding UBC publicly reporting numbers of disclosures and reports, we would like clarification as to whether UBC will also include numbers from the SASC. Without this information, an inaccurate picture of the situation on campus will be presented publicly. It is important that the opening of this new office provides a more straightforward process for survivors and for that reason it will be critical to understand how this office will impact a survivor’s choice to seek support through the SASC. We feel very strongly that no survivor should be at a disadvantage as to</p>	<p>Procedures – 6.5</p> <p>Section 5</p> <p>Section 2.4</p>	<p>Question about who decides when disclosure necessary for health and safety.</p> <p>Suggestion for online third party reporting mechanism.</p> <p>Request to cooperate with AMS/SASC and to include SASC statistics.</p>	<p>become a Complainant until Report accepted after Initial Review.</p> <p>Recommended. Language added to section to indicate decision lies with University Counsel, in accordance with FIPPA.</p> <p>Not for inclusion in Policy: operational decision for Director of Investigations.</p> <p>Not for inclusion in Policy, as cooperation between AMS/SASC and UBC including reporting on SASC statistics is an operational decision for Response Office, and UBC does not have control over SASC and whether it shares its statistics.</p>

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	the services that they can access because of their choice of where to disclose or report.			
41	<p>Comments from RCMP:</p> <p>The RCMP recognizes the requirement for UBC and other post-secondary institutions to have robust policies and procedures in relation to sexual misconduct.</p> <p>From a police perspective these policies should be drafted with the following principles in mind:</p> <ul style="list-style-type: none"> • That a parallel investigation may exist where the criminal process is conducted by police and an administrative/disciplinary process is initiated by UBC; • That UBC policies and procedures should be clearly circumscribed to ensure that there is no interference with a police criminal investigation of matters arising from the same circumstances. The procedures in the differing investigative processes may create the potential for contamination in criminal matters, such as: witness management and the collection of evidence; • That while not all victims of crime wish to disclose an incident to police, there is a need to balance the right to privacy with the need to address threats to public safety as soon as possible. <p>The establishment of a UBC policy is recognized as a positive step for the University to deal with administrative/disciplinary matters in a decisive way. The police are entrusted by the public to investigate criminal offences and advance these matters before a judicial process. The ability of the police and UBC to advance their two process with minimal cross-interference will result in greater public confidence and safety.</p>	<p>Section 4.4</p> <p>Section 4.4</p>	<p>Request to recognize parallel processes.</p> <p>Request to address ability to circumscribe UBC process when criminal process has also been engaged.</p> <p>Need to address threats to public safety even where victim does not want to report to police.</p>	<p>Already addressed in section 4.4.</p> <p>Recommended: new section 4.5 added to address.</p> <p>Already addressed in section 4.4.</p>

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No.	Comment	Applicable Section(s)	Category	Committee Recommendation
42	<p>Comments from Faculty Association:</p> <p>The Faculty Association held three formal consultations: (1) Consultation for all UBCO Faculty; (2) Consultation for all UBCV Faculty; and, (3) Consultation for all UBCV Women Faculty. A total of four people cumulatively attended these three consultations. All were women, three were tenure stream professors, and one was a librarian. Written comments were also received.</p> <p><u>Summary of Feedback</u></p> <p>Okanagan Faculty--General</p> <ol style="list-style-type: none"> 1. Significant concern was expressed about the support services available at UBCO for survivors of sexual assault and other forms of sexual violence. More specifically, anecdotal evidence indicated that the counselling services (Health and Wellness) were inadequately staffed and currently unable to provide trained, expert counselling services to survivors of sexual violence. 2. Okanagan faculty were concerned that the UBCO campus would not be provided with the same disclosure and reporting supports provided at UBCV. Particularly, it was repeatedly emphasized that UBCO needs its own fully supported and resourced office for disclosures and reporting. <p>Vancouver Faculty--General</p> <ol style="list-style-type: none"> 1. Attendees were supportive of the inclusion of the reference to "rape culture" in Policy 131. 2. Attendees were generally pleased with the content of the Policy. 		<p>General concern about support services available at UBCO.</p> <p>Concern about available supports at UBCO.</p>	<p>Not for inclusion in Policy, though newly created Response Office at UBCO will also help to address concerns.</p> <p>Already addressed, as there will be Response Offices and Directors on both campuses.</p>

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3.	Attendees emphasized that disclosure of investigation results and discipline flowing from an investigation was important to many complainants and were concerned that Policy 131 did not make adequate provision for this.		Section 6.5 of Procedures	Already addressed in section 6.5 of Procedures, to extent allowed under FIPPA. Automatic disclosure of all disciplinary outcomes would not be consistent with restrictions on disclosure by UBC under FIPPA
4.	Attendees were very positive about the establishment of a separate Sexual Violence and Prevention Office, as well as a Director of Investigations. Concerns were expressed about the erratic and inadequate level of support previously available and attendees were pleased that some central office will be established with adequate and expert resourcing.			
5.	There were a number of questions about the hours of the Sexual Violence and Prevention Office. What emergency, off-hour response systems will be in place? It was appreciated that these weren't matters for the Policy itself, but it was emphasized that the systems surrounding the Policy and the Office warrant close attention and clear publicity.		Questions about Response Office hours.	As acknowledged in submission, not for inclusion in Policy, but operational decision for Support Office.
6.	Individuals were curious about accompanying support systems and education components to the Policy. There was discussion of the training the resident advisors do (or don't) receive.		Question about education.	Not for inclusion in Policy. Referred to Response Office for inclusion in their education and prevention initiatives.
7.	There were questions about what counts as "on campus" and within the jurisdiction of the university. Clearly, some education on this feature needs to be done.	Section 8.6	Request for clarification about jurisdiction.	Request for clarification/more information, not appropriate for inclusion in policy. Referred for consideration as a topic for supporting informational materials.
8.	The conversation was wide-ranging, moving from discussing the policy to discussing things like safe scheduling of classes (not at night) to the structure of Safe Walk.			
9.	There were questions about appeals from both a finding that the sexual violence did not occur and a finding that it did occur.	Procedures - Section 7		Already addressed in Section 7: appeals available to students in accordance with the University Act and to employees in accordance with their collective

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	<p><u>Procedures:</u></p> <p>From Faculty</p> <ol style="list-style-type: none"> 1. What are the consequences of Complainants or Respondents not abiding by s. 6.2? Concerns were expressed that this should be augmented with an explanation of the authority UBC has to require this and what the penalty would be for breaching this. 2. Section 6.5 is problematic. The language is unnecessarily “preachy” and should simply state that disclosure is not legally permitted, if that is the case. Further, the second sentence says that complainants will be informed if restrictions have been put in place, but it may be more important for the complainant to know that restrictions have not been placed on the Respondent. Complainants should know either way. The language could be changed to require information as to the extent or not of restrictions placed on the Respondent. 3. Section 6.5, on a substantive level, undermines the goals of the Policy as a whole and UBC should call for amendments to privacy laws on this issue. That is, effective, complainant-positive policy and procedure should allow for more disclosure of the consequences of a finding of sexual violence for the Respondent. Complainant knowledge of disciplinary outcome is important for responsiveness, fairness, and accountability. 4. The language of the procedures that follow the Policy has an “unfriendly tone” and is not survivor-centred. Section 6.2, for example, could be better written by saying something like, “Complainants and Respondents who choose to disclose information received under sections 6.4 and 6.5 should keep in mind that such disclosure may result in a legal claim being made 	<p>Procedures – 6.2</p> <p>Procedures – 6.5</p> <p>Procedures – 6.5</p> <p>Procedures – general, and 6.5</p>	<p>Question about consequences of non-compliance.</p> <p>Issues with wording used.</p> <p>General comment on tone.</p>	<p>agreements or terms and conditions of employment.</p> <p>Not for inclusion in Policy: infractions of privacy may be enforced by one whose privacy was violated, or under UBC disciplinary processes. Retaliation will be addressed under UBC disciplinary processes.</p> <p>Wording changes made.</p> <p>Not for inclusion in Policy, as request for amendments to privacy law.</p> <p>Partly recommended: generally, procedures must be neutrally worded to ensure procedural fairness and credibility. Section 6.5 amended to address concerns.</p>

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	<p>against them and may wish to seek advice before doing so.” The current version reads as if the drafter is frustrated with complainants.</p> <p>From the Faculty Association</p> <ol style="list-style-type: none"> 1. The primary concern articulated had to do with the absence of policy/structure for how members of the administration (probably primarily Deans) will handle appropriate process concerns following an investigatory finding that the sexual violence did in fact occur. Improper procedure at this post-investigatory stage threatens to undo the advances achieved by Policy 131 and its accompanying procedures. Past patterns of behaviour (administrative re-investigation, for example) reveal inappropriate post-Investigation process. The Faculty Association requests that additional resources be devoted to fuller formalize the administrative process of responding to a report that has been confirmed by an investigation. 2. In the case of a faculty member Respondent, the Faculty Association would like the policy to provide for a copy of the Investigative Report being sent, upon request, to the Faculty Association. 3. Section 6.2 is unclear. It begins by stating that individuals must not disclose information received through participation in an Investigation, and, then, in ss. 6.2.3 allows that section 6.2 does not prevent disclosure of information received under sections 6.4 and s. 6.5. Is ss. 6.2.3 an exception to s. 6.2 or is it an additional stipulation given that information received under ss. 6.4 and 6.5 occurs after an investigation? As well, the subsection uses the 			
		Procedures - 5	Request for copy of Investigative Report to be sent to FA.	Not recommended. Investigative Report is personal information of faculty member and UBC does not have the authority to disclose to FA without faculty member’s consent. Faculty member can provide directly to their representative body.
		Procedures – 6.2		Recommended: wording changes have been made to section 6 to clarify.

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	language of “prevent”, while s. 6.2 itself requests something that is unenforceable. The whole section is thus unclear.			
43	<p>Comments from GSS:</p> <p>This response is being made on behalf of the Graduate Student Society of UBC-Vancouver or “the GSS” as part of the consultation process for draft Policy number 131 - Sexual Assault.</p> <p>We, as the Graduate Student Society, believe that this draft version of Policy 131 is an improvement to the previous policy, and we appreciate the hard work that has been put into this draft.</p> <p>We are grateful for the extension given to us by the Policy Committee, as it ensures that this submission could properly go through our organization’s Council.</p> <p>Based on our consultation with our members, we recommend to recognize the following issues in the policy as potential opportunities for improvement.</p> <p>Overall: The policy needs to further identify a range of disciplinary actions, or refer to a policy that outlines a range of disciplinary actions in relation to the investigation process. For example: As students, we are concerned about whether our involvement in an investigation process will appear in our academic transcript when we apply to other universities.</p> <p>Section 1.2 Add "Personal History," and "Cultural Identity"</p>	<p>Procedures - 5</p> <p>Section 1.2</p>	<p>Request for more possible outcomes to be identified.</p> <p>Request for added terms.</p>	<p>Not recommended, as anything less than suspension or expulsion/termination (which are both mentioned in section 5) would have to be made on a case by case basis, and the range is too wide for a useful list to be created.</p> <p>Recommended, in part: personal history added, cultural identity covered by existing terms.</p>

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	Section 1.3 Include response in the statement, to align it with S.1.8	Section 1.3	Request to add term.	Recommended: term added.
	Section 1.10 We recommend specifying the consequences of retaliation by either referring to a policy or specifying a range of possible consequences (ex. suspension, expulsion, etc.)	Section 1.10	Request to add consequences to retaliation.	Not recommended, as consequences are dependent on nature of act of retaliation and are dealt with under the Student Code of Conduct (where range of consequences is set out) or under employee disciplinary process.
	Section 2.2.5 We recommend specifying the definition of confidentiality being used for Policy 131, otherwise, refer to the University Policy that makes use of a similar definition of confidentiality	Section 2.2.4	Request for definition of confidentiality.	Not recommended: section described Response Office role in providing information about confidentiality, which may be different for different parts of the process.
	Section 2.3.3 Consider inserting "rape culture" here again for consistency, since it's already used in 1.3	Section 2.3.3	Request to add "rape culture".	Not recommended, as this section includes the concept without using the term, to ensure the educational mandate of the Response Office appeals to the widest possible audience.
	Section 2.4 Specify how the report will be made more accessible to the public, for example "by posting it on the website", or "conducting an information campaign". It would be helpful for students to state that UBC commits to reporting this information publicly in an accessible manner, such as by posting it on the website or sharing the report in an information campaign.	Section 2.4	Request for information on how statistics will be reported.	Not for inclusion in Policy, as this is an operational decision to be made by the Response Office.
	The office should also report on the services, workshops, and initiatives available on campus to ensure that a positive community			

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	of practice is also cultivated in alignment with the investigation process.		Suggestion for wider reporting of information.	Not for inclusion in Policy, as this is an operational decision for Response Office.
	Section 2.4.3 include how many reports triggered a full investigation, and resulted in disciplinary action	Section 2.4.3	Request for more statistics.	Not recommended: commitment to statistics includes the minimum that will be reported annually, but further statistics can be made available if appropriate and if compliant with FIPPA. We will not know until the policy has been in place if this will be possible.
	Section 3.1 In using the word 'appropriate', does that mean that these services need to be qualified? Explicitly state who decides on what is an appropriate support service.	Section 3.1	Question about use of term "appropriate".	Appropriate required to ensure that reader is aware that accommodations are not provided on demand, but must be appropriate to the circumstances. Support Office determines what is appropriate.
	Explicitly state that recipients of disclosures can also access these services.		Request to add services available to recipients of disclosures.	
	Section 3.3 Expand the list to include more accommodations for non-students. For example, will emergency funding be available to staff? Teaching assistants? Visiting Scholars?	Section 3.3	Request for additions to list of accommodations.	Already addressed in section 2.3.1.
	Section 3.3.7 Explicitly state the definition of At-Risk Behaviour from Policy 14 - "includes behaviour that threatens personal safety or property, or disrupts lawful or legitimate activities,"	Section 3.3.7	Request to add definition.	Not recommended: as this is a non-exhaustive list and only the most frequent accommodations should be listed. Listing more runs risk of misrepresenting to be exhaustive list.

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	<p>Section 3.5 Explicitly include mental health</p> <p>Section 4.1 Add wording that refers to section 5</p> <p>Section 4.2 Consider this as an opportunity to describe the University's partnership between this policy and the processes set by the RCMP, this is something that needs to be further described in the entire draft</p> <p>Section 4.3 This is potentially confusing because "sexual harassment" is included in the definition of sexual misconduct below. Either change the definitions or further restate the relationship between this policy and Policy # 3</p> <p>Section 4.4 Explicitly state that an individual can also only choose one of the two processes, so "An individual can either submit a report to UBC or pursue processes external to UBC, or both, "</p> <p>Section 5.2 What actions or measures will be taken for persons with authority within the University?</p> <p>Section 7.2 Add "Consent cannot be implied, and it can be revoked at any time during the act or acts in question." Also add wording that</p>	<p>Section 3.5</p> <p>Section 4.1</p> <p>Section 4.2</p> <p>Section 4.3</p> <p>Section 4.4</p> <p>Section 5.2</p> <p>Section 7.2</p>	<p>Request to add wording.</p> <p>Request to add section reference.</p> <p>Request to add description of partnership with RCMP.</p> <p>Request for clarification.</p> <p>Request for clarification.</p> <p>Request for further information.</p> <p>Request to add wording.</p>	<p>Not recommended, as this is part of list of information Response Office can provide, and this detail can be provided by Office.</p> <p>Not recommended, as included in general term "health" and emphasis may be misinterpreted.</p> <p>Not recommended, as Reports made by individuals directly affected different from third party reports.</p> <p>Not appropriate for inclusion in Policy, to be referred to Response Office for possible future additional informational materials.</p> <p>Already included in Policy, section 4.3 addresses this overlapping jurisdiction.</p> <p>Recommended: wording amended for clarity.</p> <p>Not recommended, as the possibilities are wide and cannot all be captured in a list.</p>

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	<p>emphasizes how consent has to be 'renewed', even if both parties have previously consented in the past.</p> <p>Section 7.3 Potentially include a list of principles of what defines a community member in the policy. There are some categories that students are inquiring about, like patients/clients of health services on campus, People attending campus for events, People who have been invited to participate in or currently participating in research, Volunteers, prospective students, postdocs, faculty, and staff. Also, alumni.</p> <p>What happens when a student has already graduated but was a student during the time of the offense, and has decided to make a report?</p> <p>Section 7.6 Does it include fieldwork, professional activities such as conferences, student activities such as conferences, varsity athletics, communications using UBC computer networks, and fraternity housing in the Greek system?</p> <p>The following comments are for the processes document:</p> <p>Section 1.2 Change “may have” to “will be offered”</p> <p>Section 1.3 Further define what qualifies as appropriate support.</p>	<p>Section 7.3</p> <p>Section 7.6</p> <p>Procedures – 1.2</p> <p>Procedures – 1.3</p>	<p>Request for further information.</p> <p>Question about jurisdiction.</p> <p>Question about right to have representative present.</p> <p>Request for more information.</p>	<p>Already addressed in bullet points in definition.</p> <p>Already addressed in Policy, as all relationships intended to be covered are included. Response Office can assist with individual situations or possible future supporting informational materials.</p> <p>Already addressed in definition of Jurisdiction.</p> <p>Cannot provide exhaustive list of all possible scenarios, as will depend on particular facts of each case.</p> <p>Not recommended as not correct to offer, though will be advised that they may have a representative present.</p>

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	<p>Reports: 2 Consider including further details on how the report should be filled out and processed. (e.g. Is the report online? Is there access to support during the filling of the report?) Reporting should also be trauma-informed, and considerate of the fact that recalling details of a sexual assault can traumatize a survivor.</p>	Procedures – 2	Request for more detail.	Not recommended, as appropriate support will be determined on a case by case basis.
	<p>Initial review: 3.4 If the Director of Investigations believes that an alternative resolution process may be appropriate in the circumstances, they will discuss this option with the Complainant. <i>The Complainant will be offered an opportunity to discuss this choice with an advisor or support person in order to explore the options available.</i> If the Complainant agrees that an alternative resolution process may be appropriate, the Director of Investigations will contact the Respondent to advise them that a Report was made, and will discuss this option with the Respondent.</p>	Procedures – 3.4	Request for added wording.	<p>Not recommended, as relevant details will be different in each case and this needs to remain general.</p> <p>Not recommended, as this is already implicit in the term “discuss”, and the process is not mandatory and parties can withdraw at any time.</p>
	<p>Section 3.5 It is advised that the individual should be making the report in writing. Also, The complainant must first be informed, and provide consent to the Director of investigations, before their case is referred to another UBC authority.</p>	Procedures – 3.5	Request for requirement in writing, and consent before referral of case.	<p>Already addressed, in section 2.1 of Procedures.</p> <p>Recommended, and wording added to section 3.7 and 5.5 of Procedures to consult with Complainant before referring.</p>
	<p>Outcome and Disciplinary Measures 5.1.2, 5.1.3 We are concerned that in the case of a faculty member, staff, or people of higher authority (dean, president, etc.) the faculty dean, the Head of Unit, or the President should not be disciplinary action.</p>	Procedures – 5.1.2 and 5.1.3	Request for clarification on authority to discipline.	Recommended, in part: conflict of interest section added to policy, which will result in the proper adjustments to this section.
	<p>5.4 The Director of Investigations may refer the Investigative Report to the appropriate UBC authority, with consent of the complainant.</p>	Procedures – 5.4	Request for consent before referral.	Recommended, and wording added.

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No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>5.6 What education is to be provided?</p> <p>Confidentiality and Privacy 6.5 Explicitly include mental health within the criteria of “health and safety reasons”.</p> <p>Closing Remarks. The GSS is grateful to the University and the Board of Governors that our feedback on the draft policy is considered for the final UBC Sexual Assault Policy. We look forward to further consultations.</p>	<p>Procedures – 5.6</p> <p>Procedures – 6.5</p>	<p>Request for more information.</p> <p>Request to add wording.</p>	<p>Not recommended, as this will be determined on a case by case basis.</p> <p>Not recommended, as already included in general term of health.</p>
44	<p>I write to recommend that the Board members read the report of the American College of Trial Lawyers, White Paper on Campus Sexual Assault Investigations--which I attach. Among many useful points, it explains that (US) courts have insisted on an intermediate standard of proof --clear and convincing evidence--in civil cases that threatened a defendant's reputation or other fundamental interests. A proceeding that might lead to expulsion or suspension from school certain meets that test.</p> <p>I have read the proposed policy on disciplinary investigations. Although I fully appreciate the need for improved enforcement of criminal laws and university policies against sexual assault, I regret to say that I do not find any evidence in the document of serious concern about fairness or due process for the accused party in such an investigation. Indeed, I find little more than a few vague and nearly useless platitudes.</p> <p>The Board should supplement the existing document to incorporate a set of principles that are being developed (although they have not yet been formally promulgated) by the Foundation for Individual Rights in Education (FIRE), the leading advocate for student's rights in the US.</p>			<p>Not recommended: the clear current legal test in Canada is the balance of probabilities.</p> <p>Procedural fairness explicitly mentioned as core principle and commitment, section 1.8, plus Procedures are consistent with due process for the accused party.</p>

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No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>Please find below a message (edited for brevity) from FIRE staff member, Susan Kruth, referencing this set of principles. She also comments on the existing UBC draft.</p> <p>I recommend that you consult with Ms. Kruth directly if you have questions.</p> <p>.....</p> <p>I appreciate your concern about this important issue and agree the draft policy could use some additions.</p> <p>Below I've listed what FIRE considers to be the vital due process protections for non-academic disciplinary proceedings, as well as a few explanatory notes.</p> <p>Please let me know if you have any further questions.</p> <ol style="list-style-type: none"> 1. A clearly stated presumption of innocence, including a statement that a person's silence shall not be held against them. 2. Adequate written notice of the allegations. Adequate notice should include the time and place of alleged policy violations, a specific statement of which policies were allegedly violated and by what actions, and a list of people allegedly involved in and affected by those actions. 3. Adequate time to prepare for all phases of the disciplinary process. <ol style="list-style-type: none"> a. Adequate written notice must come at least 5 full business days before you have to start answering questions about your actions (e.g., meeting with an investigator). 			<p>Not recommended: not required, as presumption of innocence is implicit in investigatory process and need for allegations to be found on a balance of probabilities.</p> <p>Already addressed in Procedures, section 3.8.2 where Respondent is provided with copy of report, and section 4.3 makes clear Respondent's right to be fully informed of allegations and given the opportunity to respond.</p> <p>As above. No requirement for specific time limits: will be different in each case and in all cases, Respondent given full opportunity to respond.</p>

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No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<ul style="list-style-type: none"> b. Notice of the hearing date must be at least 7 full business days before the date. c. All evidence to be considered at the hearing shall be shared with all parties by at least 5 full business days before the hearing. Exceptions shall be made for newly discovered evidence. 4. A prohibition on conflicts of interest that could compromise the integrity of the process (i.e., advocates cannot serve as investigators or fact-finders, fact-finders must not hear the appeal, etc.). <ul style="list-style-type: none"> a. The investigator can also be the prosecutor. b. If there is a separate hearing panel and investigator, the investigator cannot control the scope of evidence that may be considered. c. Appeals cannot go to the original fact-finders. 5. The right to impartial fact-finders, including the right to challenge fact-finders' impartiality. 6. Access to and the right to present all relevant inculpatory and exculpatory evidence at hearing. 7. The ability to pose relevant questions to witnesses in real time, including the complainant, and respond to another party's version of events. <ul style="list-style-type: none"> a. Questions may be relayed through a third party, such as a student's representative or the hearing panel. 			<p>Already addressed with addition of section 6 in Policy regarding conflicts of interest.</p> <p>As above, which includes language about reasonable apprehension of bias.</p> <p>As above, Respondent given full opportunity to know the case made against them and given opportunity to respond.</p> <p>Already addressed in section 4.4 of Procedures, where parties may be invited to suggest questions to Investigator.</p>

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No.	Comment	Applicable Section(s)	Category	Committee Recommendation
	<p>b. Documenting reasons for refusing to pose questions is the gold standard.</p> <p>8. The active participation of an advisor of choice, including an attorney (at the student's sole discretion), during the investigation and at all proceedings, formal or informal.</p> <p>9. The meaningful right of the accused to appeal a finding or sanction.</p> <p>a. Grounds for appeal must be sufficient, including (1) new information; (2) procedural errors; (3) findings not supported by record.</p> <p>b. "Meaningful" includes the requirement that appeal must go to new panel that does not include investigator or fact-finding panel.</p> <p>10. Unanimity of panel required for expulsion.</p>			<p>Already addressed, in section 3.8 of Procedures.</p> <p>Already addressed in section 7 of Procedures, in accordance with the University Act and collective agreements and terms and conditions of employment.</p> <p>Not relevant, as no panel in UBC's investigatory process.</p>