



SUBJECT	Investigations Office - Two Year Report
SUBMITTED TO	People, Community & International Committee
MEETING DATE	March 16, 2021
SESSION CLASSIFICATION	Recommended session criteria from Board Meetings Policy: OPEN
REQUEST	For information only - No action requested
LEAD EXECUTIVE	Marcia Buchholz, Vice-President, Human Resources
SUPPORTED BY	Ainsley Carry, Vice President, Students Carly Stanhope, Director, Investigations Office

PRIOR SUBMISSIONS

The subject matter of this submission has not previously been considered by the People, Community & International Committee.

EXECUTIVE SUMMARY

The UBC Investigations Office (IO) investigates and conducts alternative resolution processes in respect of matters of sexual misconduct under UBC Policy SC17: Sexual Misconduct and Sexualized Violence Policy, and discrimination under UBC Policy SC7: Discrimination Policy. Policy SC17 and Policy SC7 apply to all staff, faculty and students at UBC Vancouver and UBC Okanagan. UBC's Policy SC18: Retaliation Policy prohibits retaliation for engaging an "Informing Activity", including reporting sexual misconduct or discrimination to the IO. The IO investigates retaliation complaints when they are related to an ongoing sexual misconduct or discrimination investigation.

The IO's role under Policy SC17 is different from the Sexual Violence Prevention and Response Office or the Alma Mater Society's Sexual Assault Support Centre ("SASC"). The SVPRO and SASC offer a range of support services for people who have experienced sexual misconduct whether or not the individual wishes to make a formal report. In contrast, the IO is a neutral office tasked with responding to formal reports of sexual misconduct through investigations or Alternative Resolution Processes (ARP).

The IO's dedication to being fair, impartial and trauma-informed is critical to building an atmosphere of trust and accountability in relation to issues of sexual misconduct and discrimination. Over the past two years, the IO's services and investigations remained uninterrupted from the start of the pandemic until now. The number of reports received by the IO remained relatively constant for the first four years. However, in the 2022 BOG reporting period, the number of complaints nearly doubled as compared to 2021. Whether this increase is related to the pandemic remains to be seen. The increase in formal complaints does not necessarily mean that such incidents are on the rise. It is a positive indicator that the UBC community is more aware of their rights and trust that the IO will respond to their complaint in a fair, impartial and trauma-informed manner. That said, we do know the following:

- Since the beginning of the pandemic, sexualized violence service providers have seen an increased demand for service. For example, the SASC was just featured in an article indicating that requests for their

services have doubled since the start of the pandemic: <https://www.cbc.ca/news/canada/british-columbia/ubc-sexual-assault-support-centre-1.6360993>.

- In the last few years, the IO and SVPRO have done extensive education around sexualized violence in the UBC community. Increased awareness of concepts related to sexualized violence (eg. consent) help people identify when they have experienced sexual misconduct, and awareness of and trust in our offices empowers people to report.
- At the same time, we have seen continued prevalence of the #metoo movement. More broadly, at the societal level, survivors of sexual violence are being empowered to speak up about their experiences. There is definitely a growing culture of accountability around the issue, even beyond the university.
- The IO's services are now available completely remotely. Folks can participate in an investigation or ARP by filing a written report online, and then engaging with the investigator via Zoom. This may lower barriers for some.
- The pandemic has meant that learning and working has also been remote. It is possible that people feel safer reporting misconduct because they don't feel the community "fallout" that can arise from an investigation as acutely when they're working or studying from home.

The development of in-house expertise has gradually reduced the dependency of external investigators from 2017 to 2022 and resulted in significant cost savings. The IO's investigators have a broad range of skill sets stemming from their diverse backgrounds of policing, human rights, and employee relations. This past December, the new Director, Investigations has begun to make positive changes to the department, resulting in more engaged staff, quality investigations, and reduced institutional risk.

APPENDICES

1. Investigations Office – Annual Report

UBC Investigations Office

Annual Report*

May 1, 2020 - February 15, 2022

**This is a two-year report covering the Board of Governors' 2021 and 2022 reporting periods.*



THE UNIVERSITY OF BRITISH COLUMBIA

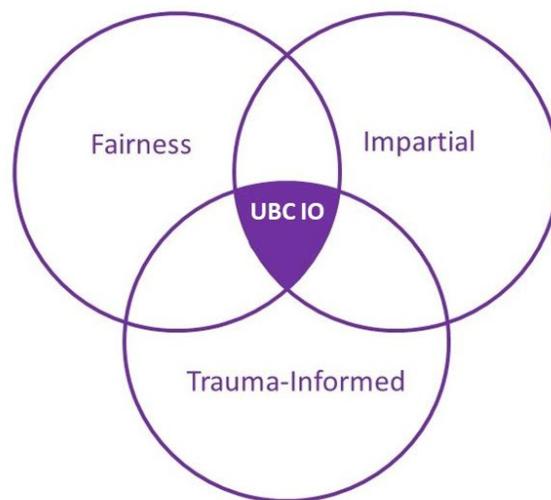
Contents

Introduction to the UBC Investigations Office	3
<i>Key Principles</i>	3
<i>Policy SC17: Sexual Misconduct and Sexualized Violence Policy</i>	3
<i>Policy SC7: Discrimination Policy</i>	4
<i>Policy SC18: Retaliation Policy</i>	4
<i>Office Timeline</i>	4
UBC Investigations Office Organization Structure	6
Reports received at IO	7
<i>Reports received from May 1, 2020 to April 30, 2021</i>	8
<i>Reports investigated from May 1, 2020 to April 30, 2021</i>	9
<i>Reports received from May 1, 2021 to February 15, 2022</i>	9
<i>Reports investigated from May 1, 2021 to February 15, 2022</i>	10
Education & Awareness	11
<i>IO & Policy Education</i>	11
<i>Sexualized Violence & Discrimination Prevention Education</i>	11
<i>Outreach & Education Highlights</i>	12
Summary	13
Looking ahead	14

Introduction to the UBC Investigations Office

The UBC Investigations Office (“IO”) investigates and conducts alternative resolution processes (“ARP”) in respect of matters of sexual misconduct under UBC *Policy SC17: Sexual Misconduct and Sexualized Violence Policy*, (“**Policy SC17**”) and discrimination under UBC *Policy SC7: Discrimination Policy* (“**Policy SC7**”). *Policy SC17* and *Policy SC7* apply to all staff, faculty and students at UBC Vancouver (“**UBC-V**”) and UBC Okanagan (“**UBC-O**”).

Key Principles



The IO’s response to issues of sexual misconduct and discrimination are grounded in the principles of fairness, impartiality, and a trauma-informed approach.

- **Fairness:** Investigations are conducted in accordance with the requirements of procedural fairness in the university context.
- **Impartiality:** The IO is a neutral office, committed to ensuring that everyone’s rights are respected. We do not advocate for complainants or respondents in sexual misconduct or discrimination matters.
- **Trauma-Informed:** Investigators use a trauma-informed approach, which aims to minimize re-traumatization through the investigation process and recognizes the impact of trauma on memory and presentation of evidence.

Policy SC17: Sexual Misconduct and Sexualized Violence Policy

The IO is responsible for conducting investigations and as appropriate, ARPs in accordance with *Policy SC17* when complaints of sexual misconduct are formally reported.

The IO's role under *Policy SC17* is different from the Sexual Violence Prevention and Response Office (“**SVPRO**”) or the Alma Mater Society's Sexual Assault Support Centre (“**SASC**”). The SVPRO and SASC offer a range of support services for people who have experienced sexual misconduct whether or not the individual wishes to make a formal report. In contrast, the IO is a neutral office tasked with responding to formal reports of sexual misconduct through investigations or ARPs.

Policy SC7: Discrimination Policy

The IO conducts formal investigations and as appropriate, ARPs in accordance with *Policy SC7*. *Policy SC7* prohibits discrimination based on the grounds enumerated in the *BC Human Rights Code*.

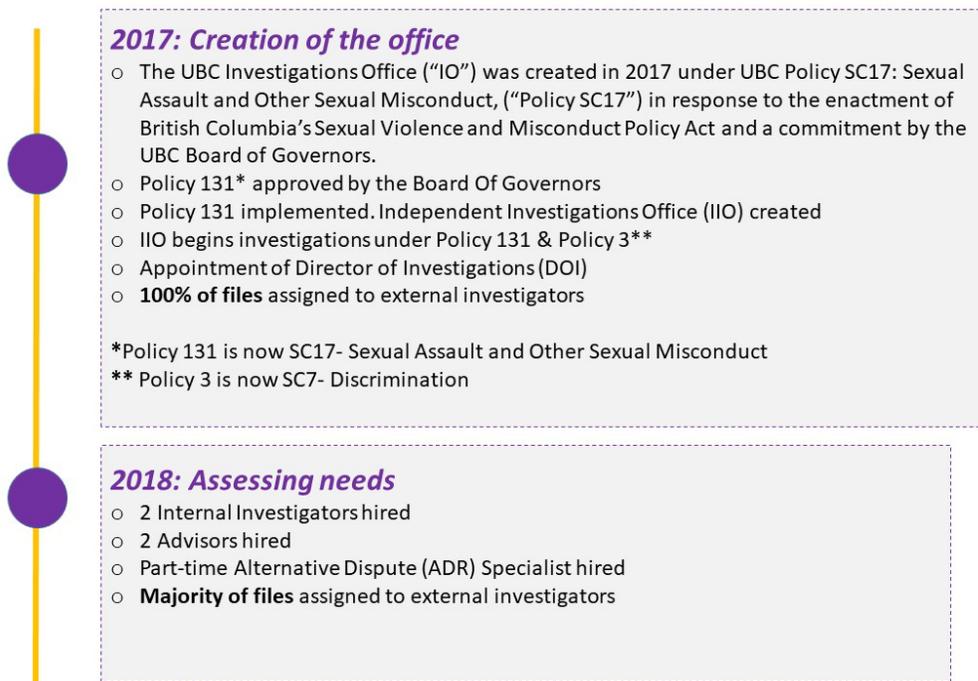
The IO's services under *Policy SC7* differ from that of the Equity and Inclusion Office (“**EIO**”). The EIO provides advisory services to people who have concerns about discrimination, and attempts to resolve their concerns informally before a formal complaint is made to the IO.

Policy SC18: Retaliation Policy

UBC's *Policy SC18: Retaliation Policy* (“**Policy SC18**”) prohibits retaliation for engaging an “Informing Activity”, including reporting sexual misconduct or discrimination to the IO. The IO investigates retaliation complaints when they are related to an ongoing sexual misconduct or discrimination investigation.

Office Timeline

The development of the IO from its inception is indicated through the below timeline:



2019: Building capacity

- Educator hired to replace vacant Advisor position
- Advisor transitioned to Investigator
- Additional Internal Investigator hired
- Full-time Alternative Dispute Resolution (ADR) Specialist hired
- **Less than 25% of files** assigned to external investigators

2020: Strengthening IO services

- In early 2020, the name of the office was modified from Independent Investigations Office (“IIO”) to UBC Investigations Office to adequately reflect the Office’s association with UBC, and independence in conducting fair, impartial and trauma-informed investigations.
- Due to the COVID-19 pandemic, our office reorganized services to be available digitally to students, staff, faculty and members of the UBC community. The investigation processes were unaffected due to the online transition and significant efforts were put into building our online presence
- Introduction of a UBC Case Management system
- Increase in online presence
 - Enabling online filing of reports
 - Creation of online Trauma-informed courses for staff, faculty & students
 - Collaborating with UBC Studios for creation of IO promotional material
- **Majority of files** assigned to internal investigators

2021: Operational Transformation

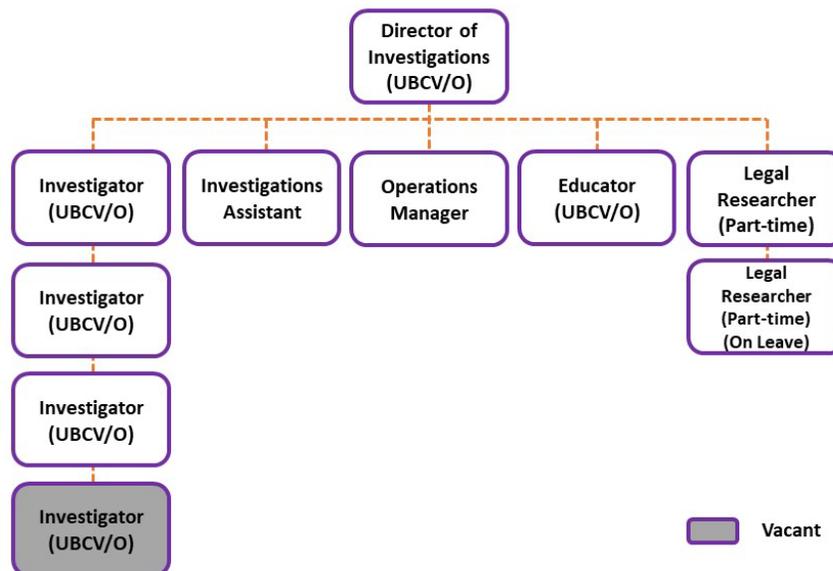
- IO undergoes significant staffing changes
- Director of Investigations resignation
- Acting Director of Investigations brought in
- Extensive recruitment and reorganization
- IO core operations remain unaffected
- Introduction of efficient and collaborative team structure

2022: Embracing Change

- Permanent Director of Investigations hired
- Permanent Educator hired
- Enriched internal support mechanisms in place
- Enhancement of reporting experience
- Expansion of Alternative Resolution options
- Stabilization of efficient and collaborative team structure
- As of Feb 15 2022, the IO is operating with **8** staff members

UBC Investigations Office Organization Structure

Investigations Office chart as of 15-Feb-2022



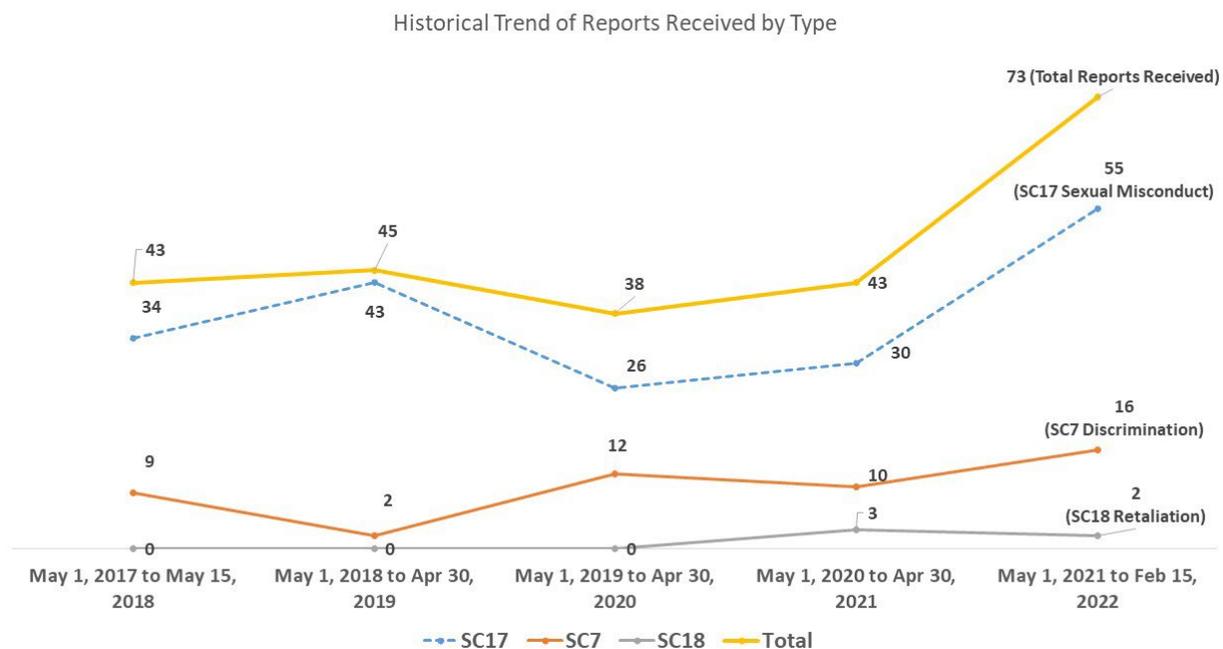
- **The Director of Investigations:** determines whether UBC has jurisdiction to investigate (“JTI”) allegations under *Policy SC7* and *Policy SC17* and makes recommendations for resolution of complaints under *Policy SC7*. The Director oversees investigations and ARPs, ensuring consistency with *Policy SC17* and *Policy SC7*, human rights legislation, evidentiary rules, and the principles of procedural fairness, due process and trauma-informed approaches.
- **Investigators:** conduct investigations and facilitate ARPs as assigned by the Director of Investigations in line with the principles of procedural fairness, due process and trauma-informed approaches. Investigators collaborate to determine best practices for investigations and peer-review investigation reports.
- **Educator:** leads and collaborates on the development and delivery of education and engagement initiatives to inform UBC stakeholders and community members about the IO’s services.
- **Operations Manager:** oversees the functioning of office and administrative operations. This includes managing initiatives such as recruitment, on-boarding and off-boarding staff, administrative IO policy and procedure development, annual report development and tracking cases. The Operations Manager also provides technical and administrative support to other IO staff.
- **Investigations Assistant:** provides administrative support to the Director of Investigations and assists with receiving and tracking incoming reports, day-to-day organization and operations of the unit, as

well as assisting the Director in special projects and/or tasks as required to promote the IO mandate and delivery of neutral, impartial and trauma-informed investigation functions.

- Legal Researchers:** support the Director of Investigations and Investigators through conducting legal research on various topics related to sexual misconduct and discrimination. Examples of topics include consent, intoxication, incapacitation, investigations procedure, administrative fairness, restorative justice and alternative resolution processes. The Legal Researchers are currently developing a legal database to allow the Investigators to have easy access to pertinent case law for their investigative reports. The role also involves assisting with data analysis and annual reporting.

Reports received at IO

The below graph depicts the number of reports received year-over-year based on the Board of Governors (“BOG”) reporting period. The number of reports received by the IO remained relatively constant for the first four years. However, in the 2022 BOG reporting period, the number of complaints nearly doubled as compared to the 2021 BOG reporting period¹.



¹ The 2022 BOG reporting period runs from May 1, 2021 to April 31, 2022. This report was prepared for a deadline of February 23, 2022. As such, the data only captures IO activity from May 1, 2021 to February 15, 2022.

Reports received from May 1, 2020 to April 30, 2021

The IO received a total of **43** formal reports from May 1, 2020 to April 30, 2021.

The following table indicates how the reports were processed by the IO (no jurisdiction to investigate; investigation; alternative resolution process; suspended pending other proceeding).

May 1, 2020 – Apr 30, 2021	Reports Received	No JTI	Investigation	Alternative Resolution Process	Suspended pending other proceeding
SC17 (Sexual Misconduct)	30	13	13	3	1
SC7 (Discrimination)	10	3	7	0	0
SC18 (Retaliation)	3	1	2	0	0
Total	43	17	22	3	1

The following table indicates who the parties to the complaints were.

May 1, 2020 - Apr 30, 2021	Complainant Type	Respondent Type
Student	27	28
Staff	6	6
Faculty	2	8
Unknown/Non-UBC	8	1

- 63% of total Complainants and 65% of total Respondents were **Students**
- 14% of total Complainants and 14% Respondents were **Staff**
- 5% of total Complainants and 19% of total Respondents were **Faculty**
- The remaining proportion of Complainants and Respondents were **non-UBC or Unknown**

Reports investigated from May 1, 2020 to April 30, 2021

The IO conducted a total of **22** investigations from May 1, 2020 to April 30, 2021. The outcomes are listed in the following table:

May 1, 2020 – Apr 30, 2021	Breach	No Breach	Withdrawn	Suspended pending other proceeding
SC17 (Sexual Misconduct)	4	6	2	1
SC7 (Discrimination)	5	2	0	0
SC18 (Retaliation)	0	2	0	0
Total	9	10	2	1

Reports received from May 1, 2021 to February 15, 2022

The IO received a total of **73** reports from May 1, 2021 to February 15, 2022.

The following table indicates how the reports were processed by the IO (no jurisdiction to investigate; investigation; alternative resolution process; referred to another UBC process).

May 1, 2021 – Feb 15, 2022	Reports Received	No JTI	Investigation	Alternative Resolution Process	Internal UBC Process
SC17	55	20	28	3	0
SC7	16	6	7	0	1
SC18	2	0	0	0	0
Total	73	26	35	3	1

The following table indicates who the parties to the reports were.

May 1, 2021 – Feb 15, 2022	Complainant Type	Respondent Type
Student	43	37
Staff	9	10
Faculty	10	14
UBC Department	0	5
Unknown/Non-UBC	11	7

- 59% of total Complainants and 51 % of total Respondents were **Students**
- 12% of total Complainants and 14% of total Respondents were **Staff**
- 14% of total Complainants and 19% of total Respondents were **Faculty**
- 7% of total Respondents named were **UBC departments/units** under *Policy SC7*
- The remaining proportion of Complainants and Respondents were **non-UBC or Unknown**

Reports investigated from May 1, 2021 to February 15, 2022

The IO conducted a total of **35** investigations from May 1, 2021 to February 15, 2022. The outcomes are listed below:

May 1, 2021 – Feb 15, 2022	Breach	No Breach	Withdrawn	In-Progress	Total
SC17	2	4	6	15	27
SC7	0	0	1	7	8
SC18	0	0	0	0	0

- Files that were awaiting the Director’s determination regarding jurisdiction as of February 15, 2022 are counted as Reports Received only and not included above

Education & Awareness

The IO raised awareness about *Policy SC17* and *Policy SC7*, its services, and sexualized violence/discrimination prevention education through a number of initiatives and campus partnerships at UBC-V and UBC-O. Awareness of the IO and community members' rights and responsibilities under *Policy SC17* and *Policy SC7* was critical to allow folks to access the IO's services when they needed them. In the same way, the IO's support of sexualized violence and discrimination prevention education empowered survivors of violence and/or discrimination to feel confident that UBC takes these issues seriously and the IO is a safe place to file a formal complaint to seek accountability for harm done to them. A new permanent IO Educator was hired in this reporting period to help coordinate and expand these initiatives and to regularly engage the IO's stakeholders in the IO's work.

IO & Policy Education

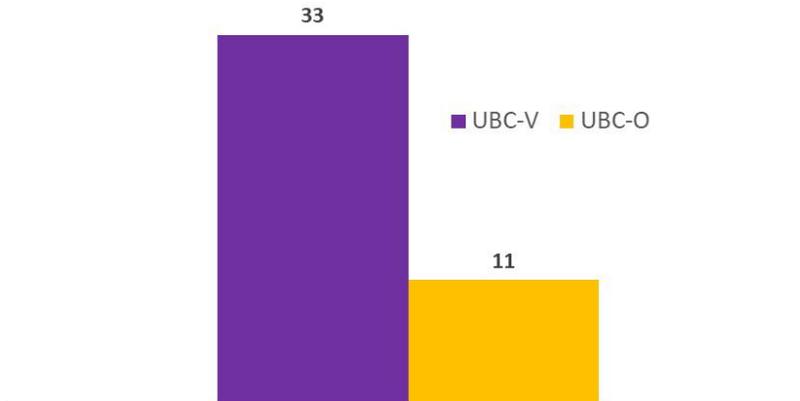
The main focus of the IO's education work was to build awareness of the office, its services, and trust with UBC community members to support its work. The office has developed and made available a series of short videos, online presentations, consultations meetings, and other avenues to learn about *Policy SC17* and *Policy SC7*, the IO, what investigations or ARPs can look like, how to make a formal report, and other useful information for potential complainants or respondents. A notable offering has been the creation of online Canvas courses about the IO and trauma-informed investigation approaches for students, staff and faculty. These modules are self-paced and available for those who are interested in knowing more about our office and work through the IO website. Lastly, the IO partnered with UBC Studios to create an informational video and other promotional materials about sexual misconduct and the IO to promote digital and in-person engagement with the IO's services.

Sexualized Violence & Discrimination Prevention Education

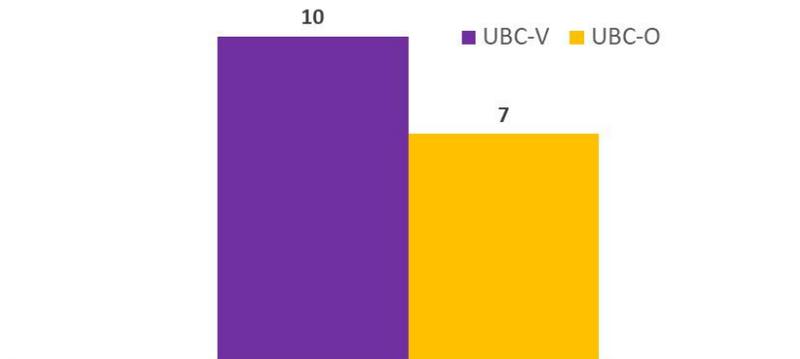
The IO participated in prevention education primarily through its partnerships with the SVPRO, SASC, and the EIO. The office supported, promoted, and attended numerous events, campaigns, and other activities with these partners to raise awareness about consent, receiving disclosures of violence, bystander intervention, anti-racism, human rights, and other topics to help build a UBC community that stands up against sexualized violence and discrimination and promotes safety and inclusion for all students, faculty, and staff.

Outreach & Education Highlights

Education & Outreach: May 1 2020- Apr 30 2021



Education & Outreach: May 1 2021- Feb 15 2022



- **44** education and outreach activities from May 1, 2020 to April 30, 2021; **17** education and outreach activities from May 1, 2021 to February 15, 2022. Education and outreach were suspended temporarily in the 2022 reporting period due to staff turnover.
- Development of 2 online education courses to engage exclusively with the student and staff & faculty communities
- The Educator has been engaging in focus groups with various stakeholders to assess needs for education programming
- Creation of a resource list for complainants & respondents and respective template files to easily update the list as needed
- Partnership with UBC Studios on creating a brand campaign, which includes an informational video and standardization of IO promotional material. The project is in the final stages of completion
- IO Investigators and Educator responded to **37** consultation requests and **15** inquiries from August 2020 to February 15, 2022

Summary

- The IO's dedication to being fair, impartial and trauma-informed is critical to building an atmosphere of trust and accountability in relation to issues of sexual misconduct and discrimination.
- The IO's services and investigations remained uninterrupted from the start of the pandemic until now. In the last year, the number of reports received by the IO increased dramatically. Whether this increase is related to the pandemic remains to be seen.
- The development of in-house expertise has gradually reduced the dependency of external investigators from 2017 to 2022 and resulted in significant cost savings. The IO's investigators have a broad range of skill sets stemming from their diverse backgrounds of policing, human rights, and employee relations.
- The increase in formal complaints does not necessarily mean that such incidents are on the rise. It is a positive indicator that the UBC community is more aware of their rights and trust that the IO will respond to their complaint in a fair, impartial and trauma-informed manner.

Looking ahead

- The number of consultations, inquiries and retaliation reports may show an upward trend as the community learns more about IO's fair, impartial and trauma-informed services and want to make informed decisions of reporting.
- The IO is expanding ARPs as a resolution mechanism for those seeking alternative options to a formal investigation.
- The IO continues to clarify internal processes in order to provide consistency and improve timeliness for investigations.
- The IO continues to build internal capacity and provide professional development to existing staff in order to keep legal knowledge and investigative techniques current.