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<b>SUBJECT</b>	Investigations Office Annual Report (July 1, 2023 – June 30, 2024)
<b>SUBMITTED TO</b>	Executive Committee
<b>MEETING DATE</b>	September 12, 2024
<b>SESSION CLASSIFICATION</b>	Recommended session criteria from Board Meetings Policy: OPEN
<b>REQUEST</b>	For information only - No action requested
<b>LEAD EXECUTIVE</b>	Adam Charania, Interim Vice-President Human Resources
<b>SUPPORTED BY</b>	Ainsley Carry, Vice-President Students Samantha Reid, Associate Vice-President Students Carly Stanhope, Director, Investigations Office

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### PRIOR SUBMISSIONS

The Investigations Office most recently provided its Annual Report to the Board of Governors in [September 2023](#).

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### EXECUTIVE SUMMARY

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

Overall, the IO has seen an increase in the number of complaints in this reporting year. There was a significant increase in discrimination complaints as the Equity & Inclusion Office (EIO) enhanced its capacity to assist individuals with discrimination concerns, and geo-political tensions sparked identity-based conflict on campus. Reports of sexual misconduct have decreased slightly in the last year, while reports of retaliation have remained constant. The long-term trend reflects an increase in both the number and complexity of complaints since the IO was established.

Throughout the last year, the IO has focused on enhancing its investigations practice by developing internal resources, and deepening its onboarding process for new Investigators. Acknowledging the impact of investigations on all parties, the IO has focused on reducing investigation timelines by identifying sources of delay and managing them at the earliest opportunity. While this will require ongoing effort, timelines are improving, especially when internal investigators are used.

The IO has built capacity in equity, diversity and inclusion (EDI) principles, starting by ensuring that the IO team reflects the diversity of the UBC community. IO team members engaged in professional development focused on working with Indigenous and neurodiverse community members, as well as assessing credibility from an EDI perspective. The IO has also expanded its roster of external investigators to enhance access to IBPOC investigators.

The IO has begun re-orienting its complaint processes to deliver more restorative outcomes for participants, and overall, build a more inclusive, safe UBC community. This started with a core group of IO team members taking a 12-week course on Applying Restorative Justice to Campus Sexual Harm. Drawing from learnings in this course, the IO is currently re-imagining its alternative resolution processes with a grounding in restorative justice.

In the upcoming year, the IO will continue to focus on conducting timely, defensible investigations, promoting restorative forms of conflict management, and increasing awareness of expectations and resources available under various UBC policies. Key initiatives for 2024-25 will include the launch of required training for UBC employees on sexual misconduct, and expanding the IO's mandate to include investigations under the Respectful Environment Statement, as well as the new *Public Interest Disclosure Act (PIDA)* Policy.

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## APPENDICES

1. Investigations Office Annual Report (July 1, 2023 – June 30, 2024)

# UBC Investigations Office

## Annual Report

*July 1, 2023 – June 30, 2024*

*Submitted August 13, 2024*



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

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## Executive Summary

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

Overall, the IO has seen an increase in the number of complaints in this reporting year. There was a significant increase in discrimination complaints as the Equity & Inclusion Office (EIO) enhanced its capacity to assist individuals with discrimination concerns, and geo-political tensions sparked identity-based conflict on campus. Reports of sexual misconduct have decreased slightly in the last year, while reports of retaliation have remained constant. The long-term trend reflects an increase in both the number and complexity of complaints since the IO was established.

Throughout the last year, the IO has focused on enhancing our investigations practice by developing internal resources, and deepening our onboarding process for new Investigators. Acknowledging the impact of investigations on all parties, we have focused on reducing investigation timelines by identifying sources of delay and managing them at the earliest opportunity. While this will require ongoing effort, we are already seeing improvements in timelines, especially when internal investigators are used.

The IO has built capacity in equity, diversity and inclusion (EDI) principles, starting by ensuring that our team reflects the diversity of the UBC community. We engaged in professional development focused on working with Indigenous and neurodiverse community members, as well as evaluating credibility from an EDI perspective. We have also expanded our roster of external investigators to enhance access to IBPOC investigators.

The IO has begun re-orienting our complaint processes to deliver more restorative outcomes for participants, and overall, build a more inclusive, safe UBC community. This started with a core group of IO team members taking a 12-week course on Applying Restorative Justice to Campus Sexual Harm. Drawing from our learnings in this course, we are currently re-imagining our alternative resolution processes (ARPs) with a grounding in restorative justice.

In the upcoming year, the IO will continue to focus on conducting timely, defensible investigations, promoting restorative forms of conflict management, and increasing awareness of expectations and resources available under various UBC policies. Key initiatives for 2024-25 will include the launch of required training for UBC employees on sexual misconduct, and expanding the IO's mandate to include investigations under the Respectful Environment Statement as well as the new *Public Interest Disclosure Act (PIDA)* Policy.

## Introduction to the IO

The IO serves students, faculty and staff across both the Vancouver and Okanagan campuses, as well as various satellite locations. We manage complaint processes under two key policies: the Sexual Misconduct Policy (SC17) and the Discrimination Policy (SC7). The IO also addresses concerns under the Retaliation Policy (SC18) where the alleged retaliation relates to a sexual misconduct or discrimination complaint. Where sexual misconduct or discrimination complaints contain other forms of alleged misconduct, the IO may conduct a consolidated investigation under the Investigations Policy (SC8).

Our key mechanisms for managing formal complaints are:

- **Investigation:** A fact-finding process where an investigator determines what happened, and whether there was a breach of a UBC policy. Outcomes in response to investigation findings are determined by the relevant Administrative Head of Unit where the respondent is a UBC employee, and by the President where the respondent is a UBC student. Outcomes can include discipline for an individual, and/or structural changes or education to prevent further harm.
- **Alternative Resolution Process (ARP):** An adaptable, voluntary process that begins with the expressed needs of those who report harm, and leads to non-disciplinary accountability. Examples of facilitated outcomes include: personalized education plans, no-contact agreements, mental health supports, culturally-specific repair practices, academic and peer mentorships, restorative circles, substance use supports, and connections with identity-specific communities.

Since its establishment in 2017, the IO's mandate and service offerings have grown along with UBC's changing policy landscape, and in response to the needs of the community. Key milestones include:

- **2017** – In accordance with British Columbia's *Sexual Violence and Misconduct Policy Act*, UBC's Sexual Misconduct Policy is introduced and the IO is established to investigate sexual misconduct complaints.
- **2018** – the IO's mandate is expanded to include complaints under the Discrimination Policy.
- **2020** – UBC's Retaliation Policy is introduced and the IO begins managing retaliation concerns arising from sexual misconduct and discrimination investigations.
- **2023** – UBC's Investigations Policy is revised and the IO begins conducting consolidated investigations.
- **2024** – In accordance with British Columbia's *Public Interest Disclosure Act*, UBC's PIDA Policy is approved and the IO begins planning for implementation in December 2024.

When the IO was first established, all investigations and ARPs were referred to external practitioners, resulting in significant time, expense and a lack of localized knowledge in IO processes. In response to an increasing number of complaints and expanded mandate of the IO, the team has since grown to include five Investigators, a Legal Administrative Assistant, an Operations Manager, an Educator, and a Legal Researcher that support the University across both campuses.

## Our Priorities

### Strategic Framework

Much of the IO's work is grounded in UBC's various policies and procedures; however, we also strive to work in a way that furthers UBC's strategic priorities. Given the subject matter of the IO's work and the multiple communities it serves, the following strategic plans and frameworks inform the IO's priorities:

- [Shaping UBC's Next Century: UBC's Strategic Plan](#)
- [Strategic Equity and Anti-Racism \(StEAR\) Framework<sup>1</sup>](#)
- [Indigenous Strategic Plan](#)
- [Student Strategic Plan](#)
- [Focus on People Plan](#)

Some key themes that emerge from the relevant strategic plans and frameworks are EDI and anti-racism, promotion of a respectful, vibrant and engaging environment, and transformational approaches to UBC systems renewal. Some plans, such as the ARIE Final Report, contain specific recommendations for the IO, including the appointment of investigators with relevant lived experience in race-related discrimination complaints.

### Community Feedback

The IO welcomes feedback from UBC community members at all stages of our processes. Hearing from community members helps us understand what we are doing well, and what we can do better.

Participants have thanked the IO team for providing detailed information about complaint processes, and keeping them updated while processes are unfolding. Importantly, folks shared that they felt heard by IO Investigators in their interviews. Community members have told us that the IO's investigation reports are well-reasoned and comprehensive, and described their interactions with the IO team as kind and respectful.

At the same time, we hear and are striving to respond to community members' constructive feedback. Community members have shared frustration about the length of time that investigations can take. We have also heard that the amount of information and legalese used in investigation reports can be dense and overwhelming. Finally, it can be confusing for parties when they are receiving information from

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

multiple UBC offices that manage different parts of complaints processes, and we continue to hear from people who do not agree with the IO's investigative decisions.

We also heard feedback through the community consultation phase of the Sexual Misconduct Policy review this year. Community members said that better education on the Sexual Misconduct Policy is needed; in particular, individuals asked for more information about UBC's various resource offices, expectations under the Policy, and how to support both complainants and respondents. The need for role clarity and better communication between responsible offices under the Policy was also emphasized. Finally, the community called for expanded jurisdiction to investigate incidents that did not occur in the course of UBC activities, but have nonetheless impacted an individual's UBC experience.

## Priorities and Progress

To further UBC's strategic commitments, and respond to the community feedback we have received, the IO identified the following interrelated priorities for the 2023-24 year. From July 1, 2023 to June 30, 2024, the IO prioritized the following key action items:

**Priority 1 – Excellence in Investigations Practice:** ensure quality investigations through the continued development and implementation of practice standards. This year, the IO:

- Appointed a Practice Standards Lead to capture best practices in internal guidelines.
- Deepened the new Investigators onboarding program, including adding standardized training in investigating sexual harm, and partnering with a senior Investigator.
- Completed professional development in decision writing, promoting the use of point-first writing and plain language.
- Engaged in collaborative case management with relevant UBC partners, including the Sexual Violence Prevention and Response Office (SVPRO), EIO, Respondent Resource Specialist, Student Conduct, Human Resources, the Ombudsperson for Students, and Campus Security.

**Priority 2 – Improved Investigation Timelines:** ensure investigations are conducted in a timely manner, while upholding the principles of procedural fairness and a trauma-informed approach. This year, the IO:

- Tracked investigation timelines to identify and manage sources of delay.
- Engaged in proactive investigation planning, setting milestones for completion of various phases of the investigation, for example: interviews, report writing, and internal review.
- Collaborated with investigation participants and campus partners to ensure timely participation by complainants, respondents, and witnesses.



**Priority 3 – EDI Competencies:** ensure IO team members have relevant EDI competencies, including varied lived experiences across our internal and external Investigator pools. This year, the IO:

- Recruited and retained Investigators with relevant EDI competencies, including varied lived experiences.
- Developed a roster of external IBPOC investigators.
- Completed professional development on EDI competencies, including:
  - Trauma-Informed Approaches to Working with Indigenous Clients
  - Recognition and Response to Neurodiversity
  - Evaluating Credibility from an EDI Perspective
  - Accessible Interviewing
- Implemented learnings from professional development in practice standards.

**Priority 4 – Capacity Building in ARPs:** build and apply theoretical and practical knowledge in restorative justice to enhance the IO's ARP offerings. This year, the IO:

- Completed a 12-week course, Applying Restorative Justice to Campus Sexual Harm through the University of San Diego Center for Restorative Justice.
- Appointed an ARP Practice Standards Lead to re-imagine and ground the IO's ARPs in restorative justice principles and ensure processes are culturally responsive.

**Priority 5 – Community Engagement & Training:** ensure UBC community members are aware of expectations and resources under the Sexual Misconduct Policy, Discrimination Policy and Retaliation Policy. This year, the IO:

- Obtained approval from the Required Training Oversight Committee to implement mandatory training on preventing and responding to sexual violence for UBC employees.
- Participated in community engagement opportunities such as Imagine Day, Campus Safety Week, and many others.
- Offered confidential, no-obligation consultation meetings for individuals considering submitting complaints.

**Priority 6 – Governance:** participate in the development of UBC-wide policies in accordance with legislative requirements, and engage with public bodies on sector-wide issues. This year, the IO:

- Participated in the review of the Sexual Misconduct Policy.
- Participated in the development of the *PIDA* Policy.
- Provided feedback on WorkSafeBC's proposed regulations on Harassment and Violence, promoting alignment with the Sexual Misconduct Policy and a trauma-informed approach.
- Participated in the BC Ministry of Post-Secondary Education and Future Skills draft Sexual Violence Action Plan consultation sessions.

## Statistics and Trends

### Education and Engagement

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

### Education Statistics

The IO delivered the following education and engagement programming from July 1, 2023 to June 30, 2024:

- Consultation meetings: **19**
- Education and outreach activities: **39**
- Participants engaged: **1,373**
  - Student participants: **957**
  - Employee participants: **416**

Some key education and engagement opportunities included:

- Imagine Day – IO booth
- Allard Law Student Resource Fair – IO booth
- Postdoctoral Fellows Orientation – Introduction to IO presentation
- Campus Security Week – IO booth
- Investigations Community of Practice – Presentation on inclusive complaint processes
- EIO and IO – Collaborative process mapping session
- RCMP and Campus Security – Connecting community partners presentations
- First Nations House of Learning Indigenous Student Lunch – IO booth and presentation
- Co-op Council and Experiential Learning – Introduction to IO presentation
- Faculty and Employee Relations Meeting – IO Q&A period
- Queer Faculty and Staff Collective Meetings – IO attendance
- Disability Affinity Group Meetings – IO attendance

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

SVPRO

Equity & Inclusion Office

Faculty of Medicine

Allard School of Law

First Nations House of Learning

Campus Security

AMS Sexual Assault Support Centre

Queer Faculty and Staff Collective

Trauma-Informed Practice Advisory Group

Faculty and Employee Relations

Disability Affinity Group



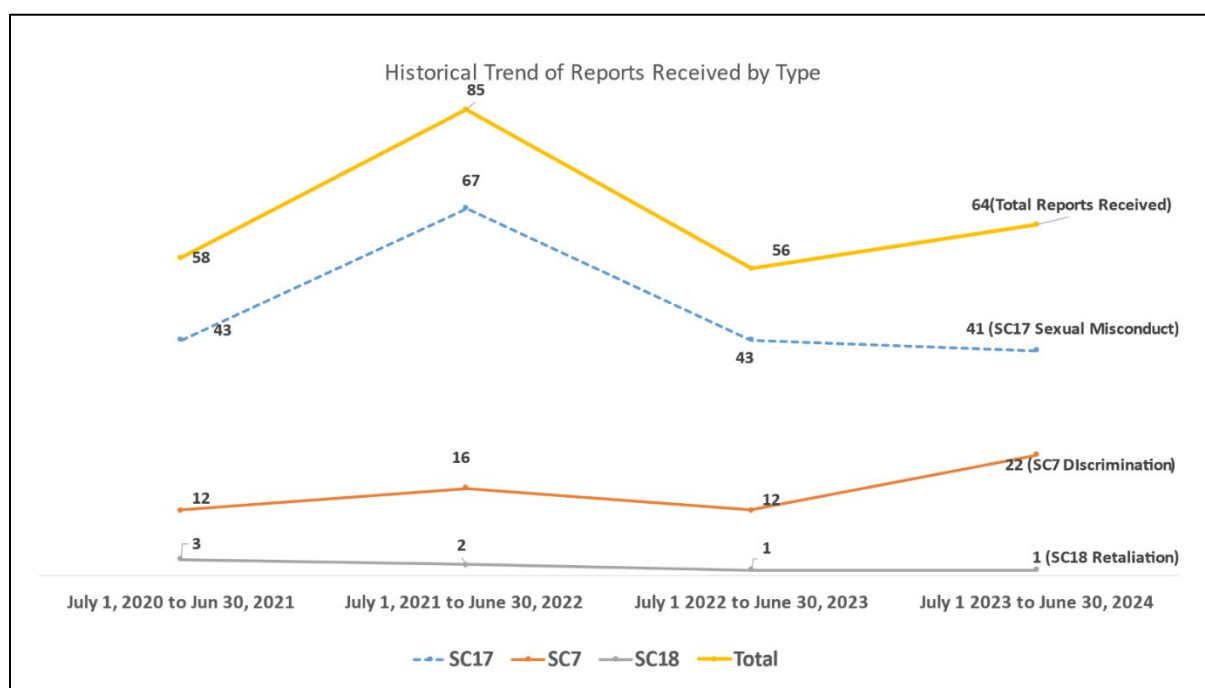
## Overall Reporting Trends

The IO has seen an increase in the number of complaints in the 2023-24 reporting year, due to a significant increase in discrimination complaints.<sup>2</sup> Reports of sexual misconduct have decreased slightly in the last year, while reports of retaliation have remained constant.

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

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

The year-over-year overall reporting statistics are presented in the chart and table below.



	2020-21	2021-22	2022-23	2023-24
<b>Total Reports</b>	58	85	56	64
<b>Sexual Misconduct Reports</b>	43	67	43	41
<b>Discrimination Reports</b>	12	16	12	22
<b>Retaliation Reports</b>	3	2	1	1

<sup>2</sup> Discussed in further detail in the Discrimination Policy section below.

## Sexual Misconduct Policy

### Reporting Statistics

From July 1, 2023 to June 30, 2024, the IO received **41 reports** of sexual misconduct, which was a slight decrease of 4.5% from last year. Of the 41 reports we received:

- **32 reports** related to UBC Vancouver; **9 reports** related to UBC Okanagan.
- **17 reports** did not meet the jurisdiction requirements of the Sexual Misconduct Policy. As a result, the IO was unable to investigate these reports. The most common jurisdiction requirement that was not met was that “the alleged conduct must have occurred in a context that has a real and substantial connection to UBC” (section 3.1.3 of the Policy). In response to community feedback, amendments to this section will be proposed through the Sexual Misconduct Policy review.
- **22 reports** were referred for investigation. **1 report** was withdrawn before being referred to investigation.
- **1 report** was referred to an ARP.

The parties to the complaints were:

	Complainant <sup>3</sup>	Respondent
Student	37	17
Employee	8	17
Dual-Status (Student and Employee)	3	2
Non-UBC or Unknown	4	5

### Investigation Statistics

Of the 22 reports that were referred for investigation from July 1, 2023 to June 30, 2024, investigations have been completed for **17 reports** as of the date of this Annual Report. The results from the completed investigations were as follows:

- **10 investigations** found a breach of the Sexual Misconduct Policy.
- **7 investigations** found no breach of the Sexual Misconduct Policy.

**4 investigations** that were initiated during this reporting period remain in progress. **1 investigation** was closed because the complainant withdrew their complaint.

<sup>3</sup> Some complaints had multiple complainants.

## Discrimination Policy

### Complaints Statistics

From July 1, 2023 to June 30, 2024, the IO received **22 complaints** of discrimination, which was an increase of 83% from last year. We believe this significant increase was largely due to increased capacity and staffing on the EIO's Human Rights team, which supports community members in raising discrimination concerns. The EIO also had a significant increase in requests for advice and informal resolution relating to discrimination matters, many of which arose from ongoing geo-political tensions. Of the 22 complaints we received:

- **21 complaints** related to UBC Vancouver; **1 complaint** related to UBC Okanagan.
- **8 complaints** did not meet the jurisdiction requirements of the Discrimination Policy. As a result, the IO was unable to investigate these complaints. The most common jurisdiction requirement that was not met was that “the alleged conduct must fall within the definition of Discrimination” (section 4.6.3 of the Procedures Associated with the Policy). More specifically, complainants often failed to articulate why they believed the adverse treatment at issue was connected to a protected characteristic under the *BC Human Rights Code*. Complainants also frequently alleged conduct that is connected to a protected characteristic, but is not severe enough to meet the legal definition of discrimination, which requires a single egregious incident, or a pattern of conduct. In those cases, complaints were referred to the relevant Administrative Head of Unit to address under the Respectful Environment Statement.
- **13 complaints** were referred for investigation.
- **1 complaint** was resolved in a concurrent external legal proceeding.

The parties to the complaints were:

	Complainant <sup>4</sup>	Respondent <sup>5</sup>
Student	18	0
Employee	13	17
Dual-Status (Student and Employee)	2	4
Systemic Complaint (UBC)	0	3

<sup>4</sup> Some complaints had multiple complainants.

<sup>5</sup> Some complaints had multiple respondents.

## Investigation Statistics

Of the 13 complaints that were referred for investigation from July 1, 2023 to June 30, 2024, investigations have been completed for **7 complaints** as of the date of this Annual Report. The outcomes of the completed investigations are as follows:

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

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

## Retaliation Policy

Under the Retaliation Policy, the Director of Investigations is responsible for managing retaliation concerns that arise from sexual misconduct or discrimination complaints. If retaliation has not yet occurred, the Director can recommend anticipatory protective measures to prevent retaliation. If an individual believes that retaliation has occurred, the Director may recommend protective measures to prevent further retaliation, and/or refer the matter for investigation.

From July 1, 2023 to June 30, 2024, **4 individuals** raised retaliation concerns, which the Director managed as follows:

- In **2 cases**, the Director recommended anticipatory protective measures, which were implemented.
- In **1 case**, the Director referred the complaint for investigation. The Investigator determined that no retaliation occurred.
- In **1 case**, the Director determined that the alleged conduct did not constitute retaliation if proven. As such, no measures were taken in response.

## Consolidated Investigations

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

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

- **3 investigations** involved alleged breaches of the Student Code of Conduct.
- **7 investigations** involved alleged breaches of UBC's Respectful Environment Statement.
- **1 investigation** involved an alleged breach of professional standards.
- **1 investigation** involved an alleged breach of the Conflict of Interest and Commitment Policy.

Consolidated investigations have been effective in reducing parallel investigations, minimizing trauma associated with speaking to multiple investigators, and managing costs. However, the complexity of these cases has resulted in increased timelines, which is a factor that needs to be addressed moving forward.



## Looking Ahead

The University environment continues to be a dynamic one, with many forces impacting community members' ability to teach, learn, research, study, and work. There are factors impacting our environment and behaviours, including the cost of living, food insecurity, geo-political tensions, diverse cultural norms, polarization of viewpoints, power differentials, and the impact of social media, to name a few. All of these factors are impacting the UBC community, and in some cases, leading to conflict and violation of UBC policy.

As the University environment changes, we are adapting and innovating to deliver relevant, sustainable services to UBC community members. In the upcoming year, the IO will continue to focus on conducting timely, defensible investigations, promoting restorative forms of complaint management, and increasing awareness of expectations and resources under various UBC policies.

Some key upcoming priorities for the 2024-25 year include:

- Developing and launching required training for UBC employees on preventing and responding to sexual misconduct.
- Implementing the *PIDA* Policy in accordance with the *Public Interest Disclosure Act*.
- Expanding the IO mandate to include investigations under the Respectful Environment Statement.
- Re-orienting ARPs around restorative justice principles, and considering the ways in which ARPs can adapt to be culturally relevant to participants holding varied identities.
- Partnering with the Office of the Vice President, Human Resources on expanding informal conflict management practices across the University.
- Revising our investigation report template to be more user-friendly and accessible.
- Completing further professional development in EDI competencies, including Investigating Race Based Cases.
- Improving investigation timelines, with a focus on external investigators, whose investigations tend to be less timely than internal investigators.
- Seeking stakeholder input, including from the Deans, Faculties and Administrative Heads of Units to improve the IO's practices and processes.