

Sexualized Violence Prevention and Response Policy (GV0245 – the “Policy”):

Understanding the Sexualized Violence - Investigation Process

Transparency is an important part of fostering an environment where Survivors and Those Impacted by Sexualized Violence feel safe reporting Sexualized Violence. The University is committed to supporting all Survivors and Those Impacted by Sexualized Violence while instituting fair and unbiased response processes. This fact sheet has been created to help members of the University Community understand the procedures for Sexualized Violence - Investigations, under the Policy. If you have any questions, please contact the Sexualized Violence Resource Office (“SVRO”) in Equity and Human Rights Office (“EQHR”). Contact information is available at the end of this fact sheet.

Making a Report

The investigation process begins when a Survivor or Those Impacted by Sexualized Violence makes a report through the SVRO in EQHR. A person who makes a Report of Sexualized Violence (“Report”) under the Policy is referred to as a “Complainant”. A person who may be subject to investigation after a Report is referred to as a “Respondent”.

All persons involved in an investigation may bring a support person of their choice to any meeting or interview. A support person is separate from a union or legal representative.

Information and support are available through EQHR to assist anyone who has questions about reporting and/or who wishes to make a Report. EQHR is here to explain the implications of initiating, and participating in, an investigation. We encourage all involved to work with on and off-campus supports.

Review of Report

When EQHR receives a Report, the Manager, Case Resolution, will acknowledge receipt and review to determine if:

- the Report falls within the scope of Policy GV0245 (i.e. jurisdiction), and
- there is enough information to proceed with an investigation.

EQHR may also invite the Complainant to a meeting to discuss the Report further to gain more information about the incident from the Complainant’s perspective.

Decision to Investigate

Within five (5) business days, the Complainant and the Respondent will be notified in writing of (1) the decision as to whether or not to carry out an investigation and (2) the name(s) of the investigator(s) (the “Notice”). The Respondent’s Notice will include the Report, to allow the Respondent to understand and respond to the details of the Report.

Information on the following will also be made available:

- Accessing supports and other resources;
- What to expect during the investigation process;
- Understanding your rights during the investigation process;
- Step by Step Guide to the Voluntary Resolution Process.

Both Complainants and Respondents will have access to support throughout the process.

The Investigation

Information Gathering

The investigator will give all involved parties the opportunity to provide information related to the Report.

At no point in an investigation will a Complainant or Respondent be required to meet together.

If you choose to share information with the investigator in person, you can expect the following when you meet with an investigator:

- To be treated with compassion and respect;



- To be asked a series of questions about the incident in a Trauma-informed, non-adversarial manner;
- The opportunity to bring a support person;
- The opportunity to bring legal counsel (note, 3 business days' notice is required);
- The opportunity to share documentation you think is relevant with the investigator (e.g. emails, phone or text messages, social media records etc.);
- Information in advance of the meeting on how to prepare and what to expect.

The investigator may interview witnesses, including witnesses suggested by a Complainant or Respondent.

Interim Summary of Information

Once the investigator has concluded with collecting initial information, an Interim Summary of Information will be created and shared with the Complainant and the Respondent.

The interim summary will include:

- summaries of interview statements from parties and witnesses; and
- other information gathered during the investigation.

The Complainant may choose to submit written comments to the investigator regarding the interim summary, and may choose to include comments that address the impact of the harm caused by the Sexualized Violence incident.

Upon receiving the interim summary, the Respondent has 10 business days to provide a written submission to the investigator or seek an opportunity to test the information contained in the interim summary (for example, by submitting questions to the investigator). There is no general right to cross-examination under the Policy.

Decision and Investigator's Findings

After concluding their investigation, the investigator will determine whether the Policy has been violated using the balance of probabilities standard of proof. This means that the information must show that it is more likely than not that the Respondent violated the Policy in order for the investigator to find that the Respondent is responsible.

The investigator may conclude:

- (a) The information does not on balance show that the Respondent violated the Policy;
- (b) The information shows that the Respondent violated the Policy; or
- (c) Based on the information assessed, a determination that the Policy was violated could not be reached.

Sanctions

If the investigator finds one or more Policy violations, the Administrative Authority will determine sanctions, in accordance with any applicable collective agreement, which will be set out in writing with reasons for the Respondent. Respondents have the right to appeal and will receive information on appeal procedures.

The Complainant will receive notice of the Investigator's Findings and will only be informed about sanctions that affect their health or safety.

Unsure? Seek Advice

The **SVRO** in **EQHR** can assist Survivors and Those Impacted by Sexualized Violence, as well as any member of the University Community.

If you have questions or concerns about the Policy, including questions about your rights and options under the Policy, or if you wish to make a Disclosure and/or Report, please call the SVRO: 250-721-8021

For more information, including access to an electronic copy of the Policy, visit:

<http://www.uvic.ca/equity/>