

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

Understanding Potential Outcomes

The University of Victoria (the “University”) is committed to promptly responding to Reports of Sexualized Violence. All University investigations and adjudicative processes will follow principles of fairness and natural justice, and will protect the rights of the Complainant, the Respondent and Witnesses. This guide was prepared by the Sexualized Violence Resource Office (“SVRO”) in the Equity and Human Rights Office (“EQHR”) to assist in understanding the potential outcomes under the Policy’s Appendix D – Sanctions and Appeal Procedures where the Respondent is a Student (“Appendix D”).

Investigation Findings

Once an investigation is concluded, the investigator will prepare the final investigation report, this report will include:

- a summary of the information the investigator considered;
- assessment(s) of credibility,
- findings of fact,
- a determination of whether or not UVic Polic(ies) were violated, and
- reasons for the findings.

The investigator may reach one of the following conclusions:

- (1) the information does not show, on a balance of probabilities, that the Respondent violated the Policy;
- (2) the information does show, on a balance of probabilities, that the Respondent violated the Policy; or
- (3) based on the information assessed, a determination that the Policy was violated could not be reached.

Both the Complainant and Respondent will be informed once the investigation process is complete and a decision has been made on whether or not the Respondent was found responsible under the Policy.

Sanction Decision

If it is determined that the Policy was not violated, or a determination could not be reached, no sanctions will be applied. Both the Complainant and Respondent will continue to have access to support.

If the conclusion is that the Respondent violated the Policy, the applicable Administrative Authority will be notified of the decision. The Administrative Authority will then reach a decision on an appropriate sanction(s).

Decisions on appropriate sanctions will be made based on a number of considerations including (but not limited to):

- nature of the harm caused;
- Complainant’s statement regarding impact of the harm;
- interests of the University Community;
- Respondent’s willingness to participate in the investigation and take responsibility for their actions.

When a sanction is applied against a Respondent, the key goal is to help the Respondent better understand the impact of their actions and, when appropriate, support the Respondent in repairing the harm. Sanctions are not predetermined, but are reflective of the specific circumstances of each case.

Sanction examples are set out at section D7.00 of Appendix D. Additional information on sanctions is set out in sections D8.00 – D16.00.

In the case of students, if the Administrative Authority determines that a temporary or permanent suspension may be appropriate, the

Sexualized violence resource office in EQHR
SVPCOORDINATOR@UVIC.CA | 250-721-8021



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matter will be referred to the President to decide sanctions. If the President then decides that a suspension may be appropriate, the Respondent will be provided with the decision and a copy of the investigator's findings and an opportunity to make a submission to the President on the appropriate sanction.

In all cases, after the sanction decision has been made, the Complainant and Respondent both receive a copy of the investigation findings.

For confidentiality and privacy reasons, a Complainant does not receive a copy of the sanction decision but may be informed about a sanction that affects their health or safety.

Appeals

A Respondent who wishes to appeal their sanction, or a decision that led to their sanction, must submit their appeal request to EQHR, who will direct it to the appropriate appeal body. Questions about the appeal process can also be directed to EQHR.

Voluntary Resolution Process ("VRP")

Please refer to the Information Sheet – "Understanding a Voluntary Resolution Process", from EQHR. Under the Policy, at any time during an investigation, either the Complainant or the Respondent may make a request to participate in a VRP. This process may occur before, during, or after an investigation. The Complainant, Respondent and the University must all voluntarily agree to the process. A VRP may include but is not limited to: education, mediation or facilitated conversation between the parties, conflict coaching, a recognition of impact statement or letter, or, behavioural agreement or voluntary letter of agreement.

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 line: 250-721-8021

For more information, including access to an electronic copy of the Policy, visit:
<http://www.uvic.ca/equity/>

This information sheet is intended for general information purposes only. It is not intended to replace the Policy or provide or replace legal advice.