

Affirmation of Understanding of UFV's Student Conduct Investigation Process

Step 1: Ask to see student / photo ID and ask if the interviewee gives permission for the interview to be audio-recorded.

Step 2: For the tape recording: state that this is an investigative interview; state interviewer's name, interviewee's name, indicate whether Respondent/Complainant/Witness, date, case number, and identify any support persons attending.

Step 3: At the beginning of the interview, obtain the interviewee's initial's confirming their permission and understanding of the following:

I have given permission for the interview to be audio-recorded

I will be given the Opportunity to Ask Questions

Expectations and Limits of Confidentiality (Including FOIPOP)

- *Expect confidentiality to be maintained, details kept private among those directly involved, don't discuss with other students, instructors or colleagues. Participants are permitted to seek support and share information as needed for this purpose. Breaching confidentiality may be considered an act of misconduct and may result in sanctions.*
- *It is our expectation that no retaliation is to happen towards the person that brought forward a complaint. Any form of retaliation will be considered an act of misconduct and result in sanctions.*
- *Explain that investigator will keep all information obtained confidential but may discuss the case with relevant UFV employees as deemed necessary during the investigation to discover the full facts of the case or to assist the parties involved in securing support services/resources. However there are limits to confidentiality such as, when a student is/appears to be at risk of harming him/herself or others or divulges information concerning the harm of a child or an illegal act, as employees of the University we are obligated to report such incidences.*
- *FOIPOP – a student may request permission to view his/her student conduct record, but may only have access to information that does not breach the confidentiality of others. Requests are made through the Office of FOIPOP, <http://www.ufv.ca/informationprivacy.htm>.*



I understand that this interview is being audio recorded and that recording will act as the primary record of this interview. I understand that it is a serious act of misconduct to willfully make a false statement during this interview.

- *Since the interview is being recorded, I may just write down some key points for myself, leaving the details to be captured by the recording.*



The role of the Support Person(s) has been explained to me.

- *Support person(s) are welcome for moral support only. They are not permitted to answer any questions about the incident. Support persons are not representatives who speak on behalf of the student.*
- *Support person(s) may assist the student in asking the right questions.*
- *The investigator may ask if the support person has any questions about the process at the end of the interview.*
- *Legal representation is NOT permitted, as this is a University administrative process not a legal process.*

I hereby give permission for the following person(s) to be at today's meeting:

list support person(s) here

-
-

Signature: _____

Date: _____

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The interviewer, at the beginning of the interview, will review the following components of the Student Judicial Affairs process:

- Expectations during the Interview
 - It is expected that all parties present will display mature and respectful behavior. Offensive or threatening language and / or behavior will not be tolerated.
- Philosophy Statement of how UFV addresses student conduct

UFV is committed to providing a civil and safe university that is respectful of the rights, responsibilities, well-being and dignity of all of its members.
- Due Process (including differentiation of administrative vs. legal process)
 - a. the respondent has the right to know the allegation(s) made against him/her
 - b. the respondent has the right to know who made the allegation
 - c. you will be informed of the process of the investigation (that is what we are reviewing right now)
 - d. the respondent has the opportunity to respond to the allegation and to have an impartial and objective investigator and decision-maker
 - e. to hear and respond to the findings of the investigation
 - f. to have the opportunity to have a support person with you
 - g. to have a timely process (explain timely within a judicial affairs timeframe)
 - h. to know the outcome of the investigation
 - i. sanctions given are proportionate to the severity of the violation
 - j. if found responsible, the respondent *may* have the right to appeal

This is a University administrative process. The process is to aid in determining if a policy violation occurred, what harm was caused, who caused the harm and what needs to be done to repair the harm.

A criminal process is a legal process that determines the guilt or innocence with regards to a violation of the Criminal Code of Canada. A criminal process is wholly independent of UFV's student conduct process.

*If you know that there may be a criminal investigation then also explain the following: A conduct investigation may be concurrent with a police/legal investigation. A student may receive university administrative sanctions independent of the results of a criminal or civil investigation and vice versa. Moreover, students may be held accountable by more than one process, or found responsible in one process but not another. The University will proceed with its investigation in accordance with its policies and procedures, independent (but in cooperation) with any police investigation(s).

- The Purpose of the Interview & Role of the Investigator
 - The purpose is to gather information in order to facilitate a timely and fair response to an alleged incident of student misconduct. The interviewer's role is to gather information; to inform parties of the process; and to make recommendations based on information gathered. It may be necessary for follow-up calls/emails and/or schedule a follow-up interview.
- Options for Resolution (Formal vs. Informal Administrative Process; informal including mediation or restorative action)
 - Formal Administrative Process - Once the investigation is concluded, a final report is written and submitted it to the Director of Life and Development. If the incident is considered a low level violation then the Director renders a decision and finds the allegation either substantiated or unsubstantiated.
 - Informal Administrative Process may include mediation or Restorative Action. For example, if the Respondent is willing to take full responsibility for their actions, accepts sanctions, and no one else was harmed by the misconduct, then further investigation is not required.
 - Mediation may be suggested if: 1) the investigation shows that there isn't a conduct code violation; 2) there is an interpersonal conflict issue that may be resolved; and 3) all parties are willing to participate.
 - Restorative Justice Approach – If the Respondent willingly takes responsibility for his/her actions, is willing to work with the Complainant to decide how best to repair the harm caused in the incident; AND the Complainant is also open to such a process, then a Restorative Action Meeting may be suggested. A Restorative Action meeting is a facilitated meeting where a trained mediator will serve as an impartial facilitator at the meeting between the parties involved. The group will answer scripted questions, and work towards a mutually agreed upon response to the incident. A Restorative Action Agreement is the result of the meeting and

the Respondent will have a set time period to fulfill any agreed upon actions required as part of the agreement. If the agreement is completed in full, the incident is closed as complete, and the student(s) found responsible for the incident will not receive any administrative sanctions. A note will remain on the student's conduct file of having participated in a restorative action process. As this process is strictly voluntary, there is no appeal option for this process. If at any point in time either party opts out of the process, or the agreement is not completed, the incident will revert back to the Administrative process where a decision is rendered and sanctions may be applied.

Standard of Proof (“More Likely than Not”), Mitigating Factors, and Decision Making Process

- When rendering a decision on a conduct allegation, the University adheres to a standard of proof that is “a preponderance of the evidence. For an allegation to be substantiated, it must be shown that it is ‘more likely than not’ that a policy violation occurred. This standard is lower than what one would find in a court of law where the Standard of Proof is “beyond a reasonable doubt”.
- When making a decision, the Director will consider Mitigating Factors, which may include the Respondent’s present attitude, any extenuating circumstances leading up to and during the incident, the parties’ student conduct history, the nature of the current offence, and the severity of the harm caused. These factors will be taken into consideration when imposing sanctions.
- If the decision is that the allegation is substantiated, the Director will also determine responsibility for the misconduct and depending on the situation the responsibility may be shared.

Sanctions and Recommendations

- A sanction is a consequence and learning opportunity that a student receives for violating University Policy. Sanctions are designed (where possible) to be self-reflective, educational, engaging (active) and restorative for all parties harmed by an incident of misconduct.
- Sanctions are considered and given according to the merits of each specific case.
- Sanctions can be active (requiring active participation e.g. writing a reflection paper, doing community service) or inactive (sanction is applied and requires no action by the student e.g. an official reprimand, suspension).
- Apology letters are not a sanction and will not be required. An apology is recommended if the Respondent indicates he/she genuinely wants to apologize.

All apology letters will be submitted to the Director of Student Life and Development to ensure it meets the standards as set out by the Vice President Students. Guidelines for writing an apology letter will be provided to any student wanting to write an apology letter.

- Likewise, counseling or other support services are not sanctions but may be recommended, or even required, as a condition to putting yourself back into a positive relationship with the University.

Decision Letters

- If the allegation is substantiated, the Respondent and Complainant will each receive a decision letter indicating the findings and subsequent sanctions. The Director, Student Life and Development will track the progress of any given sanctions e.g. meeting deadlines.
- Any sanctions that are applied will be documented. The complainant has the right to know the details pertaining to any sanctions that have a direct impact on them. All other sanctions are considered confidential.
- If the allegation is unsubstantiated, the Respondent and Complainant will each receive a decision letter indicating the findings.
- Any witnesses or others involved will receive a letter simply stating that the investigation is concluded, that the decision is a private matter between the two parties and thanking them for their time and input in the process.
- All decision letters will be kept in the confidential case file.

Case Files

- All case documentation will be maintained in a student conduct case file located in the Office of the Vice President, Students. All substantiated case decisions will remain on the student's conduct file for a period of seven (7) years.
- All case files are deemed confidential and only those involved in the case will be privy to the information within the case file.

Appeal Process

- Appeals can only be made from the outcome of a Formal Administrative Process. Appeals must be submitted in writing within 14 days from the date on the final decision letter. Appeals are heard only on the grounds of: a) student is able to demonstrate there was procedural unfairness or bias in the investigative process; b) new information has become available that was not available at the time of the

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initial investigation and this information could reasonable alter the final decision; or c) student is able to demonstrate that the final decision is excessive, unreasonable or unfair.

I, _____, affirm that I have had explained to me, and I
print name here
understand the above-listed components of the student conduct investigative process:

Signature: _____ Date: _____

Interviewer (witness): _____ Date: _____