

Guidelines for Preparation & Participation in a Student Conduct Investigative Interview

The following guidelines are based upon the principles of procedural fairness and natural justice. Please read the following document carefully. If you have further questions regarding how to prepare for or participate in an investigative interview, please call the Office of Student Life and Development at (604) 557-4092

- Any member of the University community has the right to bring a complaint forward even if that complaint is ultimately found to be unsubstantiated.
- When a complaint is made the person making the complaint is called the Complainant and the person whom the complaint is about is called the Respondent.
- The Complainant has the right to the following:
 - To make a complaint;
 - To not be subjected to retaliation or reprisal;
 - To present their complaint in person;
 - To be informed of due process in the investigation process;
 - To have the case investigated by an impartial investigator;
 - To know the final decision/outcome of the investigation; and,
 - To have the decision in writing.
 - To appeal the final decision on the following grounds: can show alleged unfairness or bias in the process, if new information has become available, or can demonstrate that the final decision is excessive, unreasonable or unfair.
- Once a complaint is filed, a Respondent has the right to the following:
 - To know the allegations against him/her, and to receive the allegation(s) in writing;
 - To know who made the allegation(s);
 - To be given an opportunity to respond to all of the allegations in person;
 - To be informed of due process in the investigation;
 - To have the case investigated by an impartial investigator;
 - To know the final decision/outcome of the investigation;
 - To have the decision in writing; and,
 - To appeal the final decision on the following grounds: can show alleged unfairness or bias in the process, if new information has become available, or can demonstrate that the final decision is excessive, unreasonable or unfair.
- Complainants, Respondents and all witnesses are expected to conduct themselves in a professional manner during the investigation. It is expected that the person being interviewed will be civil, respectful, truthful and forthright.
- It is a serious student conduct offence to make an intentional false allegation or statement during a conduct investigation.
- Please arrive on time to your investigative interview. Rooms are typically booked for a set time, and there may not be space or flexibility to reschedule for that day. Most interviews take approximately one (1) to 1.5 hours to complete. If you need to reschedule the meeting, please call in advance to 604-864-4677. If you are running late, the interviewer will only wait in the room

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- for a maximum of 15 minutes at which point you will be deemed to have missed the interview and will need to reschedule.
- Students will be required to show picture identification at the beginning of the investigative interview.
- Students will be required to initial and sign a statement after they have had their rights and responsibilities in the conduct & investigative process explained to them indicating that this explanation happened and that they understand their rights and responsibilities and the process.
- The investigator may contact witnesses or other individuals who may have pertinent information regarding the investigation and request that the individual(s) attend an investigative interview.
- It is expected that the details of the student conduct investigation will be kept private and confidential among those directly involved in the case or investigating/managing the case. Participants in a conduct investigation are asked not to discuss the case with other students, instructors or colleagues. Breaches of confidentiality may be considered an act of misconduct, and may result in disciplinary action.
 - **Note 1:** You may discuss your case with a support person (counselor, family member, UFV Student Advocate, or confidante), but it is your responsibility to ensure that confidentiality is maintained.
 - **Note 2:** Confidentiality may not be protected if a student is/appears to be at risk of harming him/herself or any community member, has made reference to harming a child, shares knowledge of a child being harmed or shares information regarding an illegal act. In such cases, relevant information will be shared with the appropriate authorities to ensure the safety of the student and/or University community.
 - **Note 3:** The investigator may share or request information with other UFV administrators, staff or faculty if it is deemed pertinent to the investigation. Information is shared only on a need to know basis, or based on the “duty to warn or the duty to inform” principle for the UFV community, or any person associated with the investigation. All UFV Administrators, Staff & Faculty are likewise bound to uphold utmost confidentiality regarding the investigation.
 - **Note 4:** Confidentiality is not synonymous with anonymity. The Vice President, Students Office will not accept anonymous complaints.
- Investigations will be conducted in a fair and timely manner. A ‘typical’ case takes approximately forty-five (45) working days to complete. However, parties must recognize that in the interest of procedural fairness, or due to extenuating circumstances, the process, at times, may take longer than originally anticipated. Additionally, some cases may take precedence in being addressed due to the nature of its seriousness or risk to the University community. If you have any questions about the status of your case/investigation, please call the Office of Student Life and Development for an update.

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- Any party is permitted to have a support person present with him/her during the investigative interview and/or subsequent meetings. A support person may be present to give emotional support to the participant, but may not answer questions or speak on behalf of the interviewee. The support person is permitted to take handwritten notes of the interview. At the end of the interview, support persons may be given the opportunity to ask questions regarding the investigative process. If an interviewee intends to have a support person present during the investigative interview, s/he is requested to inform the Office of Student Life and Development at least one day (24) hours prior to the investigative interview appointment.
- Investigative Interviews will be digitally recorded, with the consent of the interviewee. The recording can be made available to the interviewee upon written request. The investigator (or an assistant) may also take notes during the interview.
- This is an administrative process to determine if a University policy has been violated versus a criminal process which is a legal process that determines the guilt or innocence with regards to a violation of the Criminal Code of Canada and as such:
 - Legal Counsel is not permitted in an investigative interview. As these proceedings are not legal in nature, lawyers are not permitted. Additionally, the investigator will ask your support person directly if she/he is a lawyer.
 - In preparing for an investigative interview, parties should be aware that an allegation will be substantiated if it can reasonably be shown that the incident was 'more likely than not' to have occurred.
- UFV's Student Association provides student advocacy for students facing misconduct allegations, whether the allegations are academic or non-academic related. The Student Advocacy Coordinator may assist you in preparing for your investigative interview; help you in understanding UFV's policies and procedures, and in understanding the student conduct process. The Student Advocacy Coordinator may be reached at 604 504-7441 ext 4107 or at vpexternal@ufvsus.ca.