



# Formal Complaint Process FAQs

## FAQs About the complaints process under the [Policy on Gender-based and Sexual Violence](#) and [Procedure to the Policy](#) on Gender-based and Sexual Violence.

### **What is the difference between a “disclosure” and a “complaint/report”?**

A “disclosure” is the sharing of information about an incident of gender-based and/or sexual violence with a University employee, volunteer, faculty member, student leader, or other affiliated person. A disclosure is made for the purpose of connecting the survivor to supports and resources available on campus and in the community.

A complaint is the sharing of information concerning an incident of gender-based and/or sexual violence with the intention of initiating a formal, non-criminal process with the University.

The decision to make a disclosure and the decision to file a complaint are separate decisions. Someone who has made a disclosure is not required to file a complaint and is not required to request or participate in an investigation by the University.

### **Can I file both a complaint and a police report?**

The complaint process under the *Policy* is a non-criminal process at the University and is distinct from a police report or pressing charges. You may decide to file both a complaint at Western and a report with the police. Note that Western is not permitted to interfere with an ongoing police investigation or court case. It is possible that the complaints process may be put on hold pending the decision to charge the Respondent or pending the results of a criminal court case.

### **Do I have to file a complaint in order to receive supports from Western?**

You are not required to file a complaint to access support. The Gender-Based Violence & Survivor Support Case Manager ([support@uwo.ca](mailto:support@uwo.ca)) is available to connect survivors with resources and support on a free and confidential basis, regardless of whether a complaint is submitted. This support is also available to students who have experienced gender-based and sexual violence outside of their time at Western.

## Can someone help me with safety planning on campus?

*If you are in immediate danger or have immediate concerns about your personal safety, dial 911 to be connected to your local police service.*

You may contact a Staff Sergeant at Campus Safety and Emergency Services by dialing 911 from a campus phone, or by calling the non-emergency line at (519) 661-3300.

You may wish to speak with the Survivor Support Case Manager generally about your safety concerns. You may also wish to connect with Campus Safety and Emergency Services to create a safety plan on campus.

## Who can file a complaint?

The complaints process is open to individuals who, at the time of the incident, were Members of the University Community, which includes students, employees, emeriti, post-doctoral fellows/associates, visiting professors, visiting students, contractors and other affiliated persons. The person filing the complaint is referred to as the “Complainant”. The person responding to the complaint is referred to as the “Respondent”.

Complaints against a Respondent who is a student and/or visiting student will be dealt with under the *Policy*.

Complaints against a Respondent who is an employee, emeritus, post-doctoral fellow/associate, visiting professor, or contractor will be dealt with under the *Non-Discrimination and Harassment Policy* and applicable collective agreement/employment contract. Anyone interested in filing a complaint against such a Respondent should contact the [Human Rights Office](#) for more information.

## What sort of behaviour might constitute a violation of the Policy?

All acts of gender-based and sexual violence are prohibited at Western, and if proven, constitute a violation of the *Policy*. **Gender-based and sexual violence** is defined under the *Policy* as follows:

*Any sexual act or act targeting a person's sexuality, gender identity and gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's Consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, cyber harassment and sexual exploitation.*

## Is there a time limit on filing a complaint under the *Policy*?

In order to be dealt with under the *Policy*, a complaint must meet the requirements as follows:

- the Complainant was a Member of the University Community at the time of the alleged incident;
- the Respondent was a Member of the University Community at the time of the alleged incident;
- the Respondent is a Member of the University Community when the Complaint is filed; and
- the subject matter of the Complaint has not been previously investigated and determined under the *Code of Student Conduct* or the *Non-Discrimination and Harassment Policy*.

For example, if an incident occurred prior to your enrollment at Western, it would not fall within the jurisdiction of the *Policy*. Similarly, if either the Complainant or the Respondent is not enrolled at the time of the incident, it would not fall within the jurisdiction of the *Policy*.

As long as the above-noted requirements are met, there is no time limit on filing a complaint. Time limits may apply where the complaint is handled under the *Non-Discrimination and Harassment Policy*. In such cases, please contact the [Human Rights Office](#) for more information.

## Who receives complaints? What is their role?

Complaints filed under the *Policy* are received by the Office of the Vice-Provost (Students) in Student Experience at Western. A designate of the Vice-Provost (Students), the Senior Advisor, Gender-Based and Sexual Violence (“Senior Advisor, GBSV”) assists with complaints under the *Policy*.

The Senior Advisor, GBSV is responsible for:

- Receiving and responding to concerns and complaints of gender-based and sexual violence.
- Monitoring the progress of complaint processes, including informal resolution (if applicable).
- Acting as the main touchpoint for all parties involved in the complaint process, including the parties, the investigator, and University staff.
- Providing no-obligation consultations on the complaints process under the *Policy*.
- On occasion, investigating complaints filed under the *Policy*.

The Senior Advisor, GBSV does not represent either party to the complaint. Their role is to ensure that all parties understand the process, that the *Policy* and *Procedure* are followed, and to ensure that the process is procedurally fair.

If the Senior Advisor, GBSV is also the investigator in the complaint, they will not be involved in the decision-making process following the investigation.

### **What steps can I expect from the University upon filing my complaint?**

After receiving a complaint, the Senior Advisor, GBSV will reach out via e-mail or telephone if the Complainant has provided their contact information. The Senior Advisor, GBSV will offer appointment times to conduct an initial interview. The Complainant is permitted to bring a support person to this interview, as well as to any subsequent meetings throughout the complaint process (such as throughout the investigation and/or decision-making process). There is no obligation to respond to this e-mail or schedule an interview.

If the Complainant chooses to attend an interview, the Senior Advisor, GBSV will provide an overview of the complaint process as outlined below, and will provide an opportunity to ask questions. The Senior Advisor, GBSV will also provide the opportunity to describe the incident(s) while they take notes. They may ask follow-up questions, which are not meant to invalidate one's experiences, but rather, to ensure that they have all of the information necessary to move forward with a complaint process.

If the Complainant chooses to proceed with a complaint process after this intake, the next step for the University is to notify the Respondent(s) of the complaint against them. The University will send a notice of complaint letter that sets out the allegations, as described during the initial interview with the Complainant. The University will also notify the Respondent of its intention to move forward with a formal complaints process, which may involve either an investigation of the complaint or an informal resolution process.

### **Do I have to move forward with the complaint process after filing my complaint?**

No, you will not be forced to move forward with the complaint process, even after conducting an initial interview. However, if the University becomes aware of information that could pose a risk to the safety of the greater University or campus community, it may take steps to address safety risks. This may mean that the University conducts an investigation or process without your participation.

## **Can I remain anonymous when filing a complaint?**

Western does accept anonymous complaints. However, in many cases, the University will be unable to investigate or otherwise adjudicate anonymous complaints if key witnesses (including the person impacted by the behaviour) are not willing to participate in the investigation. Moreover, if you do not provide any contact information when filing a complaint, the University will be unable to follow-up with the Complainant and/or other impacted parties.

## **Who reviews my complaint?**

The Vice-Provost (Students) or a designate will review the complaint upon receipt. If the allegations appear to fall under the scope of the *Policy*, the next step will be to conduct an intake with the Complainant to gather more information about the complaint.

At that stage, if Western has jurisdiction over the complaint, and if the allegations, if proven to be true, would constitute a violation of the *Policy*, the Vice-Provost (Students) may decide to refer the complaint to investigation or to an informal resolution.

## **What does an informal resolution process look like?**

If both parties agree to participate in an informal resolution process, and if the Vice-Provost (Students) believes that it would be appropriate in the circumstances, the University may first attempt to resolve the complaint informally. The University would not attempt an informal resolution without the consent and participation of both parties.

Informal resolutions are a tailored approach to resolving a complaint in a mutually agreeable way. As such, each informal resolution process looks a little bit different. For example, this may look like a mediated discussion, exchange of written statements, and/or an agreement to participate in education/counselling. A trained staff member will meet with the parties to design and facilitate the informal resolution process.

If a complaint is resolved informally, it does not result in a finding of violation under the *Policy*, and therefore there would be no sanctions imposed. Any outcome in an informal resolution process, including an apology or agreement to education, would be entered into willingly by both parties.

If the informal resolution process is unsuccessful, the University retains the discretion to refer the complaint to an investigation. The investigation would be conducted by someone not previously involved in the informal resolution.

## **Who will be appointed to investigate my complaint? What training do they have?**

The complaint may be investigated by an internal or external investigator, both of whom are required to have knowledge, training, and experience in gender-based and sexual violence investigations and related issues.

## **What is involved in an investigation?**

An investigation under the complaints process is a fact-finding exercise. There is no oral hearing or interrogation. Participants will not be asked to be in the same room as other witnesses or the parties to a complaint.

The investigator will meet individually with the parties, as well as any witnesses. The investigator will schedule either in-person or virtual meetings in accordance with participants' schedules. The investigator may ask questions about the alleged incidents, including recollection of events, what was said/done, and whether there were any witnesses. They may also provide details on what the other party or witnesses have told them and will provide an opportunity to comment on witness evidence.

The investigator may also review evidence in the form of correspondence such as text messages, photographs, videos, and other physical evidence provided during the investigation. At the end of the investigation, the investigator will write a report summarizing the evidence that they obtained through the investigation. They will assess the credibility of the parties and witnesses and will decide whose evidence they accept with respect to the allegations. They will make findings of fact, which means that they will set out what they believe happened based on what they learned from the parties and witnesses. This report will be sent to the Vice-Provost (Students) who will then make a decision as to whether the Respondent violated the *Policy*.

## **Will there be any safety measures implemented during the investigation of my complaint?**

The Vice-Provost (Students) may impose what are called "interim measures" on the Respondent for the duration of the complaint process. In considering appropriate interim measures, the Vice-Provost (Students) considers the interests of both the Complainant and the Respondent, the integrity of the investigation and complaint process, and the health and safety of all Members of the University Community. Every situation is unique and requires careful consideration of appropriate and proportionate interim measures.

Examples of possible interim measures include a no-contact order between the Complainant and Respondent, change to the Respondent's class schedule, removal of the Respondent from residence, or limitations on the Respondent's activities on campus.

Failure to abide by interim measures will be investigated as incidents of gender-based and sexual violence.

Students who have concerns about their safety should consult with [Campus Safety and Emergency Services](#) and/or their local police service, regardless of whether a complaint has been filed or interim measures imposed.

### **Can I request changes to or reconsideration of interim measures?**

A Respondent subject to interim measures during a complaint process may request reconsideration of the appropriateness of the interim measures imposed. The Vice-Provost (Students) will advise the Respondent of the reconsideration decision in writing within three business days of the request for reconsideration. There is no further right of reconsideration or appeal of the Vice-Provost (Students) decision on interim measures.

### **How does Western handle retaliation or threats of retaliation in the context of a complaint process?**

Western does not tolerate threats or acts of retaliation for filing a complaint or participating in an investigation. Such threats or acts of retaliation will be investigated as incidents of gender-based and sexual violence.

The University may take steps as needed to protect the safety of Members of the University community, including removal of the threatening person(s) from campus.

If at any time students have immediate safety concerns, they should consult with [Campus Safety and Emergency Services](#) and/or their local police service.

### **How long does an investigation usually take?**

Western takes seriously complaints of gender-based and sexual violence, and is committed to a fair and thorough investigation process. Thorough investigations may take weeks or months, depending on factors such as complexity, number of parties/witnesses, scheduling conflicts, and the investigator's availability.

The University is committed to the thorough and timely investigation of complaints, and will keep both the Complainant and Respondent apprised of the status of an ongoing investigation. If you have any questions or concerns during an investigation, you are free to contact the Senior Advisor, GBSV.

## **Who will have access to the information regarding the complaint and/or investigation?**

The University will only share information about a complaint or investigation on a "need to know" basis, for the purposes of implementing the *Policy*, including for example providing support, accommodation and interim measures, and the investigation and decision-making processes. This may include for example notifying a Dean of interim measures if those measures include a schedule change.

However, please note that confidentiality cannot be maintained where information needs to be disclosed in order to address a risk to the health and safety of the University community, or where required by law.

## **Do I have to participate in an investigation if I file a complaint?**

Neither party is required to participate in an investigation and may choose to withdraw their participation at any time. However, Complainants should understand that a decision not to participate may prevent the University from investigating and/or making a decision on a complaint.

Likewise, Respondents should understand that a decision not to participate will not be used against them, but may nonetheless be detrimental to Respondents. A decision not to participate will not deter the University from proceeding with an investigation, or from making a decision with respect to a complaint.

Note that the decision not to participate in an investigation does not interfere with or impact a party's right to appeal the decision at the conclusion of the complaints process.

## **Can I bring a support person or advisor to meetings with the investigator?**

Yes, both Complainants and Respondents may invite a support person or advisor (including legal counsel hired at their own expense) to meetings with the investigator. However, support people and/or advisors are not permitted to answer questions on a party's behalf, nor are they permitted to otherwise interfere with the conduct of the interview.

## **This process is really stressful. Can I seek support or academic accommodation?**

If you find yourself in crisis or your personal safety is at risk, dial 9-1-1. For urgent mental health support available 24/7, please connect with [CMHA](#) and/or [Reach Out](#).

On-campus supports are available to all students participating in an investigation. Survivors may seek support and connection to resources from the Gender-based Violence Survivor Support Case Manager at [support@uwo.ca](mailto:support@uwo.ca).

All students may also wish to book a free counselling appointment at [Western's Health Services](#) (same day appointments are sometimes available).

Undergraduate students looking for assistance with academic accommodation should review the University's policies on [Academic Consideration](#) and/or consult with their faculty of registration for more information.

## **What kind of evidence can I present during the investigation?**

For the purposes of an investigation under the *Policy*, “evidence” refers to both physical evidence such as notes, photographs, and text messages, as well as oral evidence which includes a witness’ memories about an event. All participants in an investigation should try to provide all relevant evidence to an investigator. In some cases, there is no physical evidence, and the investigator must rely on oral evidence alone.

Investigators are not permitted to ask irrelevant questions about a Complainant’s sexual expression or past sexual history.

Investigators may choose to interview witnesses who observed the events in question or who may have information about the events in question. Either party may suggest that the investigator interview witnesses, although ultimately, the investigator has the discretion to determine who they will interview. Generally speaking, witnesses who are only able to speak to a person’s character, and have no knowledge of the events in question, are not relevant in an investigation.

## **What happens after the investigation? Will I be notified?**

After the investigator has completed their investigation and their report summarizing their findings, the University will notify the Complainant and the Respondent of the fact that the investigation is complete. The next step will be for the Vice-Provost (Students) to review the report and make a decision about whether the Respondent violated the *Policy*.

If the Vice-Provost (Students) determines that the Respondent has violated the *Policy* by engaging in gender-based and sexual violence, the next step will be to consider appropriate and proportionate sanctions.

## **Who can access the investigation report or information about my complaint process?**

The *Policy* states that both parties to the investigation will have the opportunity to review the investigator's report at the end of the investigation. Otherwise, the report remains confidential and will not be distributed on campus or online.

The only exception would be if a court or tribunal ordered the University to produce a copy of the report or information about the investigation.

## **What are some examples of possible sanctions that could be imposed?**

Sanctions may include, but are not limited to one or more of the following:

- (i) a written warning or reprimand;
- (ii) educational sanctions such as an apology, an educational program, an assignment or counselling;
- (iii) a behavioural contract;
- (iv) exclusion from a class or other area;
- (v) restriction or denial of University services or privileges;
- (vi) no Contact Order;
- (vii) prohibition or limitation of employment;
- (viii) prohibition from entering onto campus;
- (ix) forfeiture of University awards of financial assistance;
- (x) probation;
- (xi) termination of the residence contract;
- (xii) suspension; and/or
- (xiii) expulsion.

## **How does Western make a decision about sanctioning? Do I have the opportunity to provide my input?**

The Vice-Provost (Students) considers multiple factors when making a decision on sanctions, including input from the Complainant and the Respondent; the principle of progressive discipline and Western's role as an educational institution; and the nature and severity of the incident(s).

Neither party is required to provide their input on sanctions or otherwise participate in the decision-making stage of the process. Students who wish to provide submissions on sanctioning may do so in writing and/or in a meeting with the Vice-Provost (Students) or designate. Relevant submissions may include a description of the impact of possible sanctions, impact of the incident or investigation process, or a list of suggested sanctions that you feel are appropriate and proportionate in the circumstances.

## **What happens if I do not agree with the outcome? Can I file an appeal?**

Yes, either the Complainant or the Respondent may file an appeal of the Vice-Provost (Students) decision. The complete appeal application must be filed with the University Secretariat within 30 days of the Vice-Provost (Students) decision on sanctions.

If the *Policy* is not found to have been violated (and therefore no sanctions imposed), then the complete appeal application must be filed with the University Secretariat within 30 days of the Vice-Provost (Students) decision on policy violation.

Note that an appeal may only be filed if it meets the grounds of appeal outlined in the *Policy*.

For more information about the appeals process, please contact the University [Secretariat](#) and/or [Ombudsperson](#).

## **How long does the appeal process usually take?**

The length of the appeal process depends on a variety of factors, including availability of the Adjudicator, whether there is to be an oral hearing, and availability of the parties and/or witnesses for appeal proceedings. The entire appeals process from start to finish could span several months.

For more information about the appeals process, please contact the University [Secretariat](#) and/or [Ombudsperson](#).