

Reports Under the Policy on *Sexual Violence and Sexual Harassment* Involving Parallel Police Investigations and/or Criminal Charges

Parallel reporting is when a Report has been made to the University under the *Sexual Violence and Sexual Harassment Policy* (SVSH Policy) and a report regarding the same events has been made to police. When a police investigation is ongoing or criminal charges have been laid, there are two options for how the University's process under the SVSH Policy may move forward.

OPTION 1 The University decides to move forward with the University process under the SVSH Policy at the same time as processes outside the University are underway.

OPTION 2 The University decides to temporarily pause the University process. While the University is the final decision maker regarding which option will be selected, the Complainant and Respondent may be asked for their preferences and these will be taken into consideration, along with other case-specific factors.

This document is intended to help members of the University community understand these different options and their potential implications.

This document is not intended to provide legal advice. It is meant to help all those involved have a better understanding of the process. Every Report and situation is unique, and the processes described below may vary depending on case-specific details.

Option 1: The University decides to move forward with the University process under the SVSH Policy

Breakdown

- If the decision is made to move forward with a parallel University process under the SVSH Policy, both the Complainant and the Respondent will be notified. They will have the right to choose whether or not to participate in the University process, but the University may proceed in any event.
- The University will appoint a competent Investigator with the appropriate skills, training, and/or experience to conduct a fact-finding investigation.
- If they choose to participate, the Investigator will reach out to both the Complainant and the Respondent to obtain their views on each allegation made in the Report. The Complainant and Respondent will generally have the opportunity to respond to statements made by the other party.
- Following the conclusion of an investigation and review of the Investigator's final report and findings, the University will then make a decision and share it with the Complainant and the Respondent—usually via a letter that will outline the decision of the University and the required next steps.

Important Considerations

- Upon completion of the University's investigation, the University's practice is to provide both the Complainant and Respondent with a summary of the Investigator's findings.
- An investigator's findings may be impacted if a Complainant or Respondent decides not to participate in the University investigation while criminal process is ongoing.
- Any statements, evidence or other information the Complainant or Respondent provides during the University process may become evidence during criminal proceedings.
 - During the course of a criminal proceeding, a Complainant or Respondent may be asked about statements, evidence or other information they provided during the University process, including any inconsistencies between what was shared with the University and what was shared in the criminal processes.
- The processes under the SVSH Policy are not the same as criminal processes. In a criminal proceeding, a Respondent will be convicted if the Crown proves beyond a reasonable doubt that they have committed an offence. Under the SVSH Policy, an investigator will reach findings of fact based on what they conclude is more likely than not to have occurred. The University then makes a decision based on those findings. This means that the criminal proceeding and the University process could have different outcomes.

Option 2: The University decides to temporarily pause the University Process

Breakdown

- In making this decision, the University will carefully weigh the case-specific factors, in addition to the preferences of both the Complainant and the Respondent.
- This temporary pause may continue until criminal proceedings are concluded, or the pause may be revisited depending on case-specific factors. This means that, even if the University process was initially paused, it may still resume while criminal proceedings are ongoing.
 - For example, if criminal proceedings are taking significantly longer than anticipated, the University may decide to resume its process.
 - The Complainant and the Respondent may be consulted if the University is considering resuming its process. However, the Complainant and the Respondent will be notified if the University decides to end a pause prior to the conclusion of the criminal proceeding.
- Following the conclusion of criminal proceedings, the University may choose to:
 - Initiate or resume its process under the SVSH Policy.
 - Seek a Non-Adjudicative Resolution (e.g., an apology, a no-contact order, counselling/education, course registration preference, among others).
 - Determine no further action is needed.

Important Considerations

- Once criminal proceedings have concluded, the University will, where possible, order a copy of court transcripts. These transcripts may be used to supplement and/or support any future case-specific University process, including a fact-finding investigation under the SVSH Policy.
- Court verdict(s) reached through criminal proceedings do not replace or determine the University Process. This means that the University may come to a different conclusion than the court and that a guilty/not-guilty court verdict does not automatically determine the outcome of the University process.

Additional Considerations

- The reporting process under the SVSH Policy is a University process. ***It is separate and independent of any criminal process.*** It is often shorter in duration and may be completed before a criminal trial has concluded.
- Even while a University process is paused, the University may impose University-specific interim measures/conditions upon a Respondent to address any safety concerns. These interim measures/conditions may be in addition to any bail conditions already imposed through criminal proceedings.
- Interim measures/conditions imposed upon a Complainant or Respondent by the University generally remain in effect until all University processes are complete. Respondents may seek to vary these measures/conditions or have them rescinded.

In order to have a more fulsome understanding of how these processes impact each other, you are encouraged to share and/or discuss this document with your legal counsel, representative, or others you have chosen for support.

For your reference, a copy of the University of Toronto *Sexual Violence and Sexual Harassment Policy* can be found at: [UofT.Me/SVSHPolicy](https://uoft.me/SVSHPolicy)

