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David Eby, MLA
(Vancouver-Point Grey)

Interim President Martha Piper
University of British Columbia

BY E-MAIL: c/o Susan Danard, Managing Director, UBC Public Affairs <susan.danard@ubc.ca>

Dear Interim President Piper:

Re: UBC administration's handling of sexual assault and harassment allegations at UBC

We write to you in your role as Interim President to request your assistance with an urgent matter. Given your recent appointment, this may be the first time you've heard some, or possibly all, of this information.

We have been contacted by a former UBC student ("Complainant") who has brought forward very serious and credible allegations concerning the failure of UBC to respond adequately and appropriately to a series of sexual assault and harassment allegations against a current UBC graduate student ("Respondent").

The Complainant has provided our offices with detailed information, none of which has been proven, but all of which could be easily confirmed or dismissed by UBC through a review of existing records and interviews of current employees and complainants. We have contacted or had allegations confirmed by six individuals and agencies, including current and former students, faculty, and staff to (as best we can) confirm details of the narrative we have been provided. We have combined the Complainant's information with independent information we have collected from other witnesses in a timeline as an Appendix to this letter.

Duty to report

We know that UBC understands the responsibility to provide a safe work and study environment for students and staff. We believe the realization of that responsibility requires UBC to provide any non-confidential information in the possession of UBC in relation to the Respondent being involved in serious sexual assaults and rape to the RCMP immediately. In the case of confidential information or information not in the possession of UBC, but of which UBC has knowledge, we believe this responsibility requires UBC to make reasonable efforts to obtain consent to release that information to the RCMP, and to encourage and support individuals with information to provide their information directly to the RCMP.

If these steps have not been taken, they must be taken. Urgently.

Ordinarily we would not raise this concern as we would always expect UBC would be quick to act to protect student safety. However, we have received two specific allegations repeated by two unrelated individuals that the Office of Equity and UBC Administration have e-mail messages written by the Respondent in which he allegedly makes self-incriminating remarks. These remarks allegedly relate to the Respondent's involvement in a rape of a former UBC graduate student in Toronto, Ontario, and involvement in a sexual assault on at least one other UBC student.

If these allegations are true, in whole or in part, the RCMP should be provided a copy of those records, and be encouraged to contact the OPP to share information about this individual. We note that the RCMP still has open files on sexual assaults at the Point Grey campus and, again if these allegations are true, this individual would surely be a person of interest in that investigation.

Duty to warn

Further, if these allegations of sexual assault are substantively or entirely true, it is very likely that UBC has a legal duty to warn female students and faculty in contact with this individual. This duty was established in 1998 in a Supreme Court of Canada case called *Jane Doe v. Metro Toronto Commissioners of Police*.¹ From the headnote:

The conduct of the investigation and, in particular, the failure to warn was motivated and informed by the adherence to rape myths as well as sexist stereotypical reasoning about rape, about women, and about women who are raped. The plaintiff was discriminated against by reason of her gender. Women were treated differently because some members of the force adhered to sexist notions that, if warned, women would panic and scare off the attacker.

One individual reported to us that she was told by two separate members of UBC administration during the height of these issues that conducting a sexual assault and harassment workshop in the History Department would be "like saying there is a snake in the room and turning off the lights." Another witness reported that she was blocked from discussing sexual harassment and assault at a meeting because the content of the discussion was believed to be "inflammatory". Again, if true, this intentional decision not to prepare female faculty members, students and staff to respond and identify sexual harassment or assault because of fears of panic has specifically been chastised by the Court as sexist and deficient as a matter of policy.

UBC must consider this legal duty to warn, as well as UBC's ethical duty to warn, as we understand the Respondent is still a UBC student and may be returning to Canada and campus to defend his PhD.

Responding to this very serious situation

We are writing to you specifically because we are certain our concern for women's safety, in particular the safety of women both on and off campus, is shared by you and that you will take all steps necessary to respond urgently.

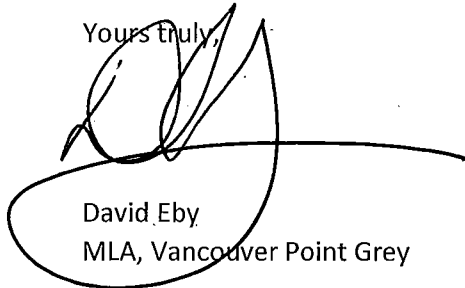
¹ 39 O.R. (3d) 487 available online at <http://canlii.ca/t/1w9kn>.

At a systemic level, opportunities that were identified for proactive UBC response by individuals with whom we spoke included:

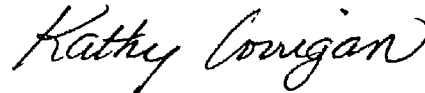
- the immediate establishment of a 24-Hour Sexual Assault/Harassment Response Team;
- advocating for any training necessary for UBC Hospital staff to offer the medical service of completing a rape evidence collection kit at their urgent care centre site at the Point Grey campus;
- immediate reform of non-academic student misconduct hearings to include:
 - allegations involving students related to off-campus events where UBC has funded or otherwise supported some or all of the transportation, accommodation or admission of the student alleged to be involved in the misconduct;
 - allegations made by non-student victims, or witnesses other than the victim, in relation to alleged UBC student misconduct that (but for the status of the complainant) would otherwise be heard and adjudicated on; and,
- a review of this entire matter by an independent third party with experience in such matters and a mandate to report back publicly, including recommendations to UBC in any identified areas of deficiency.

As these matters are incredibly serious, and we wish to assist UBC in whatever way possible to improve conditions for students in these situations on campus, please don't hesitate to contact us at any time.

Yours truly,



David Eby
MLA, Vancouver Point Grey



Kathy Corrigan
MLA, Burnaby Deer Lake
BC NDP Advanced Education Spokesperson

Timeline of allegations from Complainant

Please note that none of these allegations has been proven and are provided to UBC administration solely for the purpose of a formal investigation of the UBC administration's harassment and sexual assault response protocols, as well as any related criminal or academic misconduct investigations of the Respondent or any other person in these matters to ensure student safety. Please feel free to forward this to any relevant authorities tasked with investigating criminal or non-academic misconduct matters.

- **Fall 2011** – The Complainant witnesses multiple incidents of sexual harassment between a male UBC graduate student ("Respondent") and a female UBC student ("Victim 1") at Green College, but does not report the incidents.
- **April 2013** – The Respondent allegedly assaults a UBC graduate student ("Victim 2") after leaving an evening event at a colleague's home off campus in the presence of multiple witnesses, also UBC graduate students.
- **January 2014** – The Complainant hears rumours of a disturbing physical sexual assault perpetrated by the same male graduate student on another UBC student, who later turns out to be Victim 2. The Complainant speaks about her experiences with friends and colleagues. In doing so, she finds other students who had negative interactions with the Respondent. After considerable reflection, the Complainant discloses the incidents and information to a professor and the History Department Head. They refer her to the UBC Equity Office.
- **January 27, 2014** – A blog post authored by former UBC graduate student Alana Boileau posted at <http://gutsmagazine.ca/blog/rape-culture-academia-part-one> contains numerous allegations about an unidentified male resident(s) graduate student at UBC who engaged in "inappropriate touching" and who other male residents who "felt they had to keep an eye on during parties because of how uncomfortable he made women feel."
- **February 2014** - The UBC Equity Office tells the Complainant that they will not accept any information from the Complainant because the Complainant is not a current student. Further, they tell the Complainant that because the Complainant is a witness and not the victim herself, she has no standing to file a complaint.

The Complainant provides additional names to the Equity Office to contact who the Complainant believed were additional witnesses to or victims of the Respondent's sexual harassment. The Equity Office does not contact those individuals.

- **March 2014** – The History Department holds a mandatory equity and inclusion workshop. Although it appears to have been motivated by departmental concerns about harassment, it doesn't have any apparent sexual harassment content or context for why the presentation is being done.

- **June 2014** – A male graduate student (“Witness”) contacts Victim 2 and tells her he believes the Respondent has raped a friend of his. The alleged rape occurred while the Respondent was sponsored by UBC to attend a conference and represent the school as part of his academic activities in May of 2014. The alleged victim is a former UBC graduate student whose house he was staying at (“Victim 3”).
- **June 2014** – The Complainant meets a female UBC graduate student who alleges the Respondent has sexually assaulted her. That woman turns out to be Victim 2, the woman the Complainant had heard rumours about earlier.
- **July 2014** – Victim 2 approaches some HGSA representatives. Together with the Complainant, Victim 2 and the HGSA representatives discuss the matter with a professor in the History Department and the recently appointed new head of the History Department, who says she had not been briefed on discussions on these allegations that had taken place with the previous head in January. They are referred to the Equity Office.

The new History Department head, in consultation with the Equity Office, promises to address the issue in her first faculty meeting of the year in September, and to explicitly address sexual harassment with new incoming graduate students and faculty members.

- **July 2014** - The Witness tells the Complainant he has an e-mail with incriminating information provided by the Respondent to him. He advises that he has provided a copy of the e-mail to the UBC Equity Office. Later he tells the Complainant he has also provided a copy of the e-mail to the Non-Academic Misconduct Committee reviewing the Respondent’s behaviour.
- **September 2014** – The History Department head does not address sexual harassment concerns as promised at the first meeting of the year, and instead reads a portion of the UBC policy on respectful environment, with no context for the presentation. A faculty member, after the meeting, sends around an e-mail to multiple faculty members expressing concern about the failure to address the issue at hand. When polled by an HGSA representative, none of the incoming new History graduate students report discussing sexual harassment with the Department Head as promised.
- **September 2014** – Meetings between Victim 2, the Complainant, the HGSA representative and the Equity Office continue through September with no apparent result. In September, the History Department head suggests the HGSA present a sexual harassment workshop. An HGSA representative designs the workshop but calls it off when told all scenarios have to be approved by administration and the Equity office, and she must agree to permit the Equity office to supervise the workshop, before the workshop can proceed.

- **December 2014** – The Complainant and Victim 2 approach the Equity Office again after numerous meetings through October and November that lead to no resolution of their concerns. This time (inexplicably given that Victim 2 is no longer a student, and the Complainant hasn't been a student for an extended period) the Equity Office accepts a formal complaint. The Complainant and Victim 2 are told that a "formal process" has begun concerning the two complaints.

The Complainant is told her name would be given to the Respondent, and she would be warned before this happens. Victim 2 is told that details may be given to the Respondent which would allow him to identify her, but her name would not be given.

- **February/March 2015** – The HGSA drafts a statement for presentation to the History Department. It is not specific to any particular case, but includes specific policy reform demands and timelines for implementation. The HGSA votes to present the statement at the final faculty meeting of the year in April 2015.
- **March, 2015** – In advance of the final faculty meeting the HGSA provides a copy of the statement to the Head of the History Department and advises her they wish to present it at the faculty meeting. The Head of the History Department asks for time to consult legal counsel. After doing so, she prohibits the students from presenting the document, calling it inflammatory and defamatory.

The inflammatory part concerned the demand that the department let faculty members speak openly, which was understood to mean the faculty was silencing faculty members. The defamatory part was in the preamble where the department was asked to acknowledge that students and faculty had experienced harassment and discrimination.

Even if the HGSA removed these sections, they were advised they were still prohibited from tabling the statement at the meeting. The HGSA then provided notice to all faculty that they would boycott the faculty meeting and hold their own meeting. They circulated an amended statement that included all of the original allegations and demands.

Faculty asking questions about why the HGSA were silenced are told by administration that the presentation of the statement would have made the Department "unsafe."

- **April 2015** – The Talon publishes a 500-word article by UBC History Associate Professor Paul Krause titled "The Enduring Silence of UBC's 'Hunting Ground'". In the article, Professor Krause compares a culture of silence around sexual assault at UBC to that uncovered by documentarians on American university campuses in the film "Hunting Ground".

Among other allegations in the article, Professor Krause says he has been approached by a student "several months ago" who had been sexually harassed and whose impression it was that UBC's administration's desire was that she remain silent, and that there had been no consequences for her harasser despite her complaint.

- **April 2015** – The HGSA meeting goes ahead with good attendance by faculty and students.

The HGSA forms an ad hoc working group on Harassment and Discrimination in partnership with UBC's Graduate Student Society. The group is formed in order to conduct research and climate surveys, collect graduate student stories to assist in developing better policies, and to pressure UBC to do the same.

- **April 24, 2015** – The Witness sends another e-mail, this time to the head of Green College, the head of the History Department, the AMS Sexual Assault Support Centre, and the Non-Academic Misconduct Committee. This correspondence includes information involving another alleged rape victim of the Respondent ("Victim 5"). The Witness receives no response.
- **May 2015** – Victim 2 is contacted by the UBC Equity Office to advise her that the Respondent had been banned from campus based on his assault of another UBC student ("Victim 4"). Victim 2 is told that the Respondent will go through a discipline process related to Victim 4, which includes her complaint as well.
- **May 2015** – The Complainant, having heard of the Respondent's ban from campus, contacts the Non-Academic Misconduct office to ask for an update believing that the ban was also related to her complaint and the complaint of Victim 2. The Coordinator advises her that there is no formal process underway concerning her complaint or Victim 2's complaint, which was why she had not been contacted. The Coordinator tells her that he had heard that the Complainant had spoken with the Equity Office, but that he was unaware of any formal process involving the Complainant.

In a separate conversation, the Coordinator tells the Complainant and Victim 2 that he was uncertain about how to deal with the Respondent's file because the Respondent had many unrelated victims, and the coordinator is more accustomed to dealing with circumstances where a Respondent had related victims who know each other and speak to each other about the process.

The Coordinator tells the Complainant that Victim 2's complaint is now going ahead, and that there are two victims unknown to the Complainant (Victim 4 and Victim 6)², in addition to Victim 2 in the complaint subject matter. He said all three complaints involved the Respondent. He said that although he likely should have known about the Complainant's information, in any event the Complainant's information about the Respondent will be excluded from any discipline process because she is no longer a student.

During this meeting, the Coordinator presents notes made by the Equity Office representative of the December 2014 meeting with the Complainant to the Complainant. The Complainant

² Alleged victim count may be slightly lower or higher if the two victims in addition to Victim 2 are women already discussed earlier in the timeline, or are different victims.

finds that the notes do not reflect the information she had provided to the Equity Office and appear to have been written to minimize her complaints. The coordinator does not follow up on the Complainant's concerns or take action on them to the knowledge of the Complainant.

Victim 2 also requests a copy of the statement she provided in December 2014 to the Equity Office and finds the details to be incorrect in her statement as well. She rewrites and resubmits it, finding out that she has done so after the office of Non-Academic Student Misconduct had already informed the Respondent of the allegations against him.

- **April 2015 to September 2015** - The Complainant alleges that two graduate students in the History Department have lost funding, and two others have been subjected to "chilling" by faculty, for their involvement in this matter.
- **August 2015** – The Complainant speaks with the head of the Equity Office, Sarah Jane Finlay, to complain about being misled that there was a formal process underway, when in fact there was no process. Further, the Complainant raises concerns that the History Department has been prevented from raising the matter with students to identify additional victims in the belief that a process was underway when no process was underway. The Complainant outlines concerns that Equity Office notes about meetings with the Complainant did not accurately reflect the content of meetings she had with representatives of that office. Finally, the Complainant objects to the decision to exclude the Complainant's information about witnessing harassment by the Respondent in 2011 from the discipline hearing.
- **October 2015** – After waiting more than ten months, on October 2nd Victim 2 is given two weeks' notice of a hearing on October 19th. The notice confirms three other witnesses, who may also be victims, but may not be, will be heard on the same day.

On Thursday, October 8th, Victim 2 is contacted by the coordinator and told that further documentation would be required of her to validate her complaint. She is given a deadline of Tuesday, October 13th, the day after the Thanksgiving weekend, functionally just one business day, to provide that documentation or her complaint will not proceed.

Victim 3 and Victim 5 are excluded from providing any evidence at the hearing. Victim 3 because the incident happened off campus, even though the Respondent was a UBC student, on a UBC funded conference presentation. If he were an athlete on an away game or tournament, Victim 3 would not have been excluded. Victim 5 is excluded because she presented her statement a day or several days too late, despite never having been informed of a filing deadline.

The Complainant is also excluded from the hearing because she is no longer a student, and because she was a witness to, not the victim of, the sexual harassment she's alleging against the Respondent.

Victim 2 makes significant efforts before the hearing to have a third party with counselling experience present at the hearing to ensure the process is safe, and respectful for all parties, including the Respondent. Despite her agreement to be flexible in who that individual may be, her request is denied.

- **October 19, 2015** - When Victim 2 attends the hearing, she finds that no official minutes or recording of the hearing will be kept. The hearing committee is made up of three undergraduate students taking notes on their personal laptops, and the Committee Chair. Victim 2 is permitted just one support person, and confirms no provision has been made to ensure someone trained in trauma will be present to ensure proceedings are respectful and safe for participants.

In a holding room while waiting to testify, Victim 2 is told that the process she had been told about has changed and she now has the opportunity to make an opening statement. She had not prepared one, as previous instructions given to her by the coordinator were that the committee would be asking her questions and there would be no presentation. Victim 2 then appears before the committee for approximately five minutes.

Neither Victim 2 nor the Complainant are aware if any recommendation has been made to the President's office in this matter from the Committee. There are no deadlines outlining when the Committee must make a decision by.

- **October 2015** – The Witness shows Victim 2 a copy of the alleged e-mail in which the Respondent makes allegedly incriminating statements. She reads it and believes it to be a real e-mail from the Respondent.
- **November 2015** - The Respondent is still attending conferences representing UBC and could publish his work as a UBC graduate student, despite at least one very credible rape allegation against him, and several sexual harassment and assault allegations stretching back over years. The Committee report has been provided to UBC administration. A documentary on the subject is in production by a major Canadian television news magazine show which is expected to air in November. The History Department has implemented all but one of the recommendations of the HGSA in the statement, the final item (a department specific harassment policy) will not be implemented until 2016 due to continuing consultation.