



LSS Dispute Resolution Regulation

Adopted on January 16, 2024

Amended on N/A

PART I: DEFINITIONS

- 1 This regulation adopts all definitions laid out in the the Constitution of the Law Students' Society at the University of British Columbia (the "**LSS Constitution**") and the LSS Clerk Regulations.
- 2 "**Club**" or "**Clubs**" means a club or sports team that is registered with the LSS.
- 3 "**LSS Official**" means any member of the LSS Executive, Social Council, Academic Council or associated Council or Committee.
- 4 "**Councils and Committees**" means LSS bodies and includes but is not limited to the LSS Executive, Academic Council, Social Council, Equity and Diversity Committee, Finance Committee, Wellness Committee, Graduation Committee, Election Appeals Committee, or any other councils or committees under the LSS, including ad-hoc committees.
- 5 "**Complainant**" means any Member of the LSS who has a complaint against another individual or Club.
- 6 "**Mediator**" means the individual or LSS Official responsible for mediating a dispute as designated by this regulation.

PART II: PURPOSE

- 7 The purpose of the LSS Dispute Resolution Regulation is to provide a framework for the resolution of disputes to promote an amicable settlement of disputes and a collaborative community in the law school.

PART III: MATTERS AND PROCEDURES

General Principles

- 8 The Mediator must receive consent from all parties involved before beginning a mediation. If any party objects to mediation then mediation shall not be pursued. If mediation never occurs then Section 12(4) applies and the Mediator will not be deemed to have a conflict of interest in investigating the complaint.
- 9 If at any time during a mediation, any party, including the Mediator, revokes consent or no longer deems mediation appropriate then the mediation will be deemed closed. If an investigation is pursued following the closure of mediation the mediator will be deemed to have a conflict of interest and cannot investigate the matter.
- 10 All investigations shall adhere to the following rules:

1. All information gathered during investigations shall be confidential except between parties, the decision makers, and all necessary additional individuals.
 - a. Information about parties shall only be disclosed to the other party if needed for full response and only with the consent of the particular party.
2. Both parties must be given a reasonable opportunity to provide full explanations. The Complainant should be interviewed first in all instances.
3. In order to allow for full response in an investigation, the respondent is entitled to know the following:
 - a. the identity of the complainant
 - b. the nature of the complaint
 - c. the factual basis of the complaint
 - d. the specific allegations
 - e. the overall outcome of the investigation
4. Upon conclusion of the investigation the information shall be brought forward to the decision maker. The disclosure of the information and decision making shall be done in camera.
5. If the LSS Executive is the decision maker its decision shall be released to the parties involved, but shall not be released publicly. All decisions and investigative material shall be recorded internally and kept on record for 3 years.
6. Reasons for decisions shall not be included in their release to the parties. Decisions shall include what was alleged, whether the club, club executive, or individual was found to be in violation of a policy, and the penalty.

11 If any Mediator, person investigating a matter, or decision maker is deemed to have a conflict of interest they must declare their conflict of interest and recuse themselves from the matter.

1. Upon recusal of a Mediator or person investigating, the LSS Executive shall appoint an appropriate replacement.

Reporting Violations by Clubs:

12 If a Complainant believes a Club has violated the LSS Clubs Policy, LSS Social & Club Event Accessibility Initiative Policy, the LSS Statement of Values, or other relevant LSS or AMS policies or Regulations, the member may contact the LSS Ombudsperson at ombuds@ubclss.com to file a complaint (the “**Complaint**”). Upon receiving the Complaint, the Ombudsperson shall do one of the following:

1. Attempt to mediate between the Complainant and the club to see if a mutual resolution is possible. This mediation can be done anonymously for the complainant or can be an open discussion facilitated by the Ombudsperson;
2. At the request of the Complainant, bring the concern forward without naming the Complainant, to the Club and not pursue any further action beyond bringing their attention to the issue; or,
3. If the Ombudsperson believes it is a complaint that can no longer be resolved through mediation, then the Ombudsperson may refer the Complainant and the Club to formal procedures outside of the LSS or those available under Section 23 through 25.
4. If mediation pursuant to this regulation is never started, the Complainant may request an investigation by the Ombudsperson who shall investigate the matter. Upon conclusion of the investigation the Ombudsperson shall suggest an outcome to the LSS Executive who shall make a decision pursuant to Section 14.

- 13** If mediation is pursued regarding a complaint about a Club, and a resolution cannot be reached or any party involved no longer wishes to participate in the mediation, the Ombudsperson shall inquire if the Complainant wishes to refer the matter to the LSS Vice President Clubs or another organization per Section 12(3). If this matter is referred to VP Clubs they shall investigate the matter by speaking to all parties involved and any other parties the VP Clubs deem appropriate. VP Clubs shall gather all relevant information and bring it to the LSS Executive for deliberations. Once the investigation is concluded but before bringing it to the Executive both parties will be asked if they wish to include any further information.
- 14** If steps in Section 12 or any other decision required by the LSS are taken, the LSS Executive shall conclude or impose one or more of the following penalties upon completion of an investigation:
- a) Find no violation;
 - b) Remove one or more of the Club's executive or controlling members from their position;
 - c) Issue a verbal warning;
 - a. If a club receives multiple warnings within a two year span, the Executive may order a first report of violation.
 - d) Issue and file a first report of violation;
 - e) Issue an additional report of violation: This may be done in conjunction with reduced funding or applied on its own;
 - f) At the request of the Complainant, order the Club to issue a written formal apology;
 - a. If a Club does not comply with the order, the Executive may reduce the funding of the Club, pursuant to subsection (g).
 - g) Reduce funding of the Club up to 100% of its allocated budget for either the current or following year;
 - h) Deconstitute the Club; or
 - i) Any other reasonable measure to correct for the violation, including pursuing legal action with the direction of the AMS..
- 15** If an action is taken by the Executive under Section 14 The Complainant and the president of the responding Club shall be informed of the Executive's decision within one week of the decision being made. Decisions made by the Executive will not include reasons nor will they be made public. All decisions shall be recorded internally for the LSS and shall be kept on record for 3 years. If a club has its funding reduced the decision shall also be sent to the club treasurer and shall be deemed an expense on the budget report for the club. At this point the file shall be deemed closed.
- 16** In addition to complaints raised against a Club the LSS Executive maintains the right to impose any of the conditions laid out in Section 14 on a club if it deems a Club or its executive have violated an LSS or AMS policy or Regulation.
- 17** If your concern with the club falls outside of these guidelines or you wish to seek repercussion beyond what is available above, then inform the LSS Ombudsperson and they shall refer you to a more appropriate body. This means that you will still go through Ombuds for mediation but will not proceed with VP Clubs. Once you have been referred your file will be deemed closed.

Reporting Violations by LSS Officials

18 If the complaint is against an LSS Official(s) or LSS, then the Ombudsperson shall anonymously bring the complaint forward to the appropriate LSS Council or Committee to see if the matter can be addressed. In addition to this, if the issue deals with an equity concern, the Ombudsperson shall bring it to the LSS Equity Committee to decide if any further steps need to be taken. If the Complainant is not satisfied with the result they should inform the Ombudsperson that they would like them to further review the decision. If it is still not satisfactory one should contact the AMS Ombudsperson at ombudsperson@ams.ubc.ca.

(1) If a Member has a complaint against an LSS Official for violating the LSS Statement of Values or LSS Officials Code of Conduct then you may report the complaint to the LSS Ombudsperson who shall first attempt to mediate between the complainant and the accused.

(2) If mediation fails or the Ombudsperson believes mediation is inappropriate, then the Ombudsperson shall refer the matter to the LSS President or an appropriate member of the LSS Executive to investigate. Upon conclusion of the investigation, they shall bring the concern to the LSS Executive who shall have the power to warn, or suspend the LSS Official if the Executive finds that the LSS Official has violated one of the policies. If the Executive finds the behaviour warrants removal it may compile its decision and put it to a vote for the general members per the LSS Constitution. If this decision or finding is not satisfactory one may then file a complaint with the AMS Ombudsperson.

Reporting Individual Conduct or Other Matters

19 If a Member of the LSS needs help with a conflict between themselves and another individual or group, or you believe that another individual or group whether that is a student, staff, or faculty has violated the LSS Statement of Values, an LSS policy or Regulation, or has generally engaged in discriminatory, abusive, or bullying behaviour they may contact the LSS Ombudsperson at ombuds@ubclss.com. If the Ombudsperson deems it appropriate they shall attempt to mediate between the Complainant and the other individual to see if a mutual resolution can be arrived at. This mediation can be done with no contact between the parties or can be an open discussion facilitated by the Ombudsperson.

20 If a resolution cannot be reached or any party involved, including the Ombudsperson, no longer wishes to continue mediation, the mediation shall be brought to a close. The Ombudsperson shall then inquire if the Complainant wishes to continue with the matter. If so, the Ombudsperson shall refer the individual to the appropriate body and close the file.

21 In addition to the procedures listed above, the LSS Ombudsperson or LSS President may bring a Member's conduct forward for deliberation by the LSS Executive if they believe the individual has committed a severe violation of a policy or is a safety concern for any other Member. The Executive may then launch an investigation into the matter or bring the concern to the appropriate organization, which may include bringing it to the attention of the law school, AMS, UBC, or an outside organization.

22 If a Member is deemed to have violated or is under investigation for a violation of an LSS, UBC, or AMS policy or regulation the LSS Executive may impose any of the following sanctions in addition to whatever the investigating body imposes:

- A. Removal of the individual from social media controlled by the LSS, including the class Facebook page(s);
- B. Removal of the individual from any LSS Club executive position;
- C. Banning the individual from LSS events;
- D. Banning the individual from LSS Club activities.
- E. Banning the individual from any LSS controlled spaces.

Reporting Conduct outside of the Law School and LSS

- 23 All concerns relating to law firms or lawyers may be referred to the LSBC Equity Ombudsperson at equity@lsbc.org.
- 24 Any other concerns brought to the Ombudsperson outside of these regulations shall be evaluated by the Ombudsperson and referred to their appropriate organization. If the Ombudsperson is uncertain who to contact one should reach out to the Assistant Dean, Students (Kaila Mikkelsen) at mikkelsen@allard.ubc.ca.
- 25 The Ombudsperson may also bring an anonymous complaint on any issue, in addition to those listed above, to the Assistant Dean or other members of the Dean's Office on behalf of the Complainant.

PART IV: AMENDMENTS

- 26 With a written record the Ombudsperson may adjust procedures in extraordinary circumstances if they deem it necessary to create a just and fair result.
- 27 The Executive may amend or repeal this Regulation with a majority vote of the Executive.