

**From:** Brett Fairbairn (President)

**Sent:** Tuesday, December 14, 2021 12:51 PM

**To:** Jenna Woodrow <[Jwoodrow@tru.ca](mailto:Jwoodrow@tru.ca)>

**Subject:** RE: TRUFA Equity Committee Calls to Action in light of Investigation into Senior Administrators

Dear Jenna,

Thank-you for your letter of inquiry regarding matters involving members of TRU's senior management and allegations they face. In reference to your request to see individuals placed on paid administrative leave pending the outcome of an ongoing investigation, I can advise the following:

- Deciding to place an employee on administrative leave pending the outcome of an investigation is not a straightforward matter, and there are various factors to weigh. From a legal perspective, general considerations include: the seriousness and credibility of allegations; the ability of respondents to influence the investigation; and the length and impact of any leave. An administrative leave imposed without proper justification or for too lengthy a period will generally amount to a constructive dismissal.
- On the issue of the seriousness and credibility of allegations, it is important to remember that the board's investigation is being conducted by an independent third party at the request of a specific group of anonymous complainants. Consequently, neither TRU senior executives, nor the Board of Governors have specific information that is sufficient to support further action. The law — as well as agreements, policies and legislation that governs universities and TRU — requires authorities to have an adequate basis to place an individual on administrative leave. Allegations reported in media are not enough.
- Placing an employee on paid administrative leave is one form of response to a situation like this. However, there are a variety of others such as reassignment, altering reporting relationships, and other changes in process which negate the need to place a person on administrative leave during an investigation. These decisions require a careful weighing of circumstances and are highly fact-driven.

Regarding your call for further investigations, I note that the board will make its own decisions about its investigations, and that TRU has provided robust processes for disclosures, complaints, and investigations within institutional policies. Lastly, pertaining to the other calls to action in your letter, I note the following:

- As the board's investigation of these matters is still underway, it is premature to ask for transparency regarding the process and findings. Inevitably, once the investigation is complete, the board will review conclusions and act on them in accordance with established protocols and legal principles, including around public dissemination. In

cases like this, there is a careful balance to strike between the rights of those who have made anonymous complaints, the rights of those who have been accused, and the interests of the public and other third-party stakeholders in knowing the results. These are matters outside of my hands; however, I trust they will be handled in a manner that respects the rights and interests of all parties as well as the law.

- TRU is refining processes and has changed or clarified internal policies in ways that address your last three calls to action. All complaints made through the Sexualized Violence policy (BDR 25-0) and the Respectful Workplace and Harassment Prevention policy (BRD 17-0) will be managed outside of People and Culture. TRU has engaged the services of an external professional with extensive post-secondary HR experience, as well as an independent firm (The Neutral Zone) to assist with, oversee, and direct our efforts as we work through these complicated issues.
- TRU has created new options for staff to share concerns or reports of conduct they find harmful. We are encouraging all who wish to speak to someone to send an email to [humanrightsofficer@tru.ca](mailto:humanrightsofficer@tru.ca).

It is my sincere hope and expectation that these measures will begin the process of healing and recovery at TRU, in accordance with principles of fairness and transparency, procedural justice, natural justice, and concern and respect for all who may have been harmed directly or indirectly by these allegations.

Respectfully,

Brett Fairbairn

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**Brett Fairbairn**

President and Vice-Chancellor  
Thompson Rivers University  
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*Thompson Rivers University campuses are on the unceded lands of the Tk'emlúps te Secwépemc (Kamloops campus) and the T'exelc (Williams Lake campus) within Secwépemc'ulucw, the traditional territory of the Secwépemc. TRU also serves the peoples of surrounding territories including the St'át'imc, Nlaka'pamux, Tšilhqot'in, Nuxalk, Dakelh, and Syilx.*