

English RIA Deep Dive

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Anoodth: Hi, everyone. And a very warm welcome into the Deep Dive Intake to Reduce Harm session. I'm so excited to welcome you to the space. My name is Anoodth Naushan and I'm project manager at Courage to Act. Today's training is part of our national skill share series where we teach our subject matter experts in conversation about urgent issues, emerging trends, promising practices, and strategies to better address gender-based violence on campus. Our presenters today are fantastic and they're the authors of the tool kit, a comprehensive guide to campus gender-based violence complaints upon which this training is based. Please note that the comprehensive guide to campus GBV is now freely available for download via the Courage to Act Knowledge Centre. So please download a copy and it's a great resource.

And before we begin, a quick note on language and accessibility. Attendees can view live captions for this session by clicking on the link in the chat box. You can also listen to the session in French by selecting the French language channel using the interpretation menu. I note that presenters will occasionally be reading from slides to ensure accessibility for audience members with visual or reading challenges. And today's session is also being recorded and will be available on our website along with the transcript.

Possibility Seeds leads the Courage to Act project We are a Canadian social purpose enterprise specializing in project management and policy development. We work alongside our clients to create, connect, and cultivate gender justice. And our team has over 20 years of broad experience working with communities, governments, labour organizations, public and private institutions. And Courage to Act is a multi-year national initiative to address and prevent gender-based violence on post-secondary campuses in Canada. It builds on the key recommendations within Possibility Seeds' vital report, Courage to Act, developing a national framework to address and prevent gender-based violence at post-secondary institutions.

Our project is the first national collaborative of its kind to bring together over 170 experts, advocates, and thought leaders from across Canada to address gender-based violence on campus. I also want to take a moment to acknowledge our funders. Our project is made possible through generous support and funding from the Department of Women and Gender Equality (WAGE) Federal Government of Canada.

We will begin today's session by acknowledging that this work is taking place on and across judicial territories of many Indigenous nations. We recognize that gender-based violence is just one form of violence caused by colonization to marginalize and dispossess Indigenous peoples from their lands and waters. Our project really strives to honour this truth as we

move towards decolonizing this work and actualizing justice for Missing and Murdered Indigenous Women and Girls across the country.

This work can be challenging because many of us may have our own experience of survivorship and of supporting those we love and care about who have experienced gender-based violence. So, a gentle reminder here to please be attentive to your well-being as we engage in these difficult conversations. And you can also visit the self-care section of our skill share page or our self-room by visiting the link in the chat that Maya has just dropped in.

OK. Before we introduce our speakers today a very brief note in the format, you're invited to enter questions in the Q and A box throughout this session and we'll pose them to our presenters at the end of the webinar. And the Q and A will happen in the last 40 minutes, and we will try to engage with as many questions as we can in our time together. At the end of the session, you'll find a link to an evaluation form, and we'd be really grateful if you take a moment to fill it out because it helps us improve and it's anonymous, as well. And following the session we'll you with a copy of the email form and a link to the recording so you can view it again.

And I'm so excited now to introduce you to our speakers today. Deb Eerkes is the Sexual Violence Response Coordinator at the University of Alberta and co-lead of the Courage to Act Reporting, Investigations, and Adjudication Working Group. We are very lucky to be able to work with them. And Britney De Costa is also joining us. And Britney leads the Sexual Harassment and Experiential Learning project for Courage to Act and a school lead at the Courage to Act reporting investigations and adjudication working group. Thanks for sharing your brilliance today, Britney.

And we also have Zanab Jafry, the Manager of Inclusion, Diversity, Equity and Accessibility and UHN in Toronto and consultant for Courage to Act, she builds interventions for mitigating, addressing, and preventing gender-based violence. Welcome, Zanab. Thank you for joining us. And yeah, I'm excited now to turn it over to our speakers.

Britney: Thank you so much, Anoodth. And hello, everyone, and good afternoon. We're really excited that you're all here with us today to talk about intake. We really want today's session to be a jumping off point for continued conversations and practice, as well as a way for you to connect with each other for peer support. So, as we get started, we invite you to introduce yourselves in the chat. What's your name, your institution, and your role? We also want to know what's a challenge that you're facing, or you have faced when you're doing intake.

And also, please take a moment to select the type of role you occupy in a pole that I am going to launch. This will help us to see the different positions that are in the room and the range of folks who do this work. And as you do that, I'm going to pass it over to Deb to get us started.

Deb: Thank you. It looks like we have a good range of folks here in the room; that's very cool. OK. So, as you might know the Courage to Act tools are designed to be used by any post-secondary institutions across Canada, no matter how big or small, or whether it's a technical school, cègep or a research university, remote, or urban. So, you can imagine this might pose some logistical challenges for us as we're trying to come up with good sound to detailed advice. You might be in an institution where one person takes on more than one of the roles we talk about or on the other end of the scale, like my institution, there are those large institution where roles are disparate and sometimes unconnected so it's not clear who does what.

In other words, you might see overlap in some areas and you might see gaps in other areas. So we've tried to design out advice in the guide so that no matter where you work you can find a way to apply it. If you can't see how it might apply at your PSI, please don't hesitate to ask questions. Today, we're planning to cover in detail how to take in a complaint in a procedurally fair trauma-informed and harm-reducing way. It sounds simple, but what happens before the complaint at the intake and as the matter is handed over to an investigator all shape the complainant's experience.

I want to clarify first that we're talking about a campus policy complaint, not a criminal complaint. Campuses have different goals, standards, and needs that can't be met by a criminal complaint so there may be times when a complaint might be going through both criminal and campus processes concurrently. They should look and feel very different from each other to the parties involved. We also want to acknowledge that the complaint process is going to be difficult no matter what and it may not be the preferred option for everyone; allowing a survivor options, voice, and choice is a key trauma-informed way to respond and respects culturally differences as well as intersectional experiences.

Just a quick note on language, we use disclosure for someone who has been subjected to gender-based violence and is seeking information on their options and complainant for someone who has decided to make a formal complaint and has requested an investigation. And we use intake worker in the guide not as a job title, but to refer to anyone who's doing this work no matter what their title is.

We all know that the three foundational standards are important throughout investigations and decision-making, but actually they all start before a complaint is even made. From a procedural fairness perspective, setting expectations, communicating clearly about the process, and receiving a complaint in an unbiased way are key elements.

Britney: Hi, folks. When it comes to trauma why an intake needs to be trauma-informed, one, it's necessary because of procedural fairness because as you know to be unbiased you need to understand trauma and how it can or might not present. This is particularly important when receiving a complaint because it protects against victim blaming and other harmful stereotypes that can arise without an understanding of trauma and more

specifically trauma in the context of gender-based violence. But it's also necessary to be trauma-informed when receiving a complaint for the safety of this disclosure. Making a complaint can be scary; the potential for re-traumatization is high and can be a significant factor in a person's decision to come forward.

A trauma-informed intake therefore creates a safe environment for a disclosure and helps to eliminate some of the barriers to reporting. In doing so, it also supports a disclosure to be able to make the best decision for their needs. It's also important to take a trauma-informed approach for yourselves. As you know, this work is hard and hearing about experiences of violence can be taxing, lead to burnout, and vicarious or secondary trauma if it's not approached intentionally and thoughtfully with a trauma-informed lens.

Zanab: Going back to a key concept that you'll see in all of our Deep Dives, and, of course, the guide itself, is the relationship between trauma-informed care and harm reduction. We recognize that trauma-informed care as a practice that prevents harm before it even arises. Harm reduction, in the context of receiving and conducting and intake seeks to mitigate negative impacts that have either already occurred as a result of the gender-based violence or are not in your capacity to prevent things that you simply don't have control over as someone conducting the intake. You will see how we implement harm reduction in our case study as we move through the intake and learn more about the person who has been harmed.

To illustrate the application of the three principles Deb, Britney, and I just mentioned, procedural fairness, trauma-informed care, and harm reduction, we'll be walking you through a case study of a student who has experienced gender-based violence. We'll be posing a scenario that requires us to explore the different ways we can engage with diverse survivors and ensure their needs are being met at each step of the process. Let's take a quick glimpse at our client and who we'll be supporting today.

Sara is a first-year student living in residence. She's referred to you by a residence advisor. This is all the information that has been provided to you before you meet Sara for the first time.

Britney: So, before we drive into the intake process itself, we want to talk about some of the strategies that you'll be applying throughout. The first strategy we want to highlight is to be aware of the boundaries of the intake role. When you're receiving a complaint, there are some boundaries to watch out for that if crossed can be harmful to the disclosure, infringe on their decision-making autonomy, and put you at a higher risk for trauma exposure response. One important boundary we want to highlight is to not attempt to diagnose or treat trauma. While it's important to be able to recognize the signs and symptoms or when a person might be triggered so you can accommodate further needs and safety it's both inappropriate and harmful to go beyond this.

The second strategy that you should apply at all stages of the complaint,

including when receiving your complaint, is to approach every interaction with the assumption that trauma is present. Because trauma will not always be obvious or visible, we can't rely on outward indicators to tell us when a person has experienced trauma or is experiencing trauma symptoms. Plus you aren't risking harming someone who hasn't experienced trauma by applying trauma-informed practices so it never hurts.

Finally, we want to remind you to take care of yourselves by building in practices to address trauma-exposure response and we're going to highlight this quite a few times throughout our session today. If you're someone who receives complaints you're being exposed to trauma to trauma and without being attentive to your needs, you might not only harm yourself, but you also risk harming others in the future.

Deb: So, we want to talk about what happens before a complaint is ever on the table and it all starts with a disclosure. And the steps prior to intake are so important; a supportive and safe place to disclose, providing accommodations or modifications wherever necessary and possible, a referral to the place where they can get detailed information about their options, all make the experience less harmful for a disclosure. Disclosures can and do happen anywhere. We can't assume that they'll all be funneled to one place, even if our policy says they should. So those receiving disclosures are encouraged to listen, validate, accommodate if possible, and refer on for more detailed options.

While some survivors want disclosure just to be heard and supported, others might be looking for specific measures. For example, disclosures to course instructors of faculty offices might be made for the purpose of seeking academic accommodations like deadline extensions, deferrals, or withdrawals and so on. Those who disclose in a residence, for example, might be looking for alternate living arrangements. Employees might be seeking workplace modifications from their supervisor or chair or their HR department; things like their working hours, change in location, or supervisory changes.

So, if you are receiving a disclosure like this and have the authority to put the desired measures in place you can do so on the spot as a trauma-informed and harm-reducing practice. But whoever has taken the disclosure should always end with referral to a person or office if that's not you that can provide detailed information on all of the options available and what they might need for the disclosure; whatever that looks like on your campus.

Most people on our campus really have no idea what their options would be and may even have preconceived notions about both what's available and what's required of them to access it. It's important to start with a discussion about what the disclosure needs and/or expects from post-secondary. For example, do they feel unsafe in their learning or working environment? Do they need some sort of safety plan or safety measures? They might be seeking validation; they just want to be believed. Or they might be looking for interpersonal accountability, like an

acknowledgement of their experience. Maybe a commitment from the person who's caused them harm to learn from it and change their behaviour and attitudes. Many disclosures talk about reporting not for a particular outcome for themselves but because they feel a responsibility to prevent future harm to others.

They might be looking for institutional accountability. For example, they may have identified something in policy that acts as a barrier to reporting or that has a disproportionately negative effect on some community members. They might have noticed physical or social conditions in the particular area that might be conducive to or supportive of gender-based violence. Or they might be in a situation where they need to deal with the impact of past gender-based violence on their academic or work performance or finances or living arrangements or workplace. We have to acknowledge that a complaint will not meet all of these needs so it's important to review exactly what a complaint can and can't do and to go over various other options that might meet these other needs.

It's also important to know that a complaint is the only mechanism for a post-secondary institutions to impose discipline. And we're going to get back to this point later in the session.

Zanab:

Another thing to keep in mind is that you can provide support at any time without launching any sort of formal process. This should be the very first thing you speak to the survivor about. It should be outlined clearly at the very beginning of the intake. So, before even presenting options for launching a complaint, or what an investigation looks like, or the nitty gritty of the PSI policy, be sure to explain to the survivor that help can be provided without a disclosure or intake process even occurring to begin with.

Let's jump back to our case study for a moment. You're meeting with Sara and before you start to find intake or the details of the policy or anything related to the GBV investigation process, you let Sara know the following: "I just wanted to let you know that you don't have to tell us anything for this office to provide you with support. We are here to help either way. Is there anything I can do right now to provide you with support?" This is where you would tie in the questions about needs and expectations that Deb had just explained in the previous slide. This is crucial because there may be urgent action items that need to be addressed right away and depending on how the client was received a proper safety plan may not have been established before you met with them.

When you ask Sara this question, she lets you know of two key pieces of information. She is living here on residence, so you learn that she lives on campus property. She is living alone, and she no longer feels safe living by herself in her residence room. At this point, without even having conducted the GBV investigation or unravelling the rest of the intake process, you've identified crucial action items that are likely to make Sara's life easier and to mitigate the harm that she has already experienced. At this point, you don't need to run through in-depth housing options or

accommodations plans, but you can flag them for yourself and know that it will form a key part of the work that needs to be done. After this, you want to let Sara know that she is entitled to support in the form of, for example, housing relocation or switching to another residence without having to proceed with a complaint.

At this point, two things could happen. Sara could potentially stop here, access the housing support, and take it from there with the support of your office. Or Sara could access the housing support and say she's still interested in continuing with the intake and eventually make a complaint. In this case and for the purposes of our case study, Sara indicates that she would like to learn more about the complaints process and what this would look like.

Britney: Ultimately, the most important strategy to remember for the pre-intake stage is to allow the discloser to decide whether or not to make a complaint. The foundation of this is an institutional policy that is designed around the disclosure's autonomy. Does your policy allow the disclosure to make informed decisions about entering into the complaint process? Are there elements of your policy that infringe on a disclosure's autonomy that you may want to address? An important way to support this autonomy, both in policy but importantly in practice, is by ensuring that you are giving the disclosure all of the information they need to decide whether or not to move forward with a complaint.

At this stage, that means two things. One is clearly articulating a process, specifically pieces around their options and implications of different choices but remember the boundaries of your role here. Don't speculate or speak to implications beyond what is clearly articulated in the policy. The second is providing information on the accommodation supports and other options available if the disclosure chooses not to make a complaint or if they do. This is where it's important to listen to their needs and share available options to meet their needs. Remember access to supports should never be contingent on a person making a complaint. This is often misunderstood, which is why it's crucial to make it clear from the start.

When providing this information, both about the process and supports, remember that the person you are speaking to has likely experienced trauma and therefore their ability to process information may be hindered. To account for this, use plain language, culturally appropriate language, and provide only applicable information to the person's context. As Zanab explained earlier, you don't have to list every single housing accommodation available for Sara but letting her know that these options are available is a good start.

It's also good practice to provide information both verbally and in writing so the disclosure is able to refer back to the information at a later time or with their support persons. They may also have a preferred method of communicating or receiving information, so make sure you ask them about any accessibility needs so you're conveying information in a way that they can best process and understand it.

Deb: So actual intake begins when the discloser decides to proceed with a complaint after receiving all of that information and having a chance to consider their options. But this is not yet the time to take a detailed account of the incident or incidents. First, you have to ensure that the post-secondary institution can act on the complaint. You need only very basic information about the incident to make this initial assessment; not the details. So the name of the person who caused harm, very high-level description of what happened, including where and when, and an indication that there might be some evidence that exists that supports the allegation.

Britney: And you should use your discretion here. Remember that the disclosure will need to provide a detailed account of the incident during the investigation so the more you can avoid them having to recount at this stage the more you help to protect against re-traumatization and the safer you make the process. It can be helpful to recognize that your policy will likely define gender-based violence in broad terms which allows you to avoid asking for too much specificity to determine if it's something that the institution can move forward with.

So, at this point you've run through the options that are available to Sara. You've reminded Sara that there's support available to her in many capacities, even outside of the complaint's process. You've noted that Sara is identifying a major outcome at the very beginning of the intake by talking about her need for housing support. And finally, you've explained the nature of your PSI's complaints process in a really high-level, transparent, and accessible way. Meaning you have provided a human-centered explanation of the policy without getting into the nitty gritty of the policy. You've given her an idea, potentially, of how much time will be spent in the complaint's process.

After hearing all of this in this case, Sara does decide to move forward with the complaint. At this point, you would move onto what Deb is referring to as the initial assessment.

Deb: So before launching an investigation the institution has to determine whether they have the authority to act on this particular complaint; both in law and in policy. So the questions would be, do they have jurisdiction? For example, was the incident on campus or off campus? If it was off campus, do you have the authority to act? My institution has the real and substantial link test and that means if something happens off campus but we can draw that real and substantial link back to the university then we do have the authority to investigate and act on a complaint. We also have to ask whether they have the authority over that person under allegation. Is the complaint about someone in the post-secondary community? If not, it's not likely we can impose discipline on them when there's no point in going through a whole complaint process.

Then there has to be an assessment of the allegation itself. Would the conduct, if assumed to be true, constitute policy violation? To be clear, this is not a determination of guilt or a finding of fact; it is a cheque that the

complaint is the right mechanism to meet the disclosure's needs in the circumstances. Now, we have to exercise caution at this point not to fall back into some of those pernicious myths surrounding gender-based violence. Like who's a typical victim? Who is the type of person who might commit some form of gender-based violence? And why or how gender-based violence tends to occur. Make no assumptions at this point; just take the allegation at face value to make this assessment.

And finally, which procedure applies? If you're at a big institution like mine and you have a different procedure for each kind of group of people in the community this is going to be an important piece, as well.

Zanab: So, as part of completing the initial assessment you can move on to asking Sara questions about what had happened to supplement some of the questions Deb had described in the previous slide. For example, you can ask Sara questions like: Did the event occur on campus? Did the incident occur when you were a student? Did the incident involve a community member from campus? What you won't be asking Sara is questions that involve re-telling of the incident, like details about what happened. And you won't be asking Sara questions that will be discussed again in the investigation, like names and emails of the witnesses or texts and other evidence related to the incident.

We point this out because it can be very easy at this stage to let our curiosity get the best of us but we want to ensure that we're not creating a situation where we're asking the survivor to expend energy and emotional fortitude on things that will already be discussed in the investigation.

Deb: So, once you've established that you have the authority to act and you know which procedure applies, your next step is to walk the complainant through the steps and what can they expect by providing information about the specific process that will be used in their complaint. Unlike the pre-intake stage where you're providing just the very basic information about available options, here is where you can get into the nitty gritty; the procedural details based on the case of hand. So you'll want to provide information about what the process is and how it works. Explain that the process is based on the relationship of the person under allegation to the institution. You might have different procedures for students, staff, union members, residence, et cetera. So this is where you can explain which one applies.

In some cases, this is fairly straightforward but there will be times when it will be more complex because the person under allegation occupies multiple roles in the institution, like a student who is also an employee of the institution, a resident advisor or a TA, for example. So, these can be complicated questions and if you're unsure it doesn't hurt to consult with a lawyer or another expert who can help you make the appropriate assessment so that you're able to provide the disclosure with accurate information about the exact process that will take place in their complaint. They'll want to know, for example, how long it will take, how they'll be kept up to date on the investigation. They'll be curious about potential

outcomes and remember at this point to limit this to the whole range of possible outcomes that are provided in the policy and not to try to guess or speculate about what specific outcome might be in their case.

They also are entitled to know the limitations of the process, and this is where you might want to go back to that discussion about their needs and expectations and be clear about the limits of the complaint process to meet those needs and expectations. And you might also be able to remind them again that there are other options also that they can access, other supports, other possibilities. They should be told about their role in this process. Is it an active role or passive role? Do they get a say in how the process unfolds? Can they pump the brakes if it gets too much? Who will be investigating and who will be making decisions? It's helpful if they can have some idea of how those – who those people are, first of all, but if you don't know yet how those people are going to be appointed.

And if the person under allegation is a union member it's also important to draw the disclosure attention to the relevant terms of the collective agreement so that they can understand the role of the union in their complaint. So in those cases where you don't have all of the relevant information at hand, which is a lot of cases, there's a lot of information to sift through, at this point. It is better to let the complainant know that you'll get back to them and provide the correct information after checking with an expert than to guess and get it wrong.

Britney: It's also important for the complainant to know upfront what rights they have in the process so they can make their informed decision. And they should be reminded of these rights throughout the process, as well. It's equally important though for the complainant to know what the limits of those rights are, as well. For example, a disclosure has the right to choose whether or not to make a complaint but there are instances when a disclosure may trigger a complaint even if they don't want to start the complaint process. This should be made very clear to the person who is deciding whether or not to make a complaint.

They should also understand the rights that apply once the complaint process begins and the responsibilities that come from – come with those rights. You'll recall from the introductory training that procedural fairness brings with it rights for both parties to a complaint, not just the respondent. At the most basic level, the right to an unbiased decision-maker and the right to be heard. There's also a procedural fairness right to a timely process. These basic rights are met in various ways, as are the other rights that a complainant should be afforded, including the right to transparency, access to a support person who should be made available from the start of the process. They may also have rights from PIC policy or their collective agreement to specific types of advisors.

Complainants and respondents also both have rights to make and respond to procedural requests, to reasonable disclosure, and to make and respond to statements by the other party. The complainant should understand how those rights will apply to them, how they'll reply to the respondent, and

what responsibilities both parties and the institution have to uphold those rights. Like any other conversation with the complainant, use plain and culturally appropriate language and provide this information both verbally and in writing or in the preferred format for the complainant.

Deb:

We know that all post-secondaries are subject to their provincial FOI legislation, Freedom of Information Protection and Privacy. But what that means can be confusing and is often interpreted quite narrowly by our institutions. So here we're going to distinguish between privacy and confidentiality and it's important that a complainant understand both. Privacy is about protection of personal information; the information that belongs to the individual and that identifies them. So what is the institutions responsibility of regarding the information that they collect through the process? How will it be used? Who will have access to it and how will it be protected?

Private information should only be shared for the purpose for which it was collected. And, of course, it was collected in this case for the purpose of completing a complaint process, so an investigation and adjudication. It should not be shared outside of that process at all. When it is shared, it must be only with those who have a legitimate need to know and only the information they need to carry out the process. So that's the institution's side; that's our institutional obligation to protect that information. The next question is what can the complaining and the respondent share and with whom?

So, while privacy is about the person, confidentiality is about the process. The process is confidential meaning there's no public record, there's no public discussion except in very specific cases. And that's because the complaint contains the private information of multiple parties. Both parties should be informed that sharing documents or information learned through the process could have serious consequences and those include things like compromising the investigation, the policy investigation, or compromising any police investigation that might be going on at the same time or in the future.

But it also exposes a person to legal risk. If a party divulges private information that they received through a complaint process they put themselves at risk of legal action by an individual who believes their privacy has been breached and this has become more and more common in recent years. It needs to be clear, though, that instructions on confidentiality should not be a gag order. People need support to process what's happening to them and to think about how they might want to respond. And research shows that people who are able to talk about their traumatic experiences are less likely to develop PTSD.

So, the post-secondary institution should never present – sorry, prevent parties from seeking help and support that they need but they should make sure that parties clearly understand what could happen if they disclose private information about someone else that they learned through the process. So, in general, our guidelines are – parties need to understand

public disclosure is never going to be OK. So, disclosure to the media, over social media, in wider social groups, that is not OK. But disclosing some information for a specific reason is OK. And for example, you know, telling an instructor that you need extra time because you're involved in a gender-based violence investigation on a need-to-know basis without any identifying information is fine.

While documents should never be shared, talking through details of their experience with their circle of support should be permitted. And so, by circle of support I'm talking about people like their counsellor or their pastor or their very close friends or family members as defined by the individual. And what they discussed with their circle of support may include the identity of the other party and the existence of or their experience in the complaint process so long as they also caution their circle of support about the dangers of disclosing further.

Britney: So, once they have all the relevant information a complainant can give the final go ahead. Remember, and we have and we will repeat this a lot, this is their decision and if they decide that moving forward with a complaint isn't what they want at this time remind them that regardless of their decision they still have access to accommodations and supports and provide them with information about those supports and/or make referrals where appropriate whether these are to on-campus resources or off-campus resources based on their needs.

If the complainant does choose to move forward with the complaint, the next step is to transition to the investigation where the intake worker is also the investigator, this is the time to change hats. Where there will be someone else doing the investigation a warm hand-off to the investigator with an introduction and some information about the person's qualifications can help to build trust.

And generally, it's a good idea to wait before taking the full statement. You've given this person a lot of information to absorb, to understand, and to process. They may need time to find an advisor or support person to help them through the process. They may not be ready right away and the investigator may want some time to prepare. But once the complainant and investigator are both ready it's fine to proceed.

Deb: I mentioned earlier that the complaint process is the only mechanism for the post-secondary to impose discipline. There may be cases where the disclosure wants that to happen; they want some form of accountability but they don't want the burden of making the complaint themselves so they may want to make an anonymous complaint; that is a complaint without their name on it. Or there may be a third person not involved in the incident who makes the complaint on their behalf. Both of these might be difficult from a procedural fairness perspective if they don't contain enough information. A respondent in a complaint has a right to know who's making the complaint and what it's about. As an aside, you can actually read more about anonymous and third-party reports in an upcoming blog entry that's going to be release I believed in our newsletter at the end of

this month.

So, another option for the institution is for themselves to take on the role of complainant and allow the discloser to make a witness statement but not carry the complaint through themselves. This is not necessarily preferable as a default, but it's a good idea to offer as an option for those who won't feel able to take a complaint through the process. And finally, the institution can be the complainant without the participation of the discloser if there is enough other evidence to determine on a balance of probabilities that the person who caused harm violated policy. But without a statement from the disclosure or other corroborating evidence, this kind of complaint is much less likely to result in discipline against a person.

Britney: So now we've walked through the process of receiving a complaint and we just want to summarize some of the key takeaways if you haven't heard us emphasize them enough today. So first, the discloser's autonomy, which includes informed consent, is the foundation of the intake process. You should be accounting for this at all stages of the intake. And while this is important throughout the entire complaint process the majority of what you're doing during intake is providing information to allow for informed consent. Basically, the survivor makes the decision about whether or not to make a complaint.

Often, we tend to steer them towards the complaints process because it appears, or we think of it as the most legitimate option. But one, that's not always the case and that's not always what they need. And two, we shouldn't be steering them in any direction; simply providing them with the tools and information they need to make the decision that's best for them. You should also be protecting against re-traumatization by adhering to the boundaries of the intake role and process, including by limiting the amount of detail you are asking the disclosure to provide.

Another big part of your role at this stage is making connections. For any disclosure, this includes providing information about and/or referrals to supports and accommodations. And for those who choose to move forward with a complaint this means transitioning or connecting to the investigator or investigation process. So, we hope that we were able to give you some tools to think through some of the challenges that you shared at the start of the session in the chat and to get your started on building a procedurally fair trauma-informed intake process that reduces harm. And we hope that you'll continue these conversations with each other because these are just strategies; these are just the start.

Ultimately though, when it comes down to it, always remember to come back to the three standards of procedural fairness, trauma-informed practice, and harm-reduction.

Deb: And if you've been to our other training sessions, you'll recall that we highlighted these elements that the three foundational standards have in common. So, when considering whether your practice is procedurally fair, trauma-informed, and reduces harm, especially when there's no clear

strategy or guideline for what you're doing at that moment, you can align your practice with these common features.

So, for example, be clear, accurate, and transparent when describing the process and communicating important information. Be aware of and avoid your own presumptions about the discloser, the accused, and the incident. And remain as scrupulously neutral without speculating on what the outcome of the complaint might be. And finally, be flexible and wherever possible allow the disclosure's need to guide the discussion.

Britney: As always, we want to reiterate that these standards exist in the matrix of human rights and equity, meaning that we can't meet our foundational standards without beginning from a place of equity and respect for human rights.

Zanab: So, our session today highlighted strategies from Chapter 7 of the Comprehensive Guide. You can find the entire guide posted in four separate sections, this one is section three, on the Courage to Act Knowledge Centre. Our next Deep Dive session is on procedurally fair, trauma-informed, and harm reducing GPV interim measures scheduled for this fall. In the meantime, we'll be offering the introduction to the foundational standards in June, September, and November. You can register for these sessions on the Courage to Act National Skill Share Series page. If you are eager to get started, the entire guide is available in the Knowledge Centre.

Deb: Section 4 of the Guide explored three unsettled questions; that is those issues for which there isn't any clear case law or best practice, and yet, we're all vexed by these issues. So, coming up, we'll be exploring two more unsettled questions. These will be closed working sessions with a panel of experts using the same methodology as we did in our unsettled questions chapters of the guide. We'll examine the issue and work through potential resolutions or at least make recommendations.

So, our topics are going to be, first of all, in May next month, consensual, personal relationship between people and differential positions of power. And the second one will be in December, more unsettled questions about privacy and disclosure; so much work to do on that topic. Both of those sessions we hope to release white papers with the outcomes of those discussions.

Anoodth: Wonderful. Thank you so much, Deb, Britney, and Zanab. I now want to invite our audience members to please put any questions into the Q and A box on the chat and we'll get to them. OK. So, I think we have our first question, and the question is: When the police are involved in a case, what should we be mindful about for intake?

Deb: Speaking from the post-secondary position, typically police will want to do their investigation first. They'll want to gather their information. So we don't need to wait until the entire trial is over or settled or whatever happens with it, but we do need to stand back and let them collect their

evidence and then once they give us the go ahead then we can start our investigation, which is going to look quite different from what theirs is.

Anoodth: Great. Thank you, Deb. Thanks for that answer. And we have another question for you all and it's: Do you have any wording suggestions, Deb, Britney, and Zanab, on the confidentiality piece that does not sound like a gag order? Because sometimes the Survivors Support Network includes other students and the person asking the question often struggles with the friction there between respondent, rights to privacy, and the survivor's need to lean on their people which can often include students missing class. And for context, they received both disclosures and investigate.

Deb: Yeah, I mean, this is sort of related to the question of what do we do when there's a breach of confidentiality? When we've provided information as a part of a process and then it gets out there somehow, what is the institution's responsibility to deal with that? So I will first answer the question posed there about wording. I'm going to direct you to the UVIC policy on sexualized violence which has an excellent, excellent section of privacy and confidentiality and really goes into good detail about what the rights and responsibilities are.

What I would say is that it's very tricky for us to enforce confidentiality as post-secondary institutions. And I just talked about this as one of our unsettled questions, so this is not settled but I will give you my opinion on it. And that is that we provide information to the parties as a matter of procedural fairness. We shouldn't be withholding information because we're afraid it will be misused by the parties because that, in fact, would be a breach of procedural fairness. So, what do we do then if a party does disclose the information?

As a former decision-maker I found cases involving enforcement of someone else's privacy really problematic, and in some ways, it felt sort of retaliatory against the complainant, but mostly I found that post-secondary complaints are not adequate to address privacy breaches. I don't think it's actually our business to get involved in what is actually a civil matter because we don't have the authority, for example, to impose remedies for damages to reputation which is typically what this is about. So, I think, my opinion, is that we leave that to the civil courts.

That said, we need to clearly communicate that risk of civil litigation to the parties and impress upon them their responsibility not to disclose personal information. And we can take steps as institutions while we're doing this, so like I said, take a look at University of Victoria (UVIC) policy because it's great. But the other piece would be when we provide information as part of the process, make sure it's only the information necessary that the parties need in order to fulfill their role in the process. You might redact out personal information that's not necessary for them to know. So giving them only what they need.

And you could even potentially ask them to sign some form of undertaking not to disclose the documents and information they've received throughout

the process, so they have something that they've signed that's in writing that explains that this is necessary and potentially explains the consequences of not – of disclosing information.

Anoodth: Deb, thank you for that very thoughtful response. And Zanab, I have a question for you, as well, and the question is: What if grounds for an investigation exist but the client doesn't want to move forward with the complainant – with the complainant?

Zanab: For sure. Yeah, so Deb had described earlier in the presentation some options for moving forward without the involvement of the complainant. So potentially you could have a situation where the institution has the complainant be a witness or you could move on with if you have sufficient evidence, you could move on with the complaint without involving the complaining at all. So the institution becomes the complainant. So that would be, I guess, the actual answer to this question. But the thing that, I guess, I would like to leave folks with is the idea of accountability and you'll see us talk about accountability a lot in our guide; it informs one of the guiding principles under harm reduction.

And, I guess, the real answer that I would like to provide to this question is do we have accountability to policies that are written down that are just processes named by the institution or do we have accountability to the complainant? Our principle is that we have accountability to the complainant. A good process is one that leaves the complainant in a better place than they were before. So those are some of the questions that you want to ask when the client doesn't want to move forward with a complaint but there are grounds for an investigation.

You want to ask, OK, we have the grounds for a complaint, however the complainant doesn't want to move forward. At the end of the day if we do proceed with this complaint, who will it benefit? Will it simply be checking a box that, yes, there was grounds for a complaint so we moved forward, we did this whole process, we expended all of these resources, et cetera, but it doesn't improve the risk to the – or it doesn't improve safety of the community, it doesn't improve safety of the complainant, then we want to ask at what point is it not worth it to move forward with that complaint?

So, the thing that we would like to leave you with is that we're trying to move away from having accountability to institutional processes and instead moving towards a model where we have accountability to people who are involved in these incidents and what they're taking from it. So if you do decide to move forward with a complaint, it should only be in circumstances where one, Deb had mentioned, you have enough evidence to proceed without the involvement of a complainant but also you are certain that moving forward with the complaint will result in some betterment, either for the complainant, the person who was harmed, or some accountability for the person who caused harm, or some reduction and risk to the entire community. Otherwise, what is really the point of moving forward with the complaint to begin with?

Anoodth: Zanab, thank you for laying that out so clearly for us. And I think it's inspired a lot of questions in the chat, as well. So, our next question then is: In regard to confidentiality and privacy, what are your recommendations when a disclosure first comes to attention to a public post on social media? So how do you, perhaps, advise students on their interactions online moving forward?

Deb: I guess I will take a stab at that one, too. It does happen that incidents come to light on social media so now it is public. And so, I think the first obligation is to make sure that the community feels safe and to reach out to the people involved in that social media post, say, "Hey, we have options for you. Do you want to come in and talk to us?" It's going to be very unusual for an institution to speak publicly about what's happening in a particular complaint, what outcome happened in a complaint? So I think really what needs to happen is to harness the energy behind the public, sort of, a need to get involved to get them to thinking about how could something like this happen? Whether or not it did; how could it happen? What are the conditions that made it happen? And why don't you put your energy into looking at those and trying to make sure that those are addressed, as well.

So that is something that we don't have to cloak in privacy or confidentiality; we can really say look, we want to improve the environment here. That's part of our obligation as an institution. And so, that's something you can do but really making it clear that once it is in sort of a complaint process the institution can't and won't give public information unless there are certain, you know, sort of conditions in place.

Anoodth: Great. Thanks, Deb. And Britney, I have a question for you. I want to tap into some of your insights on this. So how should we respond if the survivor is sharing or wants to share their experience and perhaps starts telling us more details than we need? Is there a way to balance their autonomy with the boundaries of the intake role?

Britney: Sorry, I had a bit of trouble unmuting there. Yeah, that's a very tricky, tricky question; that balance is hard to define. But definitely something that will come up in your process, especially if you're creating a safe environment for folks to come forward, that may be a place where a survivor feels comfortable sharing and wants to share their story in a little more detail. I would say I'm not going to give the definitive answer here because it will always depend on the specific situation, but they are the things that I would think about if this comes up in your work.

So first, have you explained your role and the process to the survivor? Have you connected them with the appropriate resources and told them that they can have access to those supports without having to disclose anything at all? Basically, do they understand what the purpose of the intake is and the limits of the intake process and also what's coming up down the line that they'll have to be sharing their story at least one more time throughout the process. Ideally, only one more time. One thing not to do is don't shut them down. You should listen, validate their feelings,

acknowledge their experience, but also don't go too far in the other direction and try go act like a counsellor or a therapist if that isn't your role and if you're in the intake kind of bubble, I guess. And also don't try to act like the investigator at this stage. Even if, again, you're wearing the intake and investigator hat, this is your time to be focused on the intake piece.

So yeah, what you can do is, like I said, acknowledge their experience and validate their feelings. Remind them that they will need to share more details in the investigation and that they can access support without having to share their story. Really listen to what their needs are, and Deb and Zanab both spoke about this, go back to that needs and expectations piece. So, are they looking for supports? Is that what they need right now? Or are they looking for someone to just hear them.

You should also be clear on the expectations in the sense that they should know what's going to happen, or more likely, what's not going to happen when they share their story with you. So be clear that you aren't a therapist or an investigator, but that you are there to listen to them and to hear their story. You could say something like in the spirit of full disclosure you may get better support at these other points, or you may find more value at these other points so you don't have to share your story, but I am a safe place for you to disclose to.

And then if they understand all this, I guess it really is up to them whether or not they choose to share more with you. And it can take a lot for them to come forward and choose to share their story and be very scary so that's why it's important to create that safe place for them to be able to do so and to listen to them. And going back to the need to take care of yourself, this is also an example of why it's important to have those supports in place for yourself, as well. Because hearing about someone's trauma and stories of violence will affect you; it's heavy and difficult. And especially when you're maybe not in a position to really do anything but listen, the listening is powerful but sometimes we feel like we want to or we need to do more and that can be really, really difficult.

So, there isn't really an answer to this question but when you come up to questions like this, any questions that don't really have a clear answer definitely go back to the three standards. So, for this question, I would say remember things like procedural fairness, which means that you should hear them but that you also have to remain neutral and you shouldn't speculate about what should happen or what might happen if it's not a clear – something that's clear in policy or clear in what your practice is. So, validate their experience or validate or feelings, acknowledge their experience, but don't start making recommendations or suggestions.

And this ties into the trauma-informed piece, which is around the clear expectation, so giving them a safe space to be heard but staying within the boundaries of your intake and making sure they understand the limits. And then it's really just a good harm reduction practice to give them the space to be heard, if that's a choice that they choose to make. So, I'm not sure

that fully answered the question but that's how I might approach a difficult situation like this.

Anoodth: Yeah, Britney, thank you for sharing that. And I do have another question for either of you to answer. So, it's: Do you have any guidelines or feedback on how much a respondent is required to know when a complaint is made against them and how much detail is needed for interim conditions to be created before an investigation commences.

Deb: I think I'm going to leave the interim conditions question until our next Deep Dive, but what I would say about the disclosure to – and this will be covered also in the investigation side of things, investigation, and adjudication Deep Dives down the road, but they need enough information so that they can provide a response to the allegations against them. And if they don't know the details of the allegations, they are not going to have the ability to respond to it. Any information that might be used in a decision about that person's fate has to be disclosed to them. And that's sort of the short answer there.

Anoodth: Thanks, Deb. I know there are a couple folks who have lots of questions about interim measures and I think they're all excited to attend the next session. Great, so I do see one more question and it's from Jennifer and Jennifer was asking, you know, even if the institution has enough information and there's a valid reason, if the institution moves forward as the complainant there may still be risks that the discloser's autonomy is not protected because the details of the incident will allow the respondents to know who might have disclosed info, so I assume the discloser would still be informed both that the institution moving forward with a complaint. And even though they don't have to participate in the process there, anonymity may not be protected. I think Jennifer's curious about your thoughts around that.

Zanab: So, Jennifer, I think your question forms part of the answer. So, I'll begin first by saying that it's not just a risk that the discloser's anonymity wouldn't be protected, you have to move forward with the assumption that it won't be. So, I think that's part number one. It's not just like a hazard, it's pretty much a given that their anonymity won't be protected. Because as Deb just said, they need enough details in order to be able to respond to the complaint that's being put to them. So, a respondent would receive a lot of information and we have to move forward with the assumption that their identity – whether or not we're making the disclosure has been disclosed, so they will know who that person is.

The second part to this question is because we're moving forward with the assumption that we're going to be disclosing their identity, our recommendation would be to implement a lot of measures that would be present in a complaints process. So, we would have interim measures in a complaints process if there was a complainant, right? What some institutions do is when they move forward as the complainant themselves, when the institution is the complaining, they will cut out the person who's actually been harmed. So, they'll say, all right, thank you for bringing this

to us because you've given up your right to be a complainant you no longer have the rights of a complainant.

And that's not what we want to do in these situations. We want to act as the complainant on their behalf but still give them the rights of the complainant. So, we want to build to safety measures and those interim measures into the process for them because, again, we're moving forward with the assumption that their anonymity is going to be – it's not going to be kept; we're going to be disclosing who their identity is.

So that would be part two of the – of the answer, we want to make sure that interim measures are still upheld. We don't want to take away the rights of the complainant even though the institution is acting as the complainant. And the third part would be that we want to keep them informed of the process at every single step, so that's the other thing that institutions often do when we move forward with the complaint on their behalf, we don't tell them the outcomes of the investigation. We don't tell them what is happening or what has happened or if there's any safety risks that they should be aware of. So, with informed consent on their part, we'd probably want to keep them informed during those very rare occasions where institutions are moving forward without an active role from the person who's been harmed.

So, I think those are the three things I would say we should be doing for people who are not participating. Just because they're not participating doesn't mean that they should be punished or held in the dark, right? Like Deb was saying, the way that we want to frame institutions acting as the complainant is not so that there's accountability to the policy only, we still want to create good outcomes for everybody involved and that requires giving people who have been harmed as much rights as possible, even if technically they're not the complainant. I said complainant so much, but I hope that was clear.

Deb: If I can just add on to that, too. Our accountability to the person who's been harmed is the fact that we have to make our campuses accessible to them. And if we're allowing gender-based violence to somehow exclude them we are not upholding their human right to be there. So, that's another side of it that needs to be considered, is it's not just about who's in this complaint process, but it's about what we owe to our community members in terms of making sure that they have access to their campus, their life.

Anoodth: Great. Thanks so much, Deb and Zanab. I really appreciate your answer to that. And I do have another question in the chat, and it's posed for Deb. Deb, it's: Should the PSI have a process in place for breaches of confidentiality?

Deb: Yeah, I kind of partly answered that in my previous answer about how we protect confidentiality, and my response is, again, my own opinion, I don't think it's our business. So, we are providing the information to these individuals as a matter of procedural fairness. They're entitled to this information because they're involved in the process, but if they disclose it

there's not a lot, we can do in terms of giving some sort of remedy for the harm that that causes, which is typically reputational harm.

So, it's my opinion that we need to leave that to the civil courts but to make sure that whatever information we're giving them is only the information they need, they don't have any extra information, and also to make sure that they have committed to keeping it confidential.

Anoodth: Great. Thank you, Deb. So, I think we have maybe two or three more questions and some time. So, the next question is: How do you address DARVO in intake, i.e., a person who is a respondent during a counterclaim weaponizing the policy to further harm the survivor?

Deb: DARVO. I love this question. And so, for those of you who aren't familiar with the acronym, it's Deny Attack and Reverse Victim and Offender. And this is something that happens I think only in gender-based violence. I don't know of any other kind of offence that this happens with. You don't have someone mugging someone and the saying their pocket ran into my hand. You know, it just doesn't happen. So, this is one of the main reasons why we have said that both the complainant and the respondent need to be parties to the process.

So, in a criminal model, you would have the respondent being the party to the process and the person who experienced the harm just being a witness and not being able to respond to anything. But when there are counter allegations being made as part of a person's defence, then that – the complainant or the person who experienced the harm has a right to respond.

So, we previously would have done something like, "OK. Now we're going to have a counter complaint, so we have one complaint on this hand and then the counter complaint is a separate matter. This is logistically and bureaucratically impossible. It makes it very, very difficult to address this. So what I would say is when you have both the complainant and the respondent and parties to the complaint they can deal with those questions right in the same process and it's better than also if you don't have those face-to-face encounters because then they can take the time to look at the allegation, whether it's in the initial allegation or a counter allegation, they can look at it and they can think about how they need to frame it so that they can respond properly.

And so, I think that's – the answer to that question is to make sure both of those parties are parties to the complaint and have all of the rights, the participatory rights that we talk about in the guide.

Anoodth: Thank you, Deb. Thanks for that answer. So, we have a few more minutes so I just want to invite attendees to put in any last questions or thoughts. But maybe, Britney, we have a perhaps last question for you, which is: Any suggestions for how to wrap up the intake session? Especially if the person really wants to tell you their whole story. So, I think this is a follow-up to the other question you answered.

Britney: Yeah, that's a great question and I might – I'll share some thoughts, but Deb and Zanab, if you have any additions, please feel free to jump in. I, myself having not done an intake before, I am just speaking from what I know about trauma-informed practices and the complaints process, generally. But I guess a couple things that I'm thinking about are, one, whether the intake session needs to be wrapped up at that time. If you're in the process of listening to someone's story that the sort of transition to outside of the intake session if you're just listening to them and acknowledging their story and validating their feelings still falls in your role as an intake worker.

But I would say that one thing is to just sort of be clear about what's happening, what's left in the process, what's left in the intake process if you want to keep going or if you – if they want to pause and just share their story instead giving them clear options and clear information about sort of what's happening and what they need at that time. Maybe they want to share their story with you and realize that's really all they want to do at that point. So being clear that they don't have to keep going with the intake process and let them know that you can listen to them and sort of move forward from after they share their story.

But I'm wondering if Deb or Zanab have any additional thoughts, as well?

Zanab: For sure. Yeah. I'll say that – kind of expanding on – taking from what Britney had said, you don't ever want to stop someone from telling their story, however, if it is not, your role then you want to indicate that there may be somebody better to tell your story to. So, this is complicated for folks who occupy – actually, that would maybe be part one. If there's administrators here my heavy recommendation would be don't have the people who are supposed to be support people also be the folks who are conducting intake. I know some schools do that. Having delineations is really helpful in that regard.

But maybe identify your limitations as an intake worker and explain that these are really important discussions and you want to have them but perhaps the survivor would be better suited to speak with someone who is highly trained, like Britney was saying, in trauma-informed care, not everybody is, to receive that information and make the appropriate referral to the sexual violence office on your campus if they haven't already received that referral. So that would be I think the thing that I would add.

Deb: And I think one last thing I would say on that question is take your role seriously as someone who just listens and doesn't ask questions. The second you start asking questions you are moving into a different role. Whether it's therapeutic or investigatory, you want to be very clear what your role is and if they still want to tell you then all you do is listen. The only question you will ask is, "How can I help you? Can I refer you to someone who can do this better?"

Anoodth: Great. Thank you, Britney, Deb, and Zanab for that answer. It was really, really helpful. And so, I think we're just about out of time today. So just a

very, very big thank you, Deb, Britney, and Zanab, for sharing your knowledge and your experience and your expertise with us today. The guide is available for download via the Courage to Act Knowledge Centre. And I also want to take a moment to thank our attendees for joining us and for sharing with us today. We appreciate and take inspiration from your commitment to addressing and preventing gender-based violence on your campus and we feel very lucky to be able to work alongside each and every one of you.

So, thank you for joining us today and a kind reminder to please complete the evaluation forms. And you can sign up for the set of Deep Dive sessions on our website on the skill share tab. So, take good care, everyone. Thanks again for attending. Bye for now.

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