

Deep Dive Session #1

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Chenthoori: And a warm welcome to the Deep Dive into Harm Reduction Strategies Session. I am so excited to welcome you into this space. My name is Chenthoori Malankov, and my pronouns are she and her. I am the Program Coordinator at Courage to Act. Today's training is part of our National Skillshare series, where we feature subject matter experts in conversation about urgent issues, emerging trends and promising practices, and strategies to better address gender-based violence on campus.

Our presenters today are fantastic. They are the authors of the toolkit A Comprehensive Guide to Campus Gender-based Violence Complaints, upon which this training is based. Please note that A Comprehensive Guide to Campus Gender-based Violence Complaints is now freely available for download on the Courage to Act Knowledge Centre website. So please download a copy, share it with everyone. It's a great resource and you can visit our Knowledge Centre online and take a look.

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 this session in French by selecting the French Language channel, using the interpretation menu. Today's session is also being recorded and will be available on our website along with the transcript.

So, to tell you a little bit more about 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. Our team has over 20 years of broad experience working with communities, governments, labour organizations, public and private institutions.

Courage to Act is a multiyear national initiative to address and prevent gender-based violence on postsecondary campuses in Canada. It builds on the key recommendations within the Possibility Seeds vital report, Courage to Act, Developing a National Framework to Address and Prevent Gender-Based Violence at Postsecondary Institutions. Our project is the first national collaborative of its kind, and it brings together over 170 experts, advocates and thought leaders from across Canada to address gender-based violence on campus.

I also wanted to take a moment to acknowledge our funders. Our project is made possible through generous support and funding from the Department for Women and Gender Equality, or WAGE, federal government of Canada.

[Slide – map]

As we begin today's session, I wanted to take the time to acknowledge that this work is taking place on and across the traditional territories of many Indigenous nations. We recognize that gender-based violence is just one form of violence caused by colonization to marginalize and disposes 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, Murdered Indigenous Women and Girls across the country.

[Slide – Self-Care]

We also recognize that doing this work can be really challenging. So 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 today I'm just going to remind you as a gentle, tender reminder here to be attentive to your well-being as we engage in these difficult conversations. You can visit the self-care section on our Skillshare page on our website, Courage to Act, or visit our self-care room by visiting the link in the chat.

[Slide – Presenters]

Before I introduce our speakers today, a brief note on the format. You are invited to enter any of the questions that come up throughout the presentation in the question box that you see below at the bottom of your Zoom screen. And we will pose these to our presenters at the end of the webinar. The question and answer will happen in the last 40 minutes of our webinar. We will try to engage with as many questions as we can in the time that we have together today.

At the end of this session, you will find a link to an evaluation form. We'd be very grateful if you take a few minutes to share your feedback as it really helps us improve. This form is anonymous, and so following this session we will also email you a copy of the evaluation form and a link to the recording so you can view it again and share it with your networks.

So, without further ado I am excited to introduce you to our speakers today. Our first speaker we have is Zanab Jafry. Zanab's the manager of Inclusion, Diversity, Equity and Accessibility at UHN in Toronto. A consultant for Courage to Act, and she builds interventions for mitigating, addressing, and preventing sexual violence. Welcome Zanab.

Secondly, we have here today Deborah Eerkes is the director Student Conduct and Accountability at the University of Alberta, and co-lead of the Courage to Act Reporting, Investigation and Adjudication Working Group.

And lastly, we have Britney De Costa. Britney is a research and policy analyst for the Ontario Undergraduate Student Alliance, and co-lead of the Courage to Act Reporting, Investigation and Adjudication Working Group.

I am so excited to turn it to our speakers now. Thank you.

Zanab: Everyone. Here is a quick summary of our session outline for today. We'll begin by offering an introduction to harm reduction in the context of sexual violence, complaints process at postsecondary institutions and why this makes up such an important component of our guide. For those of you who are perhaps just joining us in our series or haven't had the opportunity to watch the introductory training yet, our guide to assembling campus investigation processes is comprised of three components, procedural fairness, trauma-informed care and harm reduction. Throughout the guide we discuss how these three principles link together and actually support one another in their end goals.

Following the Intro to Harm Reduction in the context of Canadian postsecondary institutions, Britney is going to discuss how harm reduction and trauma-informed care work in sequence together and the role both play in complaints processes.

Deb is going to follow up with how harm reduction enhances procedural fairness during the investigative phase of the complaints process.

A big component of our guide has to do with the mitigation of risk for all parties including the institution, so we'll be touching upon this as well.

Deborah: So, I'm just going to start with a quick reminder of the regulatory context of Canadian postsecondary institutions. Campus gender-based violence complaints exist in the nexus of federal and provincial laws on human rights, privacy, and occupational health. They're also affected by intersecting postsecondary policies and procedures by collective agreements, rights and responsibilities documents, professional and other codes of conduct, and institutional commitment statements, for example on equity, diversity, and inclusion, or on decolonization.

At times these elements do exist in tension. For example, it's not clear how to reconcile a complainant's human right to be informed about an outcome of a complaint with the respondent's right to privacy. So, you can read more about that in the unsettled questions section of the guide. But we can't let our compliance with one mean that we're ignoring another. We must figure it out because none of it is optional.

Zanab: So, for those of us who are not familiar, harm reduction is a philosophy that originates from the various opioid and drug crises that have plagued North America in the late 20th century. It is a term that came into existence when support workers decided to reframe their approach to helping people struggling with drug abuse. Traditional policies to manage substance abuse at the time were hyper-focused on criminalization, and in some eras the elimination of substances that were causing these epidemic levels of overdoses and death. Practitioners across the field could see that this strategy had been failing for many decades and was not, at the end of the day, saving lives or reducing the chances of people overdosing.

For those practitioners, their priorities were less concerned with anti-drug legislation or putting people in prison, or apply penalties to drug users, and more aligned with reducing overall overdoses and deaths. From this set of priorities rose the practice that we now refer to as harm reduction. Harm reduction is a philosophy that recognizes that substance use, and users are a part of our world, and that we will encounter both substances and substance users in our everyday life. Instead of imaging an idyllic and unrealistic world absent and prohibitive of drugs and substances, harm reduction practitioners instead choose to reduce the harm associated with drug use.

Instead of focusing on the elimination of drug use, they focus on how people can use drugs safely. They accomplish this by modes of decriminalizing drug use behaviour and applying interventions such as clean needle programs.

Since its origins in the field of addiction and mental health it has transcended its original meaning and has been used widely in many different fields. Including most recently the gender-based violence field. In the context of GBV and investigation, we want to pose a definition of harm reduction that focuses on mitigating the harm experienced by involved parties in an investigation. Simply put, in our context we are using the plain text version of the term harm reduction. Where harm refers to the difficulties experienced during the investigative process by involved parties, and reduction refers to our efforts to mitigate or eliminate that harm. Next slide.

Now these difficulties may have existed before the investigative processes launched or they could come up during the complaints process itself. Our guide is making the argument that PSIs should employ this philosophy throughout the investigation and beyond to reduce harm as it arises. In short, it is a commitment to addressing and mitigating harm as it comes up during the complaints process.

In our introductory training, Britney discusses how being trauma informed as an institution doesn't necessarily mean it's our job to heal trauma, but it is our job to be mindful of it and to try to prevent it whenever possible. Similarly, it is our responsible as an institution to manage GBV responsibly when it arises and to reduce inevitable harm as much as possible. Next slide.

I'd like to take a moment to talk about how I came to this realization that we need a harm reduction philosophy within Canadian PSIs because it didn't happen overnight .so I'll share my personal history with this work and how this all came to be.

I worked within two postsecondary institutions in Southern Ontario my entire adult life, and when I first began doing GBV work in universities I was almost entirely concerned with policy. Perfecting policies and enforcing policies in hopes that a strong enough penalty and investigative process would solve this epidemic of GBV across campuses. But it wasn't

until I became a sexual violence advocate and systems navigator that I realized how little policies and decisions made by way of investigations actually do to serve survivors of GBV. I've noticed some patterns in the way that GBV is dealt with when it arises on campus. First and foremost, I can confidently say that in my experience the majority of GBV investigations did not result in material changes of survivors' reality following the trauma they experienced. I'll ask for Britney to switch to the next slide just for a second.

When I visualize the impact of a single incident of GBV I image it as an interruption in the course of someone's multidimensional life. The single acute interruption leads to a cascade of many other negative impacts. We have primary or immediate impacts, like physical trauma, emotional trauma, which leads ultimately to things like injury, disability, and mental health impacts. And then downstream we have longer term secondary impacts that may not present themselves right away but stem from the primary impact.

For example, disability may lead to financial struggle if someone has to leave their job. Mental health and emotional trauma may impact people's academic trajectory, so they may have to prolong their degree or drop out for a little while. All of these things would have financial impacts as well, and would trigger other impacts like losing out on career opportunities or entering the workforce later than everybody else.

Now without intervention this cascade would just continue, and each trigger would exacerbate the already impacted conditions of the survivor's life. And the biggest realization for me was that investigations and complaints processes and policies were not actually putting a stop to the cascade. The policy and complaints process was totally ineffective in hindering this cascade from going on for another few levels. And I'll just ask Britney to switch to the next slide.

And this is because policies and investigation processes as they currently exist in North America are not actually concerned with stopping this cascade. In fact I would wager that most institutions do not see recovering the lost potential of its students harmed by GBV as one of its responsibilities. From my experience, the main purpose of these policies is to determine through fact finding, quote unquote, whether or not a code of conduct or standard was violated. If it was violated then you get a sanction. If it was not, we would go back in time and pretend that this never even happened. At no point is the investigation seeking to reverse or rectify some of the downstream harm that has befallen the survivor in the days that have passed since the original incident.

If, for example, a survivor experiences final difficulties following GBV an investigation doesn't address that. If it was an academic impact the investigation doesn't address this. If it was an emotional or psychological impact the investigation doesn't address this and can't address this because by design the investigation is concerned with the wording of the policy and not the human impacts of the survivor. And so the

accountability of the respondent is not to the person they've harmed, but to the code or policy provision that says they cannot commit gender-based violence.

And this forms my third-most issue with what I was seeing unfold in my work places. Simply put, these processes had nothing at all to do with accountability or inspiring accountability and behaviour change within our respondent.

So it begs the question, who do these offices benefit, and who do these investigations benefit? The survivor, even after a lengthy investigation does not benefit because all of those impacts from the cascade are still happening whether or not there are findings in the case. And the respondent does not benefit in the sense that the respondent is not given the opportunity to better themselves or reflect on their actions because their accountability is not positioned towards the survivor but to the provision of a student code of conduct or policy.

And so it's these gaps and the desire to make the investigations beneficial for people who have been harmed that have led us to develop a guide rooted in harm reduction. We wanted to create a process that had room to bring about material changes for survivors and accountability for respondents. I'll pass it over to Deb for the next slide.

Deborah: Thank you, Zanab. And like Zanab I came to this over time, this concept. I started my career in ombud working with complainants and respondents and campus complaints processes. And my training instilled the notion that procedural fairness is a list of rights for the respondent, and if we got that right everything else would fall into line. I saw the damage it did with the students who came to me for help, most of whom were respondents. So I assumed it must have been because the decision makers were not doing procedural fairness right. Then I move to a decision maker role. And I was going to double down on procedural fairness to improve the experience for everyone.

So when I worked with respondents and they brought their criminal defence lawyers, I was extra careful to make sure they understood their rights and that I stuck to the letter of the law. The strange thing was it did not improve their experience. Everyone involved experienced some form of harm. Respondents, the ones who are supposed benefit from procedural fairness were really treated like criminals. And even in those cases where the respondent started out with what I would call a restorative impulse, that is their immediate reaction was to feel or take responsibility and a desire to apologize or otherwise try to make things right, that impulse was quickly quashed by parents or advisers who warned them not to admit any culpability or to apologize. They tended to feel more aggrieved the further we got into the processes, some of them threatening law suits, others retreating into mental health crises.

I also worked with more complainants than I had previously. And by the time I met with them they had already been through a lengthy

investigation, and many had also sought academic or other accommodations at that point as well, with varying levels of success. If not being subjected to disbelief or victim blaming questions and attitudes, they were completely excluded from the process. They were forced to withstand criminal court-like procedures without any of the protections they would have had in court. They had untrained decision makers asking them to blame questions and allowing aggressive treatment by defence lawyers who were treating them like they were on trial. They were subject to decisions made without appropriate training or knowledge, and they received very little information or support even though at my institution we had a world class sexual assault centre. The center was marginalized and kept away from the complaints process as well because support for survivors was seen as an impediment to procedural fairness for respondents. After a time, it was hard not to see that the harm to complainants in the process rivalled or exceeded the harm of the initial violation. The thing that the process was supposed to resolve.

And then there was the effect on me and the others who worked in the area. We all have cases we still can't get out of our minds. I have a handful that still haunt me decades later. For me it was my role in the way parties were treated and the harm it did to them, even though I was trying to better, I was complicit in this system that caused so much unnecessary harm. And it wasn't easy to see that from the inside. It became obvious, though, when I looked at the students across the table from me. I felt like being an unbiased decision maker had to somehow make me less human. And it became harder and harder over the years to reconcile my values with my work.

So, no one in these processes got out unscathed, and I finally saw that it was because we were ignoring the human experience, the emotional, psychological, physical and social fallout of having to go through our processes, both for complainants and respondents. For me, having witnessed the damage we left in our wake, I absolutely agreed when Zanab raised harm reduction as a foundational standard in its own right.

Britney: Yeah, thank you Deb, and thank you Zanab. Every time you reflect on your stories, I always take away something new. So, thank you for that. For me the concept of harm reduction and complaints processes really clicked from my time and experience as a student, where I witnessed the harms our institutions and institutional processes have on people within them, and what it means to work in these systems.

This was really sparked by the sexual violence that was happening in my law school at the time. And the harm that was occurring because of how that violence was talked about and responded or not responded to, more accurately. Part of this was also experiencing how it was left to us as students to sit with, work through and create our own responses to the harm we were seeing and experiencing. What it really showed me was how problematic our institutional structures are, and this forced me to think more deeply about what it meant for me, a white settler, to become

a lawyer within a broader colonial legal system. And how I could end up creating more harm than contributing to systemic change.

So, I was sitting with this pretty, rigid and narrow understanding of what we need to create change. But I was fortunate to be able to work with a local anti-poverty group led by people with lived experience who graciously gave me their time and taught me so much about what it means to do this work. They reminded me that as much as we are working towards a better system and eliminating harm, we still must live and work within the system that exists now and address that harm that we're experiencing.

So, although the focus of our conversations was on the role that lawyers play in systemic advocacy, what they really taught me – and I'll say we didn't call it this at the time, and I've only recently made this connection in my own thinking – was harm reduction. So, they allowed me to think more critically about how we actually have to engage with flawed and harmful systems to make them safer, and that this work doesn't have to legitimize these systems so long as we're also working to dismantle them.

So, when I reflect on that now, with my deeper understanding of harm reduction thanks to all the learning I've done, and the trainings of Zanab, she really brought this to life for me, has solidified how we can acknowledge that complaints processes are inherently harmful and work to build alternatives, while at the same time ensuring that compliment processes are safer for those involved.

So, as you can see from all our stories, much of our understanding comes from witnessing or experiencing harm from institutional structures. But we want to know more about where you're coming from. What are some examples of harm reduction – or excuse me – what are some examples of harm you have witnessed or experienced while engaging in formal processes at your institution. And we'll pause here for you to reflect, and if you want to share, please feel free to add your examples in the chat.

[Pause]

You have something in the chat, other colleagues questioning the validity of the disclosures and the need for accommodations. And reiterating the stories multiple times with mixed responses of affirmation and denial, yes. Investigators who don't even know the contours of the law and not acknowledging other factors at play for respondents such as mental health or family crisis. Yeah.

So, as you can see there's probably countless examples that you can reflect on. So, I'm going to pass it back over to Zanab and keep reflecting on this question because it'll be important as we go through.

Zanab: So, there's two major concepts that serve as the inspiration for why a philosophy rooted in harm reduction is so important. The first is institutional betrayal. Institutional betrayal happens when you as a

survivor approach the institution where the harm occurred and are met with a response that does not do justice to the concerns you've raised and what you've gone through. Essentially GBV happens, you've documented it or brought it forth. Not even necessarily in a complaints capacity and have been met with a person who fails to take appropriate action after learning about your experience. Examples of these betrayals may include things like victim blaming, rape myths, cultural insensitivity and racism.

The second concept is an offshoot of institutional betrayal known as sanctuary trauma. This term is more specific to spaces within the institution that market themselves as safe for survivors. So, we're thinking of places like the GBV offices, therapists at the school, for example, resident staff or even professors. Basically, what is happening is that a student enters a space that should be safe only to be further harmed there as well. This leaves the person who came forward feeling abandoned, re-traumatized and perhaps even worse off than they were before. [Pause].

To further visualize what sanctuary trauma can look like I wanted to pull from Elaine Craig's book called Putting Trials on Trial, where a survivor is discussing her experience with the criminal justice system. She indicates here that the process of coming forward and going through the complaints itself was actually even more traumatizing than the incident that brought her there. This is huge and indicates how clearly we have failed people affected by sexual violence at the highest level. If the laws and people meant to guide you through or rectify GBV are causing you more pain than it's a very bleak outlook for those people whose lives have been affected by GBV.

Institutional trauma and sanctuary trauma is experienced by people in the criminal justice system all the time because unsurprisingly the criminal justice system is unfit to deal with incidents of GBV. GBV is a spectrum of varying forms of abuses of power and the criminal justice system is not capable of making decisions where an individual's personal experience forms the brunt of the evidence. The criminal justice system is fantastic at determining loss of money or damage to property, but it not good at delivering appropriate responses to sexual violence, which is a uniquely personal crime.

Now you might be thinking that this is the criminal justice system, which is not the same as an institutional process, but all processes in Canada are based on colonial duplications or mimicry of pre-existing systems. So it's inevitable that elements of the criminal justice system will make their way into our processes as well. And it's really not that much of a stretch when it comes to PSI processes because there are undeniable elements that make the two remarkably similar to one another. In the criminal justice system, the incident of GBV is treated as a crime against the state. The survivor is a witness to the crime and not the subject of the crime. Similarly in our institutions the incident of GBV is first and foremost a violation against the institution and its code of conduct. Survivors are also treated as witnesses during the investigation. You have an

investigator who pokes and prods at testimony and then delivers findings to a decision maker that acts as a judge on the matter.

There is even a sanction that is delivered by the judge that has almost nothing to do with what the survivor needs or wants. Even though the survivor may be allowed to provide input, they have no real power in the process at the end of the day. Some PSIs even have cross examination built into their processes and juries where students make up the panel of decision makers.

So even though institutions are not necessarily based in criminal justice, that doesn't mean that they're not mimicking many of the same mistakes produced by the criminal justice system. And in turn it also means that we are vulnerable to reproducing the same kind of institutional betrayal and sanctuary trauma within postsecondary institutions. Next slide.

To explore institutional betrayal further, we can pull from a recent example that is unfolding pretty much before our eyes at Harvard University with three Title 9 complainants. We see a situation where the institution is colluding with safe spaces to work against the survivor. Now Harvard is obviously a very extreme example, in this case the institution actually sought input from therapists who shared secrets of survivors to benefit the institution's strategic moves against them. This is a conspiratorial but very clear example of sanctuary trauma and institutional betrayal. And while this may seem extreme, micro versions of what is happening in Harvard happen in our PSIs every day. It's possible that this exact situation is actually happening, and we just don't know about it yet. [Pause].

And so, thinking about what's happening at Harvard today, we wanted to take a moment to ask you if you could ever recall a time where a client of yours was harmed by complaints processes, told you that they regretted the complaints process, or actually felt traumatized by the complaints process. So potentially in a worse position than they were before they came to you and started a complaints process. And of course, you're welcome to enter your answers into the chat. [Pause].

So, another argument we make in favour of adopting a harm reduction philosophy in the complaints process has to do with promoting accountability. Our stance is that one of the main goals of a complaints process should be to promote and inspire accountability for the respondent. Given that majority of sexual violence is committed by the same offenders, we are aiming to inspire behavioural change and accountability for the purposes of preventing future harm. Our guide takes a close look at three kinds of accountability that these processes should seek to produce. So, we'll begin by talking about individual accountability. Britney, could you jump back to the past slide? Perfect, thank you.

So, individual accountability. This is, at most, what majority of traditional contemporary complaints processes currently produce.

Individual accountability is concerned with one person committing one action and holding them to a sanction or standard. On its own this is flawed in the context of GBV, because it fails to look at systemic causes of GBV and environmental factors on campus that could have enabled GBV. It limits self-reflection to what is written in the code of conduct or policy and not an accountability to the greater community. When a process is limited to individual accountability, the sanction that is produced is a penalty for violating a policy or code of conduct. It lacks room for reflection on why their actions on another person should not have happened and can never happen again to someone else. A penalty without accountability is not effective in reducing harm because there is no behaviour change in the respondent and no incentive to stop harming others in the future. Next slide.

For that reason, we make the argument that these processes should inspire interpersonal accountability among respondents, meaning that respondents should walk away from this process with a renewed understanding of why their actions were harmful and a desire to be accountable to the rest of the PSI community. The goal of implementing interpersonal accountability is to reduce future harm by inspiring behaviour change in those students who have committed GBV to not do it again in the future. [Pause].

Finally, complaints processes must also produce institutional accountability in that each instance of gender-based violence and gender-based violence investigation should lead to a review of the systemic factors that allow gender-based violence to take place. Just thinking back to a few months ago we had a situation at Western where over 30 plus respondents were named in separate investigations at the same residential compound. The situation was obviously dire and of course horrifying and there were hundreds of stories about it in the news. And in fact, Deb, Britney and I were all interviewed at several different junctures about the situation. And every interview had the following question, what do we do about these guys that are causing harm? How do we get to them and what penalties should the university apply?

So basically, the questions were all concerned with individual accountability. And I don't want to speak on behalf of Britney and Deb, but to me they all seemed a bit disappointed when we didn't necessarily jump at the chance to promote a very harsh or punitive penalty. Instead the three of us were more interested in exploring the systemic causes that may have enabled gender-based violence to occur on such a massive scale. When you have 30 people committing very similar acts of sexual violence in the same place you must start taking a hard look at the environment that those assaults took place in. You must ask questions like, what is the culture of this residence? What kind of supervision is there? Is alcohol a factor? Are drugs a factor? Is the reputation of the residents' hall or stigma a factor? And this isn't to say that penalties are not important, but remember, our goal is to prevent future harm. And if that's our goal and you've got this many respondents in one area, we're way more interested in learning about that area than the respondents.

And this is because you can dole out 30 penalties, but if you don't address the environmental of gender-based violence in the residents' hall, you'll find yourself in the same spot next year with potentially similar stories happening repeatedly.

I'll pass it over to Britney now who will expand further on the connection between interestingly accountability and trauma-informed practices.

Britney: Yes, so if you recall from our introduction to the Foundational Standards Webinar and in chapter 2 of our guide, one of the principles of trauma-informed practice in the context of campus gender-based violence complaints is that knowledge of trauma and its impacts must be integrated into all policies, procedures, and practices to avoid re-traumatization and to mitigate harm.

One practice is to approach every interaction as if trauma is present, recognizing that everyone is coming to the process with their own histories of trauma, and knowing that everyone will display or not display trauma symptoms in the same way. This creates a safer process, allows involved parties to participate more fully in the process, and protects against discriminatory treatment to ensure human rights protections are upheld. In other words, this trauma-informed approach mitigates the harm inherent in the complaints process by accounting for safety, full participation and respecting human rights.

It's also important to understand that trauma-informed practice is harm reduction. Although they are different, trauma-informed practice prevents harm while harm reduction mitigates harm as it arises by applying trauma-informed practices you are practicing harm reduction. So it's this understanding of the relationship between trauma-informed practice and harm reduction that tells us the importance of trauma-informed practice practices in realizing institutional accountability. As Zanab explained, in the context of gender-based violence complaints, institutional accountability is the administrative responsibility to, among other things, prevent harm before it occurs and address the gaps that enable harm.

So, if trauma-informed practice is about preventing harm and institutional accountability requires preventing harm and addressing gaps that enable harm, you can see how trauma-informed practices are a form of harm reduction that allow for institutional accountability. [Pause].

Zanab: Another foundational argument we make in favour of harm reduction is that it befits everyone. It benefits the survivor because it allows room for material outcomes and interventions throughout the process, which is a traditionally new concept for complaints processes. It benefits the respondent in the sense that the respondent is offered room to reflect on their action and achieve personal growth as the investigation unfolds. But it also benefits the institution by acting as a mitigating factor for institutional risk.

Harm reduction is a natural risk mitigator in the following ways. It enhances the investigative process by making the environment safer for both respondents and complainants to offer testimony. Testimony is the most important evidence in these cases because often physical evidence like photo or video is not available. Therefore, the balance of probabilities is usually determined on the basis of the verbal retelling of events by the involved parties, complainants, respondents, and witnesses. And if parties don't feel safe, or if they're experiencing adverse effects from the GBV or from the investigation, they're not able to participate in the investigation to the best of their ability. So we're holding them back in a sense.

Think about it this way. Think about how hard it would be to recount some of the most difficult and crucial moments of your life to a stranger. Now think about doing this in an environment where you're uncomfortable or distracted by academic pressure. Or thinking about your financial struggles or battling depression and PTSD symptomatology. Those factors, if you can recall our downward stream of negative impacts, make it that much more difficult to offer a coherent retelling of those events. And if that testimony or retelling is flawed, then the investigation is flawed. Implementing harm reduction in this process seeks to remove factors from the environment that are having an adverse effect on the people offering testimony. And because of this, the testimony and resulting investigation is enhanced. When the investigative process is optimized, there's less of a chance that you're missing pieces of the full picture, and less of a chance that there will be procedural errors in the final report that is produced.

I'll ask Britney now to speak about how trauma can affect testimony from the complainant and respondent, also witnesses, and Deb is going to follow up with the importance of getting verbal evidence in the form of testimony during PSI complaints processes.

Britney:

So one of the ways that you can address the harm inherent in investigations and make that environment and context safer for everyone involved to allow them to provide more thorough and comprehensive responses, and to make more accurate determinations of credibility about testimony on the investigator side or the decision maker side is to take a trauma-informed approach to investigations.

So trauma-informed investigations account for trauma's impact on memory and the ability to communicate, and it also challenges biases that compromise the integrity of the investigation. So why do we need trauma-informed investigations? And it's because of the impact that trauma has on all parties involved.

As we touched on in our introductory training and we go into it in more detail in the guide, a traumatic event triggers a person's defence circuitry in their brain which results in automatic responses or behaviours and also their brain being flooded with stress hormones that impact their memory. When this happens the information, they encode in their memory may

therefore not be the information that you would consider central to the investigation. They may not be able to provide a cohesive story and tell you who, what, where when and how the incident occurred because their brain didn't consider these details central to their experience. It had more important things to focus on like safety and survival. So instead, a person may remember sensory details like a smell or a sound or other what we might say is an insignificant detail, but it's central to their experience and can be very important to the investigation.

So, it's important to understand that the most credible information you can gather from a person about a traumatic incident is the information that is most central to their experience. This is the information that they have encoded in their memory and that will be easier to recall. But it's also equally important to design an investigation to protect against potential triggers and account for unavoidable triggers that will impact a person's ability to recall or articulate information or memories even when their experience of trauma is not connected to the case directly.

So, if the environment or situation is stressful and interviewee may experience a trauma response which will make it difficult for them to recall information and provide the testimony you need for a fair investigation. I'll reiterate here that in addition to creating safe environments and using trauma-informed practices that account for the neurobiological impacts of trauma and the way that it affects memory encoding and recall, it's equally important to consider and account for the individual, social, cultural, historical, and institutional context that may be at play as this will affect how a person engages with the investigation.

Deborah: So, I am going to try and illustrate these concepts in the context of a campus gender-based violence investigation. As we know, gender-based violence investigations rarely come with any corroborating evidence. The nature of the act is that it is done in private with no way to prove that it happened. A key feature of gender-based violence is also that by design it implicitly or explicitly makes the survivor feel complicit or responsible for the harm inflicted on them. Even often sort of resulting in delayed reporting if they report at all.

Investigators often then have to rely exclusively on the statements provided by participants, namely the complainant, the respondent and the witnesses if there are any. In the case of delayed reporting, fading memories, people leaving the institution all add another layer of complexity to the investigation.

Each participant can experience harm in the investigative process. A complainant has to recount potentially traumatic event to a person or people they don't know in a process in which they have little control and few rights. On top of that, as Britney just described, trauma may affect their recall, their ability to articulate or put details in a particular order. Or it might affect their behaviour and emotional regulation, or triggers in the process can result in re-traumatization. They might face blaming questions, or questions based in myths and stereotypes, and many

survivors have yet to unlearn those myths and stereotypes themselves so they may be engaging in self-blame.

Like I described earlier, the respondent feels like a criminal if they're treated like a criminal. And this is especially harmful if they're from a community that faces disproportionate representation, for example, in the criminal system. They may also be dealing with their own past trauma. As we know, hurt people, hurt people. And so they might be triggered as well within the process. They might feel unable to take any responsibility or to believe that taking responsibility is far too risky for them. And then retreat into a defensive mode. And think about Jennifer Freyd's DARVO model, which is defend, attack, and reverse victim and offender, which causes its own new harm.

We also often forget about witnesses and their experience in the process. If there are any, they may be in an awkward position, for example if they're acquainted with or in same social circles as the complainant and/or the respondent. They might fear retaliation as a result of getting involved in an investigation. Or they also might be dealing with their own past trauma.

The way the investigative interviews are conducted has a significant impact on both the integrity of the investigation and the experience of the people in it, as Zanab was describing. So, under these stressful conditions for all three types of participants, if the investigation is done in a way that is not trauma-informed and where no harm reduction measures are used, their ability to offer valuable information is, in fact, compromised. Which means we'll be basing a decision on incomplete or misunderstood information, and that introduces risks to the institution as well, including greater risk of appeals and review by the courts. Plus, and investigation without thought to reducing harm negatively affects the experience of the complainant, the respondent and/or the witnesses leaving them feeling somehow less than human.

But creating safer environments for investigations involves sometimes insignificant steps to reduce the harm, such as giving the interviewee the choice of where to sit, or providing clear information about their role in the investigation and what to expect, allowing them to have a support person with them, and many of the other strategies we'll be bringing up in the deep dive series when we get into the investigation. And interviewee who feels safer and more comfortable will be able to engage with the process more fully and provide information that is both more reliable and more credible. And by the way, this also requires an investigator who is trained and skilled in trauma-informed investigations.

It also leaves the participants with the feeling that they were heard, understood, and it gives them some modicum of control over their own experience, which is also a trauma-informed practice. They may, in fact, come through the process with less damage to their wellbeing regardless of the outcome. And just to tie this all together, remember from the introductory training that procedural fairness involves the right to be heard

and the right to an unbiased decision maker. When harm reduction measures, including trauma-informed practice are in place for both the complainant and the respondent to participate more fully and more safely, their procedural fairness rights are also enhanced. There are fewer barriers to being heard, and the fact that they have equal consideration demonstrates an impartial process.

Britney: So, one thing we want to do here is provide a bit of context for how this applies to all parties including the respondent specifically, by looking at the prevalence of trauma generally. Evidence from the US tells us that nearly three-quarters of college students have experienced a traumatic event in their lifetime. While we don't have specific postsecondary data in the Canadian context, the prevalence rate of those who've experienced trauma in the Canadian population more broadly is similar at just over three-quarters of Canadians who have indicated that they've been exposed to a traumatic event in their lifetime.

We also know that around one-third of Canadians experience some form of childhood maltreatment, which is itself an experience of trauma. This means that the likelihood that the person you are interviewing having experienced trauma whether they are the complainant, the respondent or witness is very high.

This becomes even clearer when we think about all the forms of trauma a person can experience and carry with them, whether it's from adverse childhood experiences like childhood abuse, trauma from systemic oppression or racial, historical, or intergenerational trauma. This is especially true for Black and Indigenous respondents and other respondents who face systemic oppression and other forms of violence.

Zanab: So, in summary, the harm reduction strategies laid out in our guide seek to produce the following outcomes. They enhance investigations by mitigating trauma in the investigation, result in material changes in the quality of life for the survivor. Inspire accountability in the respondent with the hopes of preventing future harm, and they mitigate risk to the institution and the PSI community at large.

Deborah: And you can build harm reduction right into the process from the start. For example, when choosing a model for your complaints process. In chapter 4 of the guide, we talk about building a process from the ground up, and one of the strategies to reduce harm, while enhancing procedural fairness and trauma-informed practice, is to choose an investigative model over an adjudicated one. And investigative model affords the potential to build trust into a relationship between the interviewee and the investigator. In this model the participant meets with the investigator individually or with a support person or advisor, likely more than once, to provide their information and respond to adverse evidence. While the complainant and respondent never come face-to-face, there's ample opportunity for them to be heard and to challenge or explain evidence that doesn't support their account of what happened.

By contrast, an adversarial model pits the complainant and respondent against each other in a synchronous hearing often with multiple decision makers. The hearing is the sole opportunity to present one's entire case and make all of their arguments, introducing a high-pressure environment. The complainant is usually treated as a witness in the hearing rather than a party, meaning they're not allowed to remain in the room except when giving their testimony. If counter allegations or adverse evidence is introduced when they're not in the room, they don't have the opportunity to respond to it.

Questioning by the parties or their advisors or lawyers can mimic cross-examination in criminal trials, but often without the same protections in place, because few of these tribunals are training in this type. Hearings like this can leave the participants feeling traumatized, unable to properly articulate their thoughts, disrespected and mistreated. In our research we could find no evidence that an adversarial hearing enhanced fairness, but there were plenty of sources discussing the harm caused by in-person adversarial hearings.

If you're not starting from scratch, you can build harm reduction into your policies and procedures and right into your practice no matter what your role is in the process. Small actions have a big impact even if they don't completely stop the harm in the process, every little bit helps. For example, you could build into your policy the option for a complainant to pause or withdraw from the process. You could lay out expected timelines of the process in your policy. Both of these strategies reduce harm.

You can reduce harm in your own practice by being aware of trauma and its effects or by providing information both verbally and in writing creating safer spaces for interactions with parties or applying an intersectional lens to your interactions. Or you could provide options outside of the complaints process that might better meet the needs of those involved.

Britney: Yes, exactly. And we have to be looking to alternatives complaints process by exploring non-adjudicative processes that reduce harm, are survivor driven and are cultural appropriate. These options need to be presented to complainants before they initiate the complaints process as equally legitimate pathways so that they can make an informed decision about the best path forward for them. Which ultimately is the first step in your trauma-informed practice.

Zanab: So, at the risk of sounding repetitive I'll say it again, the way that we have framed harm reduction as a philosophy for our guide is informed by these three goals. We want to combat institutional betrayal and sanctuary trauma. We want our sanctions and processes to promote accountability. Having penalties that do not inspire behaviour change will not result in long-term reduction of risk to the community or reduction in future harm. Solutions produced by complaints processes must be rooted in interpersonal and institutional accountability. And lastly, we went to

mitigate risk by enhancing investigations and the environments in which they occur by using methods of trauma-informed care and procedural fairness with the intention of reducing harm as it arises throughout the complaints process.

Deborah: And I will also beat a drum that you've heard before, we had this slide in the introductory training if you would remember, and it bears repeating that our goal has been to dispel the two myths. That on the one hand that procedural fairness is only for respondents and trauma-informed practice is only for complaints, and on the other that these two principles exist in tension or opposition to each other. In fact, the three foundational standards not only apply to both the complaint and the respondent, but they work together and reinforce each other for a stronger, more humane complaints process.

In that introductory training we identified some of the commonalities between these standards. Things like transparency, avoiding myths and stereotypes, flexibility, communication, and risk mitigation. These elements are featured in each of the foundational standards, again, evidence that there's no conflict between them provided that procedural fairness, trauma-informed practice and harm reduction measures are applied to all parties.

Britney: And for my turn to be a little repetitive, we also want to reiterate that these standards exist in a matrix of human rights and equity. So, this means that none of the foundational standards can fully exist without the others. We can't have procedural fairness without trauma-informed practice or harm reduction, and we won't actually meet those standards unless we're also meeting the standards of human rights and equity.

Zanab: Everything we've talked about today is in section 1 of our – sorry, it's actually in the – the third chapter rather – of our Comprehensive Guide To Campus GBV Complaints, which includes chapters on each of the three standards along with the discussion on human rights and equity. The rest of the guide offers strategies and recommendations and raises important unsettled questions in a way that shows how these standards are dependent upon one another.

Next up, we've put together a deep dive series that builds on section 3 of the guide with each section looking at a specific step in the complaints process, from intake through to adjudication and appeal. We explore strategies for procedural fairness, trauma-informed practice and harm reduction specific to each step. These sessions will be a great place to come learn how you can apply these strategies in your roles and at your institutions, meet others to build your network, and think through some of the barriers and challenges you face. We hope you'll join us for the deep dives that are specific to your role in order to get the most out of the series. You can register for these sessions on the Courage to Act National Skillshare series page.

Deborah: Also coming up, more unsettled questions. So, we have a section in the guide on unsettled questions. Things where we don't have enough case law or good examples of what the right answer is to these questions. And we identified a few more questions, you can see them on the screen there, that we still need to work on. So we will be holding a couple of closed working sessions with experts using the same methodology we used in those chapters in the guide. So be on the lookout for our call for experts. There will be an application process, I think the first one is coming out next month. And in these closed sessions we'll examine the issue and work through potential resolutions, or at least recommendations on how to handle these questions. In the end we will come out with a white paper on each of these topics with those recommendations.

Chenthoori: Amazing. Thank you all so much for such a comprehensive and powerful presentation today. And now I'd like to invite our attendees to share questions and comments. You can do so by typing these into the Q&A box at the bottom of your screen. And we'll give folks some time to type all their questions. Thank you. [Pause].

Awesome. Looks like we got our first excited question here. So, this one's for Deb. How do we deal with harm we have no control over?

Deborah: That is a great question. PSIs have limited resources and you know, are expected to deal with seemingly unlimited needs. So, I'm thinking harm that we have no control over might include things like harm caused by the gender-based violence itself, prior trauma, people coming in with trauma. And harmed by external agencies, thinking about police and the courts.

So, I think the best advice I can give is that postsecondaries should think about the fundamental question, what are we here to do? So, looking to the educational mission as a guide, what are we doing to remove the barriers to achieving the educational mission? And that, I think, would apply to staff, faculty and students because each person in the postsecondary community has a role in that educational mission. So thinking about actions by community members and postsecondary processes that create barriers to full participation in the learning environment, working environment, living environment, these are harms that we can and should work to mitigate. But for the rest it's helpful to have partnerships and connections to outside agencies so that you can give a warm handoff or a referral to an actual person instead of just saying, we can't help.

And so what this does, this focus on the educational mission is it helps us allocate those limited PSI resources to align the work within the postsecondary with the educational mission. And I'm going to ask Britney and Zanab if they have any other thoughts about that as well.

Britney: Oh, I'm just going to say, Deb, you said it beautifully, I don't have anything to add.

Zanab: Yeah, I also think you nailed it, and I think some of our other questions that I'm seeing pop up also might allow us to expand on that further.

Chenthoori: Yes, absolutely. And speaking of expanding on the questions, Zanab, it looks like this one is for you. Where does our responsibility end when it comes to reducing harm?

Zanab: Yeah, it's a great question and I have a very short answer. I think the responsibility exists if the resources exist. And I think that for institutions that are billion-dollar institutions that have the seemingly limitless financial funding to make things happen that they must put in place solutions for students who need them. The days of saying that we're hands-off as institutions or you know, it's not our job to coddle students or to support them through their trauma, I think those days are over because we cannot both advertise GBV offices and boast about having a GBV policy without a commitment to actually supporting the people who are affected by these things, in particular racialized students, in particular newcomers, in particular people who have been affected by adverse events prior to entering the institution and especially those students who are vulnerable in the sense that they're international students, they're living in a new country. We're inviting these people onto our campus. We're taking tens of thousands of dollars from them. We do have a responsibility to make things happen for them when they need it.

So, in my opinion our stance is that the responsibility exists as long as the resources exist. And what that means is, the responsibility always exists, because for one student there is never going to be a situation where helping them is going to bankrupt or prohibit the functions of an institution.

Chenthoori: Wow. Amazing responses. You can clearly see the chat is on fire. And I wish I was able to unmute in snap while you were speaking, Zanab, that is absolutely, – yeah, very true and very powerful. Thank you for that response.

We have one more question here, and it looks like maybe Britney can answer this if you feel comfortable or all the panelists can chime in. How do you encourage your organization to shift its thinking from the established colonized processes to harm reduction, recognizing key stakeholders are too reluctant to this change, or hesitant?

Britney: Yes, it's a very good question and a very complicated one. I think one piece that I can – that comes to mind when I'm thinking about stakeholders and institutions who are reluctant to change and are hesitant, for those who are really stuck on what's the bottom line? How their institution operates, the point that Zanab talked about today about risk mitigation and highlighting how harm reduction, trauma-informed practice and procedural fairness are risk mitigation for the institution is one way to show how these – taking up these standards and applying them to your processes is good for the institution if no one else. So while it's good – we promote it as something that should be done because it's

good in and of itself, the fact that institutions may not be thinking that way. That's one way to frame it. But Deb and Zanab I feel like you might also have some thoughts on this one.

Zanab: I'll definitely encourage Deb to respond to that, but Britney I do think that you nailed the main piece, which is that institutions are, again, because we live in Canada, because we live in North America, we are really married to the idea of reproducing the systems that already exist and that govern this nation essentially. So, we do want to be hands off like the criminal justice system. We do want to produce very minimalist systems where we're just checking off the absolute bare minimum and moving on for the purposes of risk mitigation. But it's a terrible risk mitigation process. We can see this with the stories that are coming out. We can see this with the situation that just occurred at Western, and every couple of weeks that happens at PSIs. Clearly the strategy that institutions have taken with being resistant to applying these kinds of principles, is not working.

If it was working, we wouldn't have these stories and we wouldn't be having this conversation today. Clearly, it's not working so it's time to try something that might just work. So, I think that's another way that you might want to pose it to your institution. Try something that might work because what you're doing is not that great.

Deborah: Yeah, I love that answer too, and I think also we had the Truth and Reconciliation Commission come across Canada. We had postsecondaries across the country make commitments to decolonization, to indigenization. I would not be shy about reminding them that those commitments are there, they were public, they're on paper. We also have the recommendations in the Murdered and Missing Indigenous Women and Girls report. So, this gives us a map. This is not rocket science. This is resistance to change. And I think what we just need to do is keep chipping away at it. You know, find the allies, make noise, quite frankly I think is what has to happen.

Chenthoori: Absolutely. Thank you all so much. I think what I'm walking away with is, you know, the fact that we are here is to make noise and that we're not sitting with what we have in our institutions right now because it's not enough and we need to do better.

So, a big thank you to Courage to Act's Reporting Investigations and Adjudication working group for sharing your knowledge and expertise with us today. Their guide is available for download on the Courage to Act Knowledge Center webpage so please download it and please share it with your networks.

Also want to take a moment to think our attendees for joining us and sharing with us today. We appreciate and take inspiration from your commitment to addressing and preventing gender-based violence on our campus. We're lucky to be able to work alongside each one of you. I thank you for joining us today and a kindly reminder to please complete

the evaluation form and we hope that you take good care and bye for now.

[End of recorded material 01:14:26]