

EN Protocols Event Recording

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Farrah: OK I think we're going to get moving in this because it's – you know we've got lots to talk about today. I am really excited to get to talk to Dr. Jesmen Mendoza. And I just want to wish everybody hello. It's Wednesday, it's a little bit of a snow storm in Toronto I wonder how it's like in other parts of this country. And welcome to Protocols to Effectively Respond to Campus Sexual Violence and Gender-Based Violence. I am so excited to welcome you into this space. My name is Farrah Khan, and I am Possibility Seeds' CEO and the Executive Director of Courage to Act. Today's training is part of our ongoing National Skillshare Series where we feature subject matter experts in conversation about urgent issues, emerging trends, and promising practices and strategies to address gender-based violence on campus.

I'll be in conversation today with Dr. Jesmen Mendoza who has created a number of tools on important topics like creating information sharing agreements, guidelines on confidentiality and reporting, creating a bill of rights for both respondents and complainants, and promising practices when working with respondents and people who have caused harm. We'll be chatting about each of these six tools which are now freely available for download on the Courage to Act Knowledge Center. I'm really excited about that. When you access these tools you'll see a pop-up asking if we can reach out to you in a few weeks to ask you for feedback on the tools. Your feedback is important as we keep track of the impact of them so we can build on them and make better tools and also know what's working and what's not. This work is taking place on and across traditional territories of many Indigenous nations.

The land – oh I think Laura if you could just switch the slide? Thank you. There we go. This work is taking place on and across traditional territory of many Indigenous nations. This land I am on is the territory of the Mississaugas of the Credit, the Anishinabeg, the Chippewa, and the Haudenosaunee and the Wendat peoples, and is now home to many diverse First Nations, Inuit and Métis peoples. Toronto is covered by Treaty 13, an agreement signed by the Mississaugas of the Credit, and the Williams Treaties signed with multiple Mississaugas and the Chippewa bands to peaceably share and care for the resources. This agreement was broken by European settlers. The process of colonization in Canada over the past two centuries has enacted systematic genocide against Indigenous peoples of this land.

We see these acts of colonization and genocide continuing today in the forced sterilization of Indigenous women, the epidemic of Missing and Murdered Indigenous Women, Girls, and Two Spirit People, the over-representation of Indigenous children in care, the criminalization of Indigenous people resulting in overrepresentation in prisons, and

environmental racism and land theft of Indigenous territories. As we come together to respond to experiences of gender-based violence on campus we must acknowledge that this as a de-colonial struggle. They cannot be separated. Supporting decolonization and Indigenous sovereignty is critical to working towards a culture of consent and accountability.

Today, we will take action by inviting everyone here to read the Calls for Justice within Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. If you want to learn more how your institution can address these calls to action you can download the worksheet that we have at the link in the chat. The next slide. Just a little bit about Possibility Seeds. We lead the Courage to Act project. We are another leader in social change consultancy dedicated to gender justice, equity, and inclusion. We believe in safe, equitable workplaces, organizations and institutions. With over 20-years' experience with community organizations, governments, private and public institutions, we care deeply about our work.

Let me tell you a little bit about Courage to Act. So Courage to Act is a multi-year national initiative to address and prevent gender-based violence on post-secondary campuses in Canada. This is our fifth year. 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 170 experts, advocates and thought leaders from across Canada to address gender-based violence on campus. I want to take a moment to acknowledge our funders. Our project is made possible by the generous funding and support from the Department of Women and Gender Equality or WAGE, Federal Government of Canada.

A little bit about Self-Care. And if you're following me on any social media I'm talking about it a lot lately. This work is challenging. Many of us that do this work that are coming to this is our frontline workers are people that do this work day in and day out. Many of us have our own experiences as well of survivorship and of supporting those we love and care about who have been subjected to gender-based violence. A gentle reminder is to be attentive to our wellbeing as we engage in these difficult conversations. You can visit the Self-Care section of our skillshare webpage or visit our "self-care" room by visiting the link in the chat. About accessibly in language. Attendees can attend – 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.

At the end of this session you will find a link to an evaluation form. We'd be grateful if you find a couple of minutes to share your feedback as it helps us improve. This is anonymous. Following the 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 with your networks. Now let's talk about

speakers. Before I introduce you to the author a brief note on the format. You are invited to answer – to put questions in the Q&A box throughout the session and we will pose these to the author. We try to engage with as many questions as possible in the time that we have. I am really excited to introduce you to the author: Dr. Jesmen Mendoza is a Possibility Seeds' Associate and the co-lead of the GBV Community Risk Assessment Project.

And my name is Farrah Khan and I am the CEO of Possibility Seeds and Executive Director of Courage to Act, and co-leading the Response and Support Working Group of Courage to Act. So let's get into these questions. Welcome Dr. Mendoza.

Jesmen: Thank you for that introduction and welcome and Farrah please call me Jesmen. When I hear Dr. Mendoza I sometimes think of my grandmother and it's like where is she [laughs]. So feel free to call me Jesmen throughout this entire presentation or webinar.

Farrah: Of course I will and it's so funny, you know, I think I've never heard something say "I think of my grandmother" they usually say "I think of my father" right. So I love hearing like lots of people that in their family.

Jesmen: Yeah, yeah, yeah. And so – I mean not to – she would say to me, "You should acknowledge your credentials" but I think for this, you know, I think at the end of the day we're all humans for all people and this tile can be in different places, right.

Farrah: Thank you Jesmen.

Jesmen: Thank you.

Farrah: So you made six tools, you know, a behemoth, I'm so excited about them.

Jesmen: Yes me too.

Farrah: And what I appreciate Jesmen is that they are accessible, I can read them, they are 10 to 15 pages each which is great, and I think they're things that I wish, and I think you have named this, is that things that people really wish they had when they start offices like the Sexual Awareness Offices on campus. So we're going to talk about all six of them, I have questions for each one. But, you know, to the folks listening think of this a conversation that we really want you to be a part of, so send us questions. No question is ridiculous or weird because we're all doing this work and we have lots of interest ideas of how this can work. So Jesmen I want to talk first about the guidelines on confidentiality and reporting. So you made a checklist for campus gender-based violence service and support agreements.

Jesmen: Right.

Farrah: Can you just from the jump just talk about what is trauma-informed support for survivors and why does it matter that we provide that care?

Jesmen: Right. When I think about trauma and violence-informed support it means a couple of things, two things specifically. One is acknowledging that harm has been endured by survivors. So I think that that's a very important thing to recognize first. And then the second is really being aware of the impacts that violence has had on people's emotional, cognitive, physical, psychological, spiritual, and sexual wellbeing. And I think when we can be aware and acknowledge the impacts that trauma and violence has on individual it then means that we need to kind of thread that into all processes, procedures and supports that we offer survivors. And why is it that important? I think it's important because it makes and ensures that people aren't traumatised further again, right.

And I think that's essentially what we want to prevent, right, is more re-traumatisation of individuals because to not do so we end up, you know, putting an affront to people's dignity throughout all of this. And that would be a terrible thing right, I think for anyone that's wanting to provide support. So that's how I kind of think about what, your first question at least, you know, what is trauma-informed support for survivors and why it matters.

Farah: I really appreciate that because I think sometimes we go to that place that think we trauma-informed is this like one thing we say or one thing we do but it's so holistic and far reaching. If you could summarise this tool in one line or two lines, how would you summarize it?

Jesmen: You know it's so funny [laughs]. That's a really good question. I think when I think about summarizing it really provides principles on how to hold information with respect to survivors and victims of gender-based violence. And that the most important tool in all of this is informed consent. And without informed consent we don't end up having a trauma-informed process with respect to gathering and collecting and using this information. And the reason why we need to have this information is so that we can provide appropriate fulsome and compressive care and support.

Farah: Can you build a little bit more about that informed consent because it sounds like the cornerstone of this tool? So how does it work with informed consent that you're naming this?

Jesmen: Yeah so let me just kind of back up a little bit, right, which means that, you know, the ability to hold information both confidential and private are really necessary tools for anyone that is working with survivors and victims. In some ways I kind of thing of analogy it's my bread and butter, right. If you can't hold information confidential and private how can we expect people to provide disclosures or make reports of gender-based violence? So having that at the outset and understanding that at the outset, you know, sometimes that information can be misused or people don't know what they're actually needing to disclose. So informed consent then is actually outlining to victims and survivors how their information will be kept private and kept confidential. But they're also subject to legal and sometimes restrictions.

So outlining to those that are disclosing or sharing gender-based violence gives them a choice of how much and how detailed they want to disclose of that information. And the reason why that's important is providing as much choice as possible empowers people to make the best decision for themselves. So this is keeping with feminist principles while also balancing the limits of privacy and confidentiality. And just to kind of end off on this question or, you know, what I'm stating here is that empowering those who disclose the choice to determine how much and how detailed they disclose really acknowledges the trauma that they've endured and again the impact on their wellbeing which is what we spoke about earlier in terms of what trauma and violence-informed processes and procedures are.

And this also helps characterize the process of disclosure and reporting of one being trauma-informed. So if we are going to use this information to help people we ought to let them know what the limits of confidentiality are or what the limits of privacy are, right. And not doing – and then once people know those limits they can share with us how much or how little that they want and that's empowering and that's trauma-informed I think, or at least I believe.

Farah: Yeah and I really appreciate you naming that piece that it's almost like they get to then decide like a harm reduction approach to how they report and how they give information.

Jesmen: Right, right. And then it's not us pressing for information, it's like you give us the information and we will work with it at that point. And then, you know, it starts to build trust with survivors and victims, right, because if they see us handle with care this information, right, and that we treat it sensitively and while maintaining their privacy and yet they know that there are times that we might have to share that information or break confidentiality I think people don't – their dignity is preserved, right, is the way that I would see it, yeah.

Farah: So tell me – then another tool that you've created is around record-keeping buildings and you made a reflection tool for the office. There's a lot of challenging with record-keeping because many times these offices are not seen as counselling spaces. So they're not but a lot of people in these are social workers. And so having guidelines around record-keeping what does that look like? Tell me more about this tool because I am – this is a tool that I was really excited about because when I came in it was liking it up as you go along almost sometimes.

Jesmen: Yeah I think having if you will a standard or a practice, right, in terms of how we collect information becomes really important because at some point that information may need to be shared or may need to actually be produced in some type of proceeding. I mean that is the most extreme of cases. But we would want to be able to provide information that actually continues to protect and uphold the dignity of survivors and victims, right. And if we don't keep if you will the best information for them sometimes that information can be used against them, right, and that ends

up traumatizing people. And I'm sure that that's something that we do not want to occur.

Farah: In the tool you encourage people to view ourselves as custodians of information –

Jesmen: Right.

Farah: – for those who have disclosed. Why is it important to see ourselves that way? I have not heard that kind of phrasing before and I really – it intrigued me and it really interested me too to know, right, like it's not my information I am holding this.

Jesmen: Yeah, yeah I'm so glad that you're asking me about this, right. I think sometimes as workers we may see it as our information but it's not, right, we're actually holding people's information. So in some ways we are custodians. Essentially we're caretakers is really what I'm encouraging people to see themselves as when they receive this information. And I think if we can adopt that mindset it helps inform the way we collect information. So in a real and very practical sense we're then obligated to take care, right, of that information that a survivor or victim of gender-based violence provides us in then hopefully a survivor-focussed way.

So how we take care of information implies that we've thought about what information we'll choose to record or store, how we would safeguard their information, how we store and keep secure that information, how long we keep that information, and if necessary how we share and access such information. Sometimes we need to share information so that we can get other work done or performed for the service and support of the victim and survivor, and so sometimes that needs to happen as well. So putting our minds to these ideas is sometimes best by adopting this idea that we're caretakers or custodians of the information that we receive.

Farah: Yeah I really like this because I think so often the fear sometimes comes up and I think, you know, we've seen in our professional circumstances where people are nervous to even record-keep at all when it comes to sexual violence and gender-based violence. What was something when you were doing the record-keeping that gave you solace in your own work around that piece because I know – I've heard it from so many counsellors they're nervous about taking on cases around gender-based violence and sexual violence and that's all these offices do. That's all the record-keeping they do.

Jesmen: Right, right. I think – I'm wondering if you can ask that question a different way, right. I think I was trying to put a lot of thoughts together there.

Farah: Yeah, yeah. So I keep thinking like OK so someone is going to, somebody – there might be a course case that might come later out of it

and now I'm nervous about record-keeping. I'm nervous about putting anything pen to paper. I'm nervous about keeping any records.

Jesmen: Right, right.

Farrah: And I've heard from counsellors before.

Jesmen: Of course, yeah. Yeah and I think – so kind of coming back to that idea of being a custodian. If I've put my mind to the idea of what information I'll choose to record and store then hopefully it will start to minimize some of these worries and concerns about any of these files being subpoenaed or being court-ordered to be produced at a particular hearing. One way that I kind of think about it too is, is that if I am recording information down I do ask myself and I encourage all of my colleagues to ask themselves of, if this was being produced, right, or being asked to be shared with some type of legal proceeding, you know, what would I think of it and could it be used against, right.

And I think that that's, as custodians that's our responsibility is to think that through almost working from an assumption yes that it could be. But the answer isn't to avoid or take very little notes, right, it means taking appropriate notes and notes that, you know, really highlight the resilience of victims and survivors as opposed to characterising them anything other than being resilient for that matter.

Farrah: That was really helpful Jesmen, thank you. And I think for a lot of people that are fearful around that note-taking this particular tool I think will give a lot of people some grace and time to reflect on it. I love that you have these tools also as something where people, reflection tools for people. Was there – tell me why you chose the reflection tool with that because for me that was really important to get the time to reflect on like my record-keeping or what the choices I have made before?

Jesmen: Yeah I think a common thread throughout all of these tools is the ability to reflect. And in fact I would think that the better our self-reflexivity which I think it's a tool that can be practiced and honed over time, you know, the more grounded we can be in terms of making decisions, right, whether – in terms of how we provide care and support. Yes there are best practices to follow but at the end of the day sometimes you'll across the situation or an exchange where, you know, there was no textbook that would teach us on how to actually respond that way and that the only way to maybe perhaps respond is to be grounded in our professional and what I would say our personal values that uphold social justice, right. So for example – and the different set of values for each person could be different, right.

So, you know, today I've been centering in dignity, right, and so that is a personal value that I uphold as a way of upholding social justice in my work. And so sometimes the question is if I'm writing this down and if I'm choosing to store it in this way, you know, does this uphold the dignity of the survivor and victim that I'm working with, you know. And

I think that that helps guide me in terms of the choices that I need to make at least with respect to record-keeping or anything else that we'll be discussing today.

Farrah: Yeah I really like that idea. Like I almost think it would be so helpful, you know, for all of us when we have those words that we're like, "What are the values that I hold with this?" And I think that's why the tool is so important because if we're going to do record-keeping, if we're going to be doing anything what - it is living up to those values.

Jesmen: Right and if it's something like let's say a person, you know, is able to distill it down to respect, right. Is this respectful, right, is what I'm writing down respectful of the victim's resilience or wellbeing, right. And I think it's simple questions – it seems so simple but it takes a lot of thoughts, right, to then help us. But what's wonderful about it is that it grounds us and then it helps us make a decision at that point in terms of in this case record-keeping.

Farrah: Yes and thank you so much Jesmen I'm really –

Jesmen: Oh you're welcome.

Farrah: – excited about this tool. Yeah this was the one that I was – I'm excited about all of them but this was the one that I was just – I think for so many of us when we go in you want to do right by a survivor that they're working with or anybody you're working with around these issues, be it a respond too, and the record-keeping is so important in that. I know your work is also with respondents –

Jesmen: Right.

Farrah: – and the next series of tools is more about respondents and those who have caused harm.

Jesmen: Of course, of course.

Farrah: So one of the things that when we started this project five years ago Jesmen you were on the Advisory Committee which I think you've been here since day one which is great. And a lot of the conversation we had which we brought you in as an expert is that you have a lot of experience working with people who have caused harm. You have done counselling with them, you have developed programming, accountability work, one of the things that we had to do a lot of work with, even the Advisory Committee in the conversation with Courage to Act was that we needed tools that were both for someone who had been harmed but also someone who has been accused of causing harm or had caused harm.

Jesmen: Right, right.

Farrah: And so even for that why is it important to create tools that are for both, like why is that important?

Jesmen: Yeah I think we have to understand a particular framing which is that working with respondents and working with people who have caused harm – ultimately I ask myself who is the client and the client at the end of the day it's, believe it or not it's less a person it's more of a notion or a concept which is the safety, right, the safety of the complainants, victim, and the overall campus community, right. And that when I work with a respondent or a person who's caused harm who I'm actually working – my actual client is the safety of all of these individuals that I've mentioned. I just happened to be working through it with respect to respondents or the person who's caused harm. And, you know, the second or corollary to all of that is that, you know, respondents and people who have caused harm are also part of the community as well.

We can't ex-communicate them they are part of our community. And so, you know, sometimes when I'm talking to people who have caused harm I talk a principle of safety first, you know. And we talk quite often about like, "If you're safe doesn't that mean everybody else is safe?" you know. And that's undisputable logic sometimes, you know, for a lot of the people that I work with. And they think about it and they're like, "Yeah Dr. Jes you're right, like maybe I need to work on that and can we continue to have those discussions?" which I'm always glad to have.

Farah: I think that's a great concept to think about because it's even – when any of us are feeling not 100% grounded we can cause harm. And so it's – and that's a sign that we're not safe in our own bodies or in our hearts or our minds. So getting that groundedness is so important.

Jesmen: Right.

Farah: You're created, co-created because I know you worked with some other folks on this as well, but created a bill of rights for complainants and respondents during an adjudication process. Why a bill of rights during an adjudication process; why is that important?

Jesmen: Right first let's talk about an adjudication process. So adjudication processes really ought to be procedurally fair and embody principles of natural justice. And so when we participate in this type of process which is I have to say an unsatisfying process and a blunt tool sometimes it becomes really important to make sure that people's fundamental rights are guaranteed. And if those rights aren't guaranteed – or let me frame it a different way. You know guaranteeing such rights not only ensure a balanced and fair process is followed but an outcome that can be believed. And I think that that is the most important part in all of this. And if we neglect the natural and fundamental rights that would come when participating in an adjudication process it runs the risk of that policy and that procedure being misused.

And if a policy or procedure is misused ultimately that creates harm because what that means is that those procedures and processes should be redone which can further re-traumatize victims and survivors. So if we can ensure that people know their rights, you know, both complainants as

well as respondents, you know, and that the process only needs to be done one time we prevent further harm. And we prevent re-traumatization of victims and survivors and sometimes even respondents for that matter.

Farah: And so having one – to create one for both complainants and respondents what are some of the key things that were in it for both? What is something in the bill of rights could you tell us about?

Jesmen: Yeah I think, and I know Possibility Seeds and Courage to Act has a whole tool on all of this and so I would refer everyone to that. But I would say that for example the right of reply, you know, knowing that people need time to, you know, be able to defend themselves or at least provide an explanation. Now sometimes we know that those explanations are mired by victim-blaming, you know, blaming the other person, what we mean by this is that people at least deserve a say in these proceedings, and so a bill of rights for respondents would make sure that that happens and ensure that. But I would also say that complainants as well or survivors or victims also have the right to be able to reply or appeal a decision for example which I think is really important, you know.

And if policies and procedures don't do that, you know, that doesn't embody, you know, principles of natural justice. And if we're a democratic society in our institutions, our open institutions that purport to say that they're democratic, you know, bodies as well then should these procedures give complainants let's say the right to appeal? They should have the right to appeal. So these are things that if, you know, to kind of borrow from Mia Angelo, you know, when you know better you do better, right. And so if a complainant or a respondent knows their right, you know, and can insist upon that right, you know, that it be met the new can ensure that that process is only done once or hopefully done once instead of having to have that process be redone.

And I've seen that. I've seen that happen where processes have to be redone and then people shy away from the, you know, from the procedure altogether and then causes more harm than good, right. And so there's a complainant who's been re-traumatized and there's perhaps a respondent who continues to, you know, enact harm on our campus community; and I don't think we want either, right. I don't think want either.

Farah: No. And often times like you talked about natural justice and we talked a lot of time procedural fairness but these processes also have be trauma-informed and I think –

Jesmen: That's right.

Farah: – the bill of rights really encapsulates that. How would a bill – how could I use, as a practitioner use this bill of rights to ensure that there's a trauma-informed process that people are going through?

Jesmen: Yeah I think so –

Farrah: Or try to ensure, try to ensure because it's never perfect.

Jesmen: Yeah I think – OK so one is working with the survivor, the victim or the complainant and/or the complainant at that point and just letting them know that, “These are rights that are afforded to you and that if you are participating in these processes that they're not occurring, you know, we need to then seek what I would call – and these are all what, you know, legal people would tell us are procedural cures at that point.” So let's say someone isn't, I don't know, like someone's right to appeal is being ignored for example, you know. We can bring that to the relevant decision-maker and say, “This person has the right, you know, to appeal a decision that's been made, you know, tell us how that needs to occur.” Now some of our institutions across our lands here might not know, right, or might not care to know that, you know, such rights exist.

But I think that if they sought advice and counsel, you know, they would say yes. Actually they would get that feedback that yes people do have that right to appeal. So that's one way. The other is, is that, you know, it could also be shared with advocates, you know, for our survivors and victims, right, as well as those that are supporting respondents that sharing those bill of rights with advocates can help them, if you will, distill down the actual issue in the procedure. These procedures can sometimes feel foggy, right, and even to some advocates that might not be trained in procedural justice or natural justice. I mean you have to talk probably lots and lots of law courses to do that.

But who needs to do that if we have a bill of rights, you know, that we can rely on and say, “Oh this is the problem. The problem is that this person wasn't given a right of fair reply” you know, how can we correct this instead of letting the process go to its natural conclusion and then redoing it again thereby causing further harm. So those are two natural places that I think we would want to use a bill of rights whether it's for respondents and complainants, whether it's with those individuals themselves or with advocates that will then arm them in making those arguments to decision-makers and people that are dispensing with these procedures on our campuses.

Farrah: I'm really excited about this because it also, as we talked about before with survivors, it's putting – giving them a tool that they can go to and everybody pinpoint and be like, “OK these are shared values” or “This is something that will happen” even a simple – I know it sounds like – I know it's not in your bill of rights but I thought about, you know, adding to it. People could add something that they need during that process, so I need communication after Thursday, I don't want communication as a part of my needs in this.

Jesmen: Well the tool actually allows for that. We certainly provide a suggestion but, you know, when people try or when people take the tool and apply it to their setting and, you know, for the people that I was collaborating with in terms of the creation of this bill of rights it really became important to recognize that each institution and each set of people

providing support to, you know, survivors and victims and respondents and people who have caused harm. It will look different according to your institution. And it might be exactly that that we don't, you know, we don't share anything after Thursday, right, Thursday night or something like that and that we really protect our weekends as a way of taking care of ourselves in what is hard professional caring labour or caring labour just generally, right.

Farah: Yeah.

Jesmen: Yeah.

Farah: Yeah. Yeah because I think then the bill of rights could also not just protect the respondent and complainant but also protects the other people in the room including the staff that are doing that process.

Jesmen: Yeah that's a really great point because I think sometimes we think that this is upholding just complainants, survivors, or just respondents and people who have caused harm. They protect everybody, right. They protect us. So when we guard and protect everybody's rights that means everybody's protected as well.

Farah: That's what we want.

Jesmen: Yeah.

Farah: You have two other tools that you've done and I want to just preface could you give for folks – I know less people know this but what's the difference between a respondent and a person who caused harm?

Jesmen: Right. I think at some of our institutions I someone's been accused of gender-based violence and are, you know, partaking in a procedure they're technically known as respondent. But what I want to say is that a respondent can go through a procedure and there might not be a finding a harm made but that doesn't necessarily mean that they haven't caused harm. And in fact it's important for all of us to recognise that we all have the potential to cause harm. What matters is that we repair those relationships, take accountability and responsibility, right. To kind of put it in a very distilled fashion a person who's caused harm typically is the person where there's been a finding made, you know, under and institution's sexual violence policy let's say where harm has occurred, it's been found to have occurred, a decision has been made upon that, and that they are provided this if you will for lack of better words label.

These are really artificial labels in my mind but they are useful in understanding where people are in an adjudication process. And so would I have liked to have used different language? Absolutely but sometimes we have to work within the system that we have. And so just for our conversation but for all our attendees out there that's what we mean when we say respondents and why the full label or full time of the tool is working with respondents in a post-second complaints process.

Farrah: So building in that what's often missed during a compliant process in regards to respondents?

Jesmen: Like in terms of their participating in the process or?

Farrah: More like support, like you know, often times we'll see offices like ours exist around sexual violence, there are some supports sometimes for respondents sometimes there's not. What's sometimes missed in those processes?

Jesmen: Right. Oh OK so sometimes what's missed is the navigational support they need. Now that doesn't necessarily mean that, you know, we're advising them on what to say or what to do. It really simply means just allowing people, you know, that are responding to an accusation of gender-based violence, allowing them to know what are their choices that are in front of them. What's also missed too is that we typically think that these procedural steps are steps. They're not, they're actually barriers. Like for each step in a procedure it's typically a barrier for a respondent. And what we need to remember is that sometimes our way of providing them support is letting them know what are the choices that they have. And recognizing that they might not like those choices, and it's OK to not like those choices but it doesn't mean that they're not choices.

Quite often sometimes I hear respondents say to me, "I have no choice Dr. Jes." And I'm like, "You know you might not have the choice available to you but you still have these choices, right, so which one do you want to make?" right, yeah.

Farrah: Yeah. And that leads to the part that I keep thinking about is how do we make these processes trauma-informed for respondents?

Jesmen: Right, right. I think it's recognizing that when we come across these barriers, right, that sometimes what we might be doing is activating their trauma as well, and being mindful of that so that when we work with respondents or even further people who have caused harm, you know. If we're experiencing tension, reluctance, resistance what that actually – what it might mean is that we are coming up against any past trauma they may have experienced. And, you know, the challenge becomes recognizing their trauma but still holding them accountable and responsible. And that is the difficult part is kind of managing those two. And quite often do I say to some individuals, "It's like I hear the trauma, right, but in light of the trauma, you know, how, how are you going to take accountability, how are you going to take responsibility, how are you going to make a choice?" and try to provide them as many choices as possible.

And sometimes the choice for them might be, "I don't want to participate in this process" and, you know, sometimes it will be like, "OK, you know, I'm not here to force you or impose my will on you but you ought to know too that these are the consequences, right, if this happens" you know. And so – and having that type of forthright and direct conversation

is I think sometimes helpful. But it does mean needing to balance these two ideas.

Farrah: Yeah I loved reading the Working with Respondents tool because it really made me think about how my own biases, how my own way of working can come into this. And you talk about being grounded in this tool, how we can be grounded when we work with respondents. Why is that important?

Jesmen: I think it's important because the work itself with respondents is inherently tense. And I think sometimes when we think about tension, and I know that I thought – this was my own biases that if there's a whiff on tension in the room, right, it's bad. But what I've come to learn is that actually there's such a thing as healthy tension, right, and sometimes we call that growing pains or at least I envision it as growing pains. But the interesting part about growing pains or healthy tension is that tension can be distracting, you know, not only to the respondents but to the person providing support. And so a way of making sure that you don't lose sight of who our primary client is, which as I, you know, said at the outset of all of this which is the safety or victims, survivors, complainants, and the entire campus community, right, is by making sure that we ground ourselves in what I mentioned earlier professional values and personal values that uphold social justice.

But I will say that the professional values that I think we ought to share as a community providing support means that we operate from principles of trauma and violence-informed care, intersectional analysis, and consciousness-raising principles which are really, you know, feminist or pro-feminist in thinking. If we can – if we're ever lost in a moment with a respondent, if we can come back to those ideas, right, and say to ourselves, "OK is this trauma-informed, am I thinking about their social location, and is this somehow raising their consciousness?" OK that might help centre me and not be distracted by the tension in the room. And then the other our personal values again that uphold social justice. So I've been saying all a lot about dignity but it could also be courage, gratitude, compassion, equity, like these are all personal values that crop up or uphold social justice.

And if we ground ourselves in this work this way which of course requires lots of constant reflections it helps us keep focus and unwavering. And I think that that's sometimes what's needed when we are working with people who have – with respondents as well as people who have caused harm is to not be wavering, right, to be solid and to be grounded, right? So this is – and I think some of the best things that keep us grounded is, are these values. I kind of think about them as superpowers sometimes, right, and so that's why it prevents distraction in some ways.

Farrah: I really love that you're naming that, that it's an important piece to think through because having those values when working with respondents too often there's this idea that, you know, respondents should just – it's the

moment that a response happens or a respondent is named they should just go. We shouldn't have them on our campus, we shouldn't have them anywhere. But they are people who also have been harmed. They also have histories. They also deserve to have an education and they also deserve a fair process. And so having these guidelines really helps ground that conversation.

Jesmen: Right, right, right. And then how can we say anything about inclusive education if we're not helping them come back to the community.

Farah: Right.

Jesmen: And you know part of our work then is helping them repair their relationship with the community. And that just helps everybody, right? It helps everyone and then provides hope to the community that change is possible.

Farah: Yeah.

Jesmen: Yeah.

Farah: And the next tool that you have which is for practitioners working with people who have caused harm. So you do – your work has been primarily of late working with people who have caused harm, accountability counselling, some risk assessment, but a lot of work around accountability. And it's really beautiful because for me some of the opportunities that I've heard from people who have caused harm – it was a part of a podcast, this is last year, called Healing Comes in Waves. And our last episode was with a respondent who openly said, "Yeah I did commit sexual assault" and went through an accountability process and seen their journey with that and some of the pieces they named about feeling shamed, feeling that they wanted to hurt themselves, feeling that, you know, they were just overwhelmed with the feelings that came up for them. And also not having somebody to hold their hand through this, like having somebody –

Jesmen: Yes.

Farah: So these guidelines as so important because it gives a framework of how to do it. It doesn't give like the magic wand like now that you have these guidelines you can do it magically but –

Jesmen: Mm-hmm, that's right, yeah.

Farah: – [laughs] I know, you're like all right, people need to know how to do it. But tell me why you made it about self-reflection because it is really about a self-audit tool? Why was it important to have that?

Jesmen: Yeah similar to the other tool that I think at the end of the day there's no textbook out there that's going to definitively tell you how to work with someone that's caused harm, right. And that in the close to 20 years that I've been providing this type of support to individuals what has been

most useful is asking myself, you know, what is the primary value? What is the primary value that I'm working with because there's not only tension in the room there's resistance and reluctance that's also present. And as you had indicated shame gets in the way, trauma interferes with all of that. And because shame and trauma interferes with people being able to take accountability it does mean recognizing and attending to it but then also gently encouraging and motivating people to take accountability.

And in fact two things happen when people try to take accountability, either they'll avoid it which then morphs their bad feelings into shame, right; or if they're actually able to name it in a very authentic way and admit to it then those feelings of being bad turn into guilt. And guilt starts to motivate people to actually repair relationships and do better in a lot of ways. And I think it's confusing sometimes, right, because, you know, it's easy to run away because it doesn't feel so good. It doesn't feel so good to take responsibility. It means having to admit and it means having to say, "Yeah I did something wrong" or "I did something carry that hurt somebody and I need to do something differently about it." But most times we are taught to avoid those feelings, right, and either blame others, not take responsibility, minimize responsibility in some way, shape, or form.

And what that actually does is it actually entrenches further behaviours and actually creates more problematic attitudes at that point. So all of that can feel rather confusing when you're working with a person who's caused harm and it becomes very, very important to be grounded in those values that I had mentioned earlier or otherwise we fail to provide meaningful support. And we then become distracted from holding people who have caused harm accountable. And it actually may give way to a punitive lens, right. And sometimes I've seen that with colleagues where, you know, they've been so confused or distracted by the resistance, reluctance, and tension in the room that they adopt a punitive lens and do exactly what you had motioned earlier, right, that sometimes the response is let's just put them over here, it would feel easier.

Farah: Yeah.

Jesmen: and to be quite frank it probably would be easier, right. But in the end I don't know that it's actually helpful. I think we're all working more towards an inclusive society. And then, you know, the one last thing for me to just kind of mention is that if we're not grounded we could also end up colluding with people who have caused harm. And I think that that's why it becomes really important to continue to be grounded in those professional values that I had mentioned earlier as well as your own personal values that uphold social justice.

Farah: I'm and thinking envisioning when you're talking like do I – does everybody make like a little poster that goes in front of their door or in their place that just reminds me of those values and keeping like – and everything you do is like there's this email, there's this interaction, there

this way in which I am operating in the world which I think we do in lots of ways but I think this, this is really grounded me with that.

Jesmen: Yeah the tool is mean to – it gives a number of different values that one could subscribe to, right, and it doesn't mean you have to subscribe to all but there are some that we – that resonate with us for a number of different reasons whether it's our background, our histories, our culture, you know where we're located. I think what matters is what are your top five, you know. And I have my own personal top five that I've got like a desktop, you know, stickie, you know, that just reminds me, you know, all of these things. Like is this interaction going to promote equity, you know, is this interaction going to provide dignity, you know. And so that's what this tool does. And, you know, and I think sometimes we can think that working with people who have caused harm is such a particular skillset that, you know, no one else can do it or I shouldn't be doing it.

But I think to myself I think we need to share this, right, like we all need to help each other out, you know, not only the survivors, victims and complainants but also the people who have caused harm as well. And I think one way to do that and guide us in our thinking are keeping central and constantly reflecting on these values.

Farah: I love the value of dignity that you name in your tool. Like taking about dignity because everyone deserves dignity, you know. And there's idea that people that cause harm deserve to be humiliated or there's this – like the opposite if dignity in my mind, right, humiliation as a way to fix what has happened. But humiliation and shame don't create consent and that, we know that, you know, it doesn't create consent cultures and we can talk about the prison industrial complex and all kind of things like that but –

Jesmen: [Laughs] Yes.

Farah: – I think, you know, I really appreciate these tools. All of them really build on this idea of dignity. Dignity for survivors to have the right to have their privacy confidentiality respected and herd, dignity for both complainants and respondent during a process, and then dignity for people who have caused harm to go through a process of self-revelations. A time for really thinking about OK what does accountability look like? I hope that somebody could be that kind of to me when I do things that are not OK because we all are going to do things that are not OK –

Jesmen: Right, right.

Farah: – on different planes and places. But I think this is why I really appreciate your tools Jesmen.

Jesmen: Thank you, thank you. they were a true labour of love and I'm glad to share them with you and I'm glad that Possibility Seeds had asked me to participate in this and take the lead on it. And you're right, right from the very beginning when we started today's webinar I wished I had

something like this, you know, at the beginning of my career. And so I'm just glad to share this and pay it forward, right, and you know in any event that's kind of what I wanted to say with that respect, yeah.

Farrah: I want to go next to questions from the audience. We have a little bit of time and so, you know if people have questions. I could talk to Jesmen forever but I want to make sure that people might have questions in the group and people might say, you know, "These are things that I have been grappling with about this." So really, you know, Jesmen's tools are available on the Courage to Act website and the Knowledge Centre. You can grab them there which they talk about guidelines on confidentiality and reporting, record-keeping, information sharing agreements which I always think is really important, creating a bill of rights for complainants and respondents during the adjudication process, promising practices and guidelines when working with respondents going through a post-secondary complaints process, and a self-audit tool workbook for practitioners who work with people who have caused harm.

So do people have any questions that you're burning to ask Jesmen right now? [Pause] While we're waiting for a question Jesmen I think I wanted to ask you about the information sharing because I think we missed that one and I want to make sure that we get that one in.

Jesmen: Yeah we can come back to that one, yeah.

Farrah: Yeah so why is – so you created information sharing agreements, what that could look like between stakeholders. And often those stakeholders are within institutions, sometimes there's an assumption that, you know, the counselling office would share all their information with Conduct or share it with the Sexual Violence Survivor Office but these offices don't – aren't supposed to and shouldn't really be sharing all this information because they're separate entities and also have different needs around confidentiality.

Jesmen: Right.

Farrah: So why is information sharing important and how do we do it in a way that's trauma-informed?

Jesmen: Yeah so first I think it's important to recognize and reiterate what you had said which is that when disclosures of gender-based violence are made they can be made to several different units or offices, or even to places outside of the university for that matter. And what we also know is that trauma interferes with the survivor or victims ability to share that same information across all units and offices in a consistent fashion. That's just what trauma does, right, it interferes with people's ability to do that. And the issue around that is that not having all the information prevents these offices to provide fulsome care and support. A coordinated approach actually means that information is shared as a way of overcoming the interference that trauma creates.

And what also underlines it is this idea of necessity, right, like what actual information do you need to know so that you can provide the best care possible. And so what a counselling office hears versus a medical centre versus an accessibility centre versus an office that, you know supports the education and prevention and response to sexual violence, does everyone need all the same information? You know maybe, maybe not, right. But a coordination plan and actually having a conversation with people in the immediate campus community as well as those outside of it can help coordinate and help figure out exactly what needs to be shared. And the reason why that that's all important too is not only just about providing care, it's recognizing the dignity of the person that is disclosing, you know, the harm that they've experienced, you know.

And so to feel like all of your information is everywhere can feel really disconcerting and I think we need to remember that. And so it becomes really important of coordinating that, you know, and what information we do share.

Farah: Yeah I'm really glad that the tool is there because I think all of this is just things that you know you need to do but it gives you the parameters to do it which is super exciting. There was a question about the bill of rights, where does it sit in the process, would you say it sits in the adjudication process? Is it outlined in the policy, procedures, just used in reference during adjudication? How did you envision it?

Jesmen: Yeah –

Farah: And I imagine you envision it in lots of ways.

Jesmen: [Laughs] I think you can use it at any time in the process but I think probably the best time is probably at the beginning, right. Letting people know, you know, you're participating in this process. These are the rights that you are entitled to right from the very beginning. Now what I also know too is that, you know, your rights are also – came sometimes feel dynamic, right, and so you may need to revisit, right, and bring out the bill of rights again, "Let's go over the bill of rights." And it might be that a survivor says, you know, "Something feels off about this process, right, and then this becomes a wonderful discussion tool of like let's look at the bill of rights, right, does anything here, you know, resonate with you?" And then that's when we start to either advocate, you know, for a better process or advocate for a procedural cure.

You know in terms of outlining in the policies and procedures I think that's – and you know it depends on how your institution works but some institutions might actually say, you know, in their procedure section a reference to a bill of rights, you know. But I would almost recommend not having that be part of a procedures or a policy or else that gets – that has to be subject to review every two or three or four or for some institutions five and six years. And I think that a bill of rights needs to be dynamic in response to an institution's needs. So I tend to not – for a document like that to not suggest encoding in those particular university

college policies or procedures. To have a reference to it but have it live on some other site [laughs] at that point.

Farrah: Also because it can change and morph during the time.

Jesmen: That's right.

Farrah: And policies every three years, you know, every four years they get updated.

Jesmen: Right.

Farrah: There's one other question, is accountability counselling mandatory for respondents, if so does it – how does it – does it still – if so does it still work?

Jesmen: Yeah.

Farrah: Or how – I think how does it work maybe.

Jesmen: So I have to say I've thought about this for I think, Farrah and you and I have talked about this for the longest time, right?

Farrah: Yeah.

Jesmen: I have to say a couple of things about this. One is that accountability counselling needs to lie outside of traditional counselling centres. And the reason why is because counselling centres by its history have been seen as administrative neutral bodies or units within a post-secondary institutional setting. And to be quite frank when we do accountability counselling it is – it's values-based work, right. We're saying that we should be free of gender-based violence and we should be upholding social justice, right. And so because of that that work has to happen elsewhere or else we start to confuse, you know, are we supposed to be neutral in all of this. In terms of does it still work I can just say from my point of view, right, it does.

And I can share anecdotally that, you know, I will see people for a mandatory set of sessions and then they will come back to me a year later and say, "Remember we talked about this, about healthy relationships, can I talk to you about something?" And I'm like, "Please, let's talk, let's talk and figure out what is, you know, a respectful and consent-filled way of doing whatever it is that you're thinking about" right, or repairing what you need to repair at that point. And I think that for me the success is actually seeing people come back after the mandatory counselling. But I will say this though; I do think that research needs to be done on this type of work, like some type of recidivist and research. The problem is, is that people are only in post-secondary institutions for two, three, four years and so sometimes we might not see the effect of accountability counselling until well past their time at the post-secondary institution.

So it becomes an issue of also tracking them down the road, right, like has this intervention helped even though you're outside of the institution. And my guess is from the anecdotal evidence it does. It does but I can't go more than that [laughs]

Farrah: yeah and I think it's an area where it's a growing area of interest for a lot of people, right. And we've seen partner abuse response program.

Jesmen: Yes.

Farrah: A lot of challenges, you know, and what we could do differently. I think accountability counselling is something that Courage to Act obviously has been working with Jesmen to look at and see what are some guidelines, what are some pieces with that; but I think it's a huge area that still as you said needs a lot more research.

Jesmen: A lot more research, yeah.

Farrah: So I'm just going to see if there's any more questions; I think that one is answered. So I don't see any more questions. I'm going to give people pome more minute before we go. Oh. Could you share how the tools were created, was feedback taken from advocates? I can be a part of that. So Jesmen and I, Jesmen was on the Advisory Committee of Courage to Act in 2019 and then we created Communities of Practice in 2019 that met for two years, mostly during the pandemic which is really interesting.

Jesmen: Right.

Farrah: We met I think every two weeks to talk –

Jesmen: Right.

Farrah: – and build different tools and this is the suite of tools that we worked on. And Jesmen do you want to talk about the process of getting advocacy feedback on these?

Jesmen: Right. So what we used was consensus methodology. So what consensus methodology means is that all of what's been captured in the tools was then asked for feedback from these Communities of Practice. And where there was a great deal of consensus which usually means 80% to 90% agreement on a particular statement being made in the tool the Communities of Practice agreed to. And so we were measuring agreement from these Communities of P and they were primarily those that we were concerned with providing support and response to complainants, victim survivors as well as people who have caused harm and respondents as well. And so we can be rest assured on this what I would consider rigorous methodology. And this is the same methodology that's also used in nursing, in the medical field when there are merging guidelines, right.

Traditional research would have us take decades, and I'm not embellishing here, to actually get agreement. And so we don't have

decades because people are being harmed and we ought to do something now about it. And so we use this particular type of methodology to be able to get agreement from those people that were participating in these Communities of Practice. And they were quite diverse, right, so they were quite representative across the country, and so there were people from colleagues, universities, from different positions where we sought out their expertise in a lot of ways. So that's one piece. And then there was a number of review processes afterwards where there was lots of care taken by advocates in the field that then looked at these tools with a really appreciative and critical eye, right, in terms of providing feedback and then being able to refashion it.

So what you see today is a product of all of that work. And I just happened to be figurehead in all of that, and I appreciate that but I have to say that although my name is on there's a team of people and a number of individuals that helped bring rise to all of these tools.

Farah: And that was a big part of all Courage to Act tools is that making sure that they were community-vetted and so that the community would say, "Yeah these would work, these are tangible." As someone who works in the field it was really important for me to see Jesmen's tools as things I could use and not just things that will sit on the shelf and gather dust but things that could actually help our practice be better. Now can they always be enhanced? Absolutely; and so we look forward to you as a community member reading them saying, "Yeah that works here, that does not work here" and always recognizing that these things are growing and changing all the time. And that's the point of doing this work together, we continue to grow and change. I think that's our last question, I think it is. I want to just, you know, thank you I'm going to say Dr. Jesmen Mendoza because I do think it's important sometimes to name us –

Jesmen: Thank you.

Farah: – especially as racialized people, you know. Thank you so much for your work on this.

Jesmen: You're welcome.

Farah: I want to thank the community members for this because these are really important conversations and I know you put a lot of time, energy, and care into this, and these are really important. I want to thank everybody here too because these conversations that we're having are not easy and I know we're all curious. We're like how do we do this differently, how do we do this better, how do we make this something that will actually be tangible for our communities? And that's to me what's so important. Jesmen, you know, these tools of course will live on but I know that you're open always to feedback so that's what's really –

Jesmen: Of course.

Farah: Yeah so –

Jesmen: They're living documents right?

Farah: They're definitely living documents. I want to thank a whole bunch of people from Courage to Act, so we want to thank Kitty Rodé for their work on design and putting this together. It's beautiful, the guides are beautiful. I want to thank Laura Murray for all the tech in the background. I want to thank our wonderful interpreters today, Andréanne for being here to support them. I also want to thank Anoodth for doing all the work she does and Maya and Aubrianna and the whole team. It's nice to see Salina here as well. So I want to thank Courage to Act and all the work that you're doing and thank WAGE for the funding and just say thank you for being here. I hope you have a really good rest of your day. It's 14:00 in Toronto and that means the snow hopefully will stop falling on the ground.

And the last thing I'll say is this is that these tools are a work in progress. It is hard sometimes to read things that talk about different ways and values that we can move forward with it. But our hope is if we're building a better world then no one is disposable including respondents and people who have caused harm. They are part of our community. And creating dignity for all is a part of how we build that justice. Thank you everyone. Have a good rest of your day.

[End of recorded material 01:05:51]