

# **Record-Keeping Guidelines and Reflection Tool for Campus Gender-Based Violence Offices**

**POSSIBILITY**  
 **SEEDS**

**COURAGETOACT.CA**  
#IHaveTheCourageToAct

# Land Acknowledgement

This work is taking place on and across the traditional territories of many Indigenous nations. We recognize that gender-based violence is one form of violence caused by colonization that is still used today to marginalize and dispossess Indigenous Peoples from their lands and waters. We must centre this truth in our work to address gender-based violence on campuses and in our communities. We commit to continuing to learn and take an anti-colonial inclusive approach in all our work. One way we are honouring this responsibility is by actively incorporating the [Calls for Justice within Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#).

## Dedication

We would like to dedicate this tool to all of the people who have come forward to share their stories and knowledge, allowing us to walk with them during such a difficult time. Thank you for your courage in seeking support and demanding better.

## About Possibility Seeds

[Courage to Act](#), is a national initiative to address and prevent gender-based violence at Canadian post-secondary institutions. It is led by Possibility Seeds, a social change consultancy dedicated to gender justice, equity, and inclusion. We believe safe, equitable workplaces, organizations and institutions are possible. Learn more about our work at [www.possibilityseeds.ca](http://www.possibilityseeds.ca).

We hope this document will be a valuable resource to those seeking to address and prevent campus gender-based violence. As this is an evolving document, it may not capture the full complexity of the subject matter. The information provided does not constitute legal advice, and is not intended to be prescriptive. It should be considered a supplement to existing expertise, experience, and credentials; not a replacement for them.

We encourage readers to seek out training, education, and professional development opportunities in relevant areas to enhance their knowledge and sustained engagement with this work.

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## About this toolkit

*Record-Keeping Guidelines and Reflection Tool for Campus Gender-Based Violence Offices* provides advice and reflection on what, why, and how records are to be kept at post-secondary institutions (PSIs) with respect to gender-based violence (GBV). Its major purpose is to clarify:

1. Who is responsible for keeping such records;
2. Who, under certain conditions, may access such records;
3. An accurate accounting of GBV cases at PSIs

Following the principles in this tool can create consistency in maintaining the legal, ethical, and professional requirements of those within your PSI who work with campus community members who have experienced GBV. This tool was formed in consultation and agreement with communities of practice across the country under rigorous consensus methodology.

This tool should be used in conjunction with two others:

- *Creating Information-Sharing Agreements Among Stakeholders Responding to Campus Gender-Based Violence*
- *Guidelines on Confidentiality and Reporting: Checklist Tool for Campus Gender-Based Violence Service and Support Agreements*

Readers are strongly encouraged to review and use all three tools together to gain a thorough, nuanced, and comprehensive understanding of trauma- and violence-informed handling and management of records with respect to GBV experiences, reports, and disclosures.

## Context

Those who provide support and/or service to a person who has experienced GBV are expected to keep records. Record holders are custodians of information and are thus responsible for what type of records are kept (e.g., physical, digital), who has access to such records, and when such records are shared, according to information-sharing agreements within the PSI (Patterson & Olah, 2007; Ruebsaat, 2006; White-Domain & McWhorter, 2016). Many different types of records (e.g., medical, counselling/therapy, registration) may be

kept on a person who has experienced GBV, and will be subject to and governed by different codes of ethics, professional regulations, and legislation.

### Reflection Question

**Which offices at your institution are expected to keep records on those who have experienced GBV (e.g., medical, security, counselling)?**

Some PSIs may have obligations to collect statistics to help inform initiatives and programming at the institution. As there might be multiple records kept for a person who has experienced GBV, it is important for each PSI to determine whether:

- A central office or person must collect this information from all record holders;
- All disclosures are funnelled through one central office or person to provide primary support and referrals as needed;
- All record holders must alert a central office or person when a disclosure or complaint has been made; or
- A combination of the above options.



## Keeping Records

As mentioned earlier, many different types of records may exist for a person who has experienced GBV because of the different types of services that they may receive (e.g., medical, security, counselling, office of sexual violence support and education). The records may be physical and/or digital in nature. Regardless of the type of records kept, all record holders are guardians of the information that they have received with respect to the person who has experienced GBV and are responsible for the protection of that information (Ruebsaat, 2006). The information collected should only be relevant to the service or support provided.

### Reflection Questions

**Each record holder who keeps documentation on a person who has experienced GBV may have to adhere to best practice standards. If this is true, is the record holder aware of and following these standards? If the record holder is also a regulated professional, are these standards in alignment with their regulatory college's standards of professional conduct?**

Security of records implies that:

- No unauthorized persons have access to the information;
- The information cannot be easily duplicated unless authorization is provided;
- The information cannot be stolen.

These principles apply to both physical and digital records. As record keepers incorporate emerging technologies and new digital security measures into their practices, they must still follow these principles and be able to reasonably guarantee that no unauthorized access, theft, or duplication can occur (White-Domain & McWhorter, 2016).

Finally, measures are not just limited to physical locks or digital gatekeeping mechanisms. Measures can also include policies and procedures that help strengthen the security of records, such as strong password policies; establishing routine physical security practices, such as locking workstations when leaving; and policies for traveling with physical records (Ruebsaat, 2006).

### Reflection Questions

**What steps do we need to take to protect the physical and digital security of our records?**

**What legislation applies to these records? What institutional policies apply to these records?**

**How can we stay apprised of changing or evolving practices related to record keeping?**

**The length of time that a record is kept** is subject to the record holder's obligations under appropriate privacy legislation and any relevant professional standards and obligations (Ruebsaat, 2006). Many PSIs will have offices or individuals whose role is to provide advice on record-keeping policies and procedures. If this expertise is not available within a PSI, record holders ought to develop a retention record policy applicable to their office that outlines the rationale for:

- How long the PSI will keep the records (e.g., space considerations);
- How a record will be destroyed at the end of the retention period;
- Whether any file or part of the file will be kept indefinitely.

### Reflection Question

**Who has the expertise in your institution to advise on internal and legislative requirements related to record keeping?**

**Contents** of a record are determined by the role that the record holder may have at the PSI and the code of ethics and professional standards that governs their work. The level of detail in the records is also subject to natural tension between the record holder's need to offer a continuity of care and/or support, and to protect the confidentiality of the person who has been impacted by GBV. Determining this level of detail should be left to the discretion and professional judgement of the record holder (Patterson & Olah, 2007; White-Domain & McWhorter, 2016) in collaboration with other record holders. This dialogue will serve to manage expectations and ensure consistency across PSI departments holding GBV information.

### Reflection Questions

**How much information should be collected on the individual who has experienced GBV?**

**What information should I be collecting and recording? Why do I need to collect this information? Is it necessary or relevant to collect this information?**

Suggested guidelines for record keeping when recording notes:

- Assume that these notes could be subpoenaed/court-ordered or requested.
- Avoid making any subjective comments, speculations, judgements, or conclusions about the person who has experienced GBV. Such statements could ultimately serve to damage their reputation and credibility (Patterson & Olah, 2007).
- Omit any irrelevant information; only record specific and factual information.
- Avoid verbatim quotes, as they could be leveraged against the person who has experienced GBV.
- Omit highly sensitive and personal information unless it is warranted in providing support or services.
- Be brief and succinct.
- Document methods and interventions used in the service of providing support or care to the person who has experienced GBV (Patterson & Olah, 2007).

## Exercise

**Consider the following excerpt from a record on a student who is following up with your office about participating in an upcoming investigation:**

*"...The student updated this writer and indicated that they were scheduled to be interviewed by the investigator on December 8th. The student expressed much worry about meeting the investigator and being interviewed. When this writer asked why she was worried, the student stated that she had a "patchy" recollection of what happened and did not think she could recall all the details. She explained that she was worried that she would sound like a liar and no one would believe her..."*

**In light of the above guidelines, how would you re-write the excerpt?**

**Suggested rewrite:**

*Student expressed concerns about the upcoming investigation.*

Due to the risk of records being used against a person who has experienced GBV, and the potential for record holders (along with the PSI) to retraumatize, discredit, and betray that individual, it is strongly recommended that PSIs consider providing formal training on note taking.

Further, PSIs may also want to consider internal reviews of notes as a way of providing oversight and calibration on an agreed-upon standard of note taking.

## Sharing and Accessing Records

### Why should information regarding GBV be shared within the PSI?

Disclosures of GBV within a PSI may occur in a number of different academic and non-academic units and service providers on campus. The safety of individuals who disclose that they've experienced GBV is the primary rationale for why information may be shared amongst different units and providers on campus. Sharing such information amongst these stakeholders can increase the safety of individuals who have experienced GBV, improve the quality of services and support they receive from the PSI, and ensure coordinated and holistic care.

### Reflection Question

**Who would I be sharing information with, if necessary, on campus? Off campus?**

### Scenario

**Your PSI has hired a third party to investigate a report made by a student. The investigator submits their report to an administrator to make a decision on the matter. However, the administrator has come to understand that the student sought support from your office. They are interested in seeing your notes before making a decision. How would you handle this request?**

**Consideration:** The above scenario can create tension between internal offices. Holding space for conversations about cross-department record sharing may be a helpful way to minimize this tension.

## How should information regarding GBV be shared within the PSI?

If possible, a central office or person specializing in GBV response should coordinate the sharing of information. An information-sharing agreement should be created to delineate the procedure and principles for information sharing across campus. Such an agreement should clarify that sharing information is meant to increase the safety of the person who has experienced GV and promote consistent, holistic, and coordinated care and support. For more detailed guidance on how to draft such an agreement, please refer to *Creating Information-Sharing Agreements Among Stakeholders Responding to Campus Gender-Based Violence*.

### Legal obligations

The PSI and the record holder(s) must consider the legal validity of any outside requests for information on an individual who has experienced GBV, such as a court order or an order for production of records. Before submitting to the request or order, seek the opinion of the PSI's general counsel or lawyers to determine whether the record or parts of the record are privileged or have any relevance to the proceedings at hand (Patterson & Olah, 2007; Ruebsaat, 2006; White-Domain & McWhorter, 2016).

### Reflection Question

**Where can I get support and advice at my institution if the records I hold are court-ordered or subject to a production order?**



## Additional Considerations

### Students transferring from PSI to PSI

As the experience of GBV is traumatic and may have a sustained impact on the student, they may still need support at their next PSI. With their consent, the secure transmission of their record(s) from one PSI to another can ensure a smooth transition and continuity of care and support. PSIs are strongly encouraged to develop a protocol and procedure in ensuring that this option is offered to students who have experienced GBV and are transferring to another PSI.

### Reflection Question

**How can I ensure the digital security of records when they are being electronically transmitted to another institution?**

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