

# A Comprehensive Guide to Campus Gender-Based Violence Complaints: Strategies for Procedurally Fair, Trauma-Informed Practices to Reduce Harm

## *A Summary*

*A Comprehensive Guide to Campus Gender-Based Violence Complaints: Strategies for Procedurally Fair, Trauma-Informed Practices to Reduce Harm* (“the Guide”) is the first resource that connects the three foundational standards of procedural fairness, trauma-informed practice and harm reduction together and provides practical strategies for every aspect of a campus GBV complaint. It situates its strategies specifically in the Canadian post-secondary context; explains the regulatory environment for student, staff and faculty complaint processes; and offers practical solutions to seemingly intractable challenges.

### **SECTION 1 - INTRODUCTION TO THE FOUNDATIONAL STANDARDS**

#### **Short description:**

In the first section, we offer introductions to the procedural fairness requirements for PSIs, understanding trauma and trauma-informed practice, and strategies to reduce harm when the optimal or ideal is not available, all through a human rights and equity lens. These three tenets are woven into the strategies throughout the rest of the Guide.

### **Long description:**

Section one of the Guide introduces the three foundational standards of procedural fairness, trauma-informed practice and harm reduction, and argues that they do not exist in opposition to each other, but that they are interdependent and work together to improve complaints processes. In Chapter 1, we explain procedural fairness and how it applies specifically to campus GBV complaints, using an analysis of *Baker v. Canada* (1999), in which the Supreme Court of Canada laid out the criteria for fairness in administrative decision-making. Chapter 2 introduces trauma and trauma-informed practice, elucidating what they are and, importantly, what they are not. Chapter 3 discusses the way campus complaint processes cause harm to those involved in them, introduces the importance of harm reduction, and makes the case for institutional accountability, as well as individual accountability.

## **SECTION 2 - COMPLAINTS PROCESS DESIGN**

### **Short description:**

In Section 2 we discuss strategies for designing a system to address GBV complaints, including choosing a model and creating a comprehensive policy framework, policy strategies for the complaints process, and personnel, roles, and training considerations.

### **Long description:**

Section 2 of the Guide is about complaint structures, policy and people. Many of the challenges institutions face are a direct result of outdated policies, mistakenly importing concepts, structures and language from the criminal legal system, and inadequate training. This section provides strategies to address these challenges at a foundational level through strong policies and training. Chapter 4 looks at developing a comprehensive policy framework that fits within the legislative and regulatory environment. Chapter 5 looks at the policies themselves, offering strategies rooted in the foundational standards. In Chapter 6 we outline the roles that are important to realizing a comprehensive, trauma-informed process, including strategies to ensure all personnel are properly trained.



## **SECTION 3 - STRATEGIES FOR PRACTICE**

### **Short description:**

In Section 3 we trace the *practices* involved with moving a complaint through the entire process, starting with a disclosure, and proceeding through interim measures, investigations, and decision-making. Finally, we offer strategies for non-adjudicative options for those who choose not to use the complaints processes.

### **Long description:**

Section 3 takes a deeper dive into the complaints process, providing strategies for the practitioners at every stage along the way, from intake right through to appeals. In Chapter 7, we examine the initial stage of receiving a complaint, and focus the strategies on providing reliable information so that a potential complainant can make an informed choice as to whether to enter a complaint process. Chapter 8 reviews procedurally fair, trauma-informed interim measures to reduce harm, while Chapter 9 provides strategies for investigators and Chapter 10 looks at adjudication, outcomes and appeals. Finally, in recognition that campus complaint processes are unlikely to meet the needs of survivors in most cases of GBV, we propose a series of non-adjudicative options in Chapter 11.

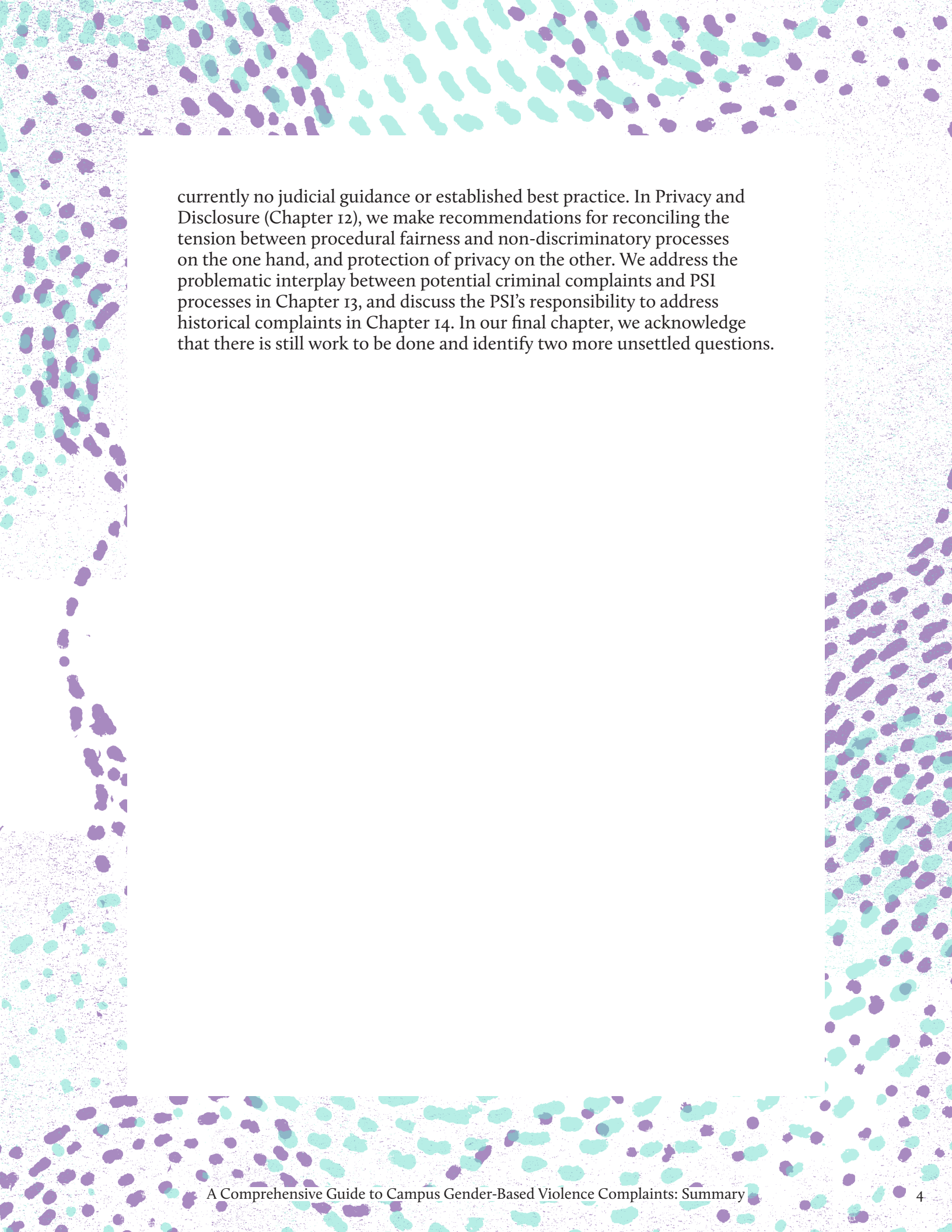
## **SECTION 4: UNSETTLED QUESTIONS**

### **Short description:**

This section taps into experts from across the country for recommendations on solutions to significant challenges for PSIs for which there is currently no clear answer, including questions about privacy and disclosure, concurrent criminal charges, and historical complaints.

### **Long description:**

In Section 4, “Unsettled Questions,” we grapple with three topics that continue to pose significant challenges for PSIs, and for which there is

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currently no judicial guidance or established best practice. In Privacy and Disclosure (Chapter 12), we make recommendations for reconciling the tension between procedural fairness and non-discriminatory processes on the one hand, and protection of privacy on the other. We address the problematic interplay between potential criminal complaints and PSI processes in Chapter 13, and discuss the PSI’s responsibility to address historical complaints in Chapter 14. In our final chapter, we acknowledge that there is still work to be done and identify two more unsettled questions.