

## VC's MANAGEMENT ADVISORY GROUP's RESPONSE

### DISCHO REVIEW

APRIL 2016

The following is the response from the VCMAG (VC's Management Advisory Group) to the commendations and recommendations of the DISCHO Review. The commendations have not been reproduced verbatim while the recommendations have. The VCMAG response is in italics.

#### **Commendations**

*We endorse the Reviewers' praise of the commitment of the staff and volunteers of DISCHO. The 24-hour emergency service is greatly valued for its promptness, availability and caring approach. We are pleased that the training offered by DISCHO is recognised as excellent as is the value of the professional competencies gained by those trained. The expertise on, and support offered to domestic violence clients is also commended by the reviewers. We also note the survey of clients who have used the service, which in spite of a low response rate, indicated that there was general satisfaction with and confidence in the services provided, DISCHO's national reputation for training in mediation and its service to other communities is to be applauded,*

#### **Recommendations**

1. The services of DISCHO and allied offices in the Transformation Services Office should be clarified to mitigate against isolation of the office from the university's core Human Resources and Registrar's Office business. This implies a need for a reappraisal of its current structure and operations, and should include consideration of appropriate physical location. The recommendations below highlight both structural and operational issues.

*The Transformation Services Office Review proposes a new Unit, amalgamating the current DISCHO and HAICU structures. The new unit will be headed by an Executive.*

2. Serious attention should be given to the relationships between HR, the Registrar's Office, the Ombud and DISCHO with respect to the implementation of discrimination policies. The current lack of clarity amongst those to whom services are delivered about implementation is a substantial risk to the university, as recent social media exposure makes clear. In relation to this, two fundamental issues arise:

- a) should DISCHO operate independently from HR and the Registrar's Office, and have independent lines of accounting? The panel raises this as a question that should be thoroughly investigated as part of the broader examination of the TSO. If it is to

operate independently, then attention needs to be given to formalising structured relationships with units responsible for the formal procedures.

*This new unit, which now includes the original DISCHO functions, will operate independently from the Registrar's office and the Ombud, but will have a strong link to the Human Resources department (HR) with respect to the employment equity plan and the formal complaints of sexual and racial discrimination or harassment with respect to staff. Similarly, formal complaints of sexual and racial discrimination or harassment with respect to students will require a strengthening of partnership with Legal Services (Student Disciplinary Tribunal) in the Registrar's Office.*

b) Regardless of the answer to a) where will the training of line managers reside?

*The training of line managers will be co-facilitated between HR and the New Unit (e.g. focused sessions to explain policies, procedures and orders such as No-Contact Orders). In spite of organisational restructuring, a training programme will be developed by the current DISCHO unit, and will be rolled out by mid-2016, which will be supported by the HR Training platform.\**

3. The DVC responsible for transformation matters should review the current lines of accountability and communication with respect to the discrimination/harassment policies, and consider the creation of institutional structures that will best facilitate regular consultation and communication between all parties responsible for their implementation. This should include regular briefings with respect to cases, including frequent use of advisory panels of experts to discuss protocols for dealing with cases and to advise wherever necessary. The structure, once devised, should be responsible for ensuring that timely and appropriate communication between interested parties has taken place.
4. The DVC responsible for the transformation portfolio should work with interested parties, including DISCHO, on the development of a strategic plan, budget and project management plan based on the findings of this and the TSO review. The current reporting lines of DISCHO's staff, through the Director of the TSO to a DVC, needs to be reviewed as part of the general TSO review, as the current arrangement is not working well. Regardless of the outcome of the general review, lines of accountability and reporting to HR/ER, the RO and DISCHO urgently need to be clarified and strengthened.

*Item 3 and 4 - This forms part of bedding down the New Unit, under the leadership of the DVC responsible for transformation.*

5. The structure of the TSO and of DISCHO is currently under review, and may change. The panel recommends that essential services identified through the policies, and which include administration, data management, training, access to counselling, communication, education and advocacy and mediation should be appropriately resourced by the University.

*The New Unit will be appropriately resourced within the current budget constraints. It is expected that the merging of DISCHO and HAICU will allow aggregate resources to be more appropriately allocated to areas of greatest need.*

6. Service level agreements with all parties involved in the implementation of essential services required to support the implementation of the social justice policies should receive ongoing training.

*Although Service Level Agreements may be used to assess the Unit's performance and effectiveness, other appropriate modalities of tracking/monitoring the Unit's objectives, will also be considered. The integration under an executive should address this recommendation.*

7. Training for line managers, student councils, residence wardens, the SRC, UTAC, UHRC and Faculty Transformation Committees on social justice policies should be compulsory. This training will need to ensure that policies and procedures are understood, that the differences between formal and informal processes and where they might be accessed are clear, and that vicarious liability (and the risks of this to the institution) is foregrounded. An online training course on social justice policies might be developed to support HR, DISCHO and related structures in this training.

*VCMAG is in agreement with the recommendation that appropriate and relevant training needs to be provided. The challenge is to ensure that academic line managers participate in the training. This must therefore be supplemented by direct hands-on support for line managers. Managers also need to be able to access training on specialised topics just at the time when they identify their need for it. We will explore the feasibility of on-line modules for this. The Department of Student Affairs(DSA) continues to provide student training (e.g. to the SRC) on policies, and DSA will assess the effectiveness of this training. Online training courses will also be considered to supplement/enhance or scale the training provided.*

8. The university needs to consider which structures should be responsible for this training. Given its scale, the panel is of the view that currently only HR has sufficient staff numbers and connections with all university faculties and departments, to reach the whole community.

*The training will be co-facilitated between HR and the New Unit (see 2b above).*

9. The panel is of the view that training on policies and procedures must not be conflated with more general transformation programmes (such as Sustained Dialogue). The training envisaged is for line managers, and clarity on their accountability to policy is the training's aim.

*VCMAG supports this recommendation.*

10. The university might consider systems such as Callisto, (<https://www.projectcallisto.org/>) an anonymous online reporting system on sexual assault designed specifically for large student communities as a tool with significant potential to monitor a problem known to be both widespread and under-reported. However, it should be noted that use of a system such as Callisto must be embedded in a system of service responsiveness to those who need and want follow up. A protocol should be developed on data management in the area of social justice.

*This recommendation will be considered by the new unit.*

11. A system for monitoring and evaluating delivery of services in relation to discrimination/harassment policies should be developed and implemented as a matter of urgency.

*VCMAG supports this recommendation, and such a system will be developed by mid-2016\**

12. There is a need to clarify what kinds of information must be kept strictly confidential, and what must be reported. The panel recognises the ethical imperative to mark aspects of ongoing cases as confidential. However, there must be protocols in place to ensure that referring parties (such as HR practitioners, unions, wardens), as well as staff responsible for risk management (such as Employee Relations in HR) have sufficient information about cases to contain, advise, make informed judgements, and intervene when needed.

*VCMAG supports the recommendation of developing a protocol to deal with confidentiality which respects the ethical imperative, but also to provide sufficient information to intervene when required. Such a protocol will be developed over the next 3 months.\**

13. The Vice Chancellor, Senate, Institutional Forum and Council should reflect on the limited attention paid to DISCHO and put in place measures to receive and advise on reports submitted by DISCHO on a bi-annual basis.

*Although DISCHO regularly and routinely reports on statistics of the office to Council, and there are also monthly meetings between the unit and the DVC, there are currently no reports to IF and Senate, and the reports to Council do not give a comprehensive overview of DISCHO services. This will be addressed immediately.\**

14. The professionalization of advisory services for those affected by harassment and discrimination should be considered with the appointment of professional advisors who are equipped to deal with racism and racial harassment and gender identity and sexuality complaints. All officials who are tasked with the formal and informal processes of complaints management on social justice issues should have experience in working with diversity issues and demonstrate that they are diversity literate.

*VCMAG supports this recommendation, which should be considered by the DISCHO function in the new unit.*

15. It is the view of the panel that while ADR involving joint meetings between complainants and respondents is the preferred intervention in some carefully chosen cases of sexual, racial and disability discrimination, this is not so when the complaint is of sexual or racial assault. Harassment cases need careful thought; they often involve patterns of behaviour unfolding in complex contexts and so many such cases do not lend themselves to straightforward encounters between complainants and respondents. These and assault cases need to be approached from within a trauma model that offers appropriate support to complainants, that acknowledges complaints of this kind as widespread, and vigorously avoids the perception that the rights of alleged perpetrators in any way outweigh those of the complainant. To this end, the panel suggests that the informal route for complaints needs to be thoroughly rethought; in its current form, as it is leading to the perception amongst almost all stakeholders that complainants are being asked to shoulder the burden of accepting an ADR solution to their own detriment. The panel does however see a role for ADR in cases in which the appropriate intervention involves structured educational input and a clearing of misconceptions or misunderstandings.

*VCMAG supports this recommendation of careful thought when assessing harassment cases, specifically sexual harassment cases, and the application of Alternative Dispute Resolutions (ADR) in these cases, thus thoroughly assessing whether the informal route for complaints is appropriate. Mediation should always be the last option in sexual harassment or sexual assault cases. \**

16. The management of the formal complaints process for students and staff should be urgently reviewed and benchmarked with good practice nationally and globally. It is advised that the formal process is made more transparent.

*VCMAG supports this recommendation. HR and the Legal Services department (in the Registrar's Office) will review these processes and will ensure these are communicated effectively and brought under the attention of staff and students. \**

17. The review date for the policies on sexual harassment and sexual assault and racial harassment and discrimination has passed. The University should review the policies as a matter of urgency. Policies on bullying and harassment in general are also needed to guide action in these areas. The Registrar's Office and HR should ensure that university policies are properly dated and comply with good practice in policy development. The protocols related to the policies also need revision, to address contradictions between routine practice, and stipulated procedures.

*VCMAG supports this recommendation. The DVC (Transformation) is responsible for the review of these policies, and not HR and the Registrar's Office. This process will start immediately, and following the internal approval/consultation stages, these policies will be submitted to Council in June or September 2016.\**

18. Websites and communication strategies in relation to discrimination and harassment policies require support and the University should ensure that the Communications Office works closely with DISCHO and the Transformation Services Office on creating an identifiable brand and identity for social justice communication.

*VCMAG supports this recommendation. The new unit should develop a robust communication and in particular a branding strategy.*

*\*will be implemented immediately*