

2012-2013 National Ombudsperson's Report to the Executive

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The following report summarizes some of the challenges faced by the Ombuds team this year, as well as proposals for how we can make improvements going forward. I can't speak to the resolution or investigation of specific incidents in the report that follows, except in the broadest possible language, for confidentiality reasons; hopefully readers will understand and accept my lack of specific detail regarding our successes this year.

Each of the regional ombudspeople did a great job with the necessary and often unrewarding work of promoting equity in their respective regions. I thank them for their contributions, and congratulate them on a job well done.

Clarifying the role of Equity Officers and Ombudspeople

Over the course of this year, a recurring theme has been a lack of clarity with regards to the role of both Tournament Equity Officers and Ombudspeople. Many Equity Officers lack the training necessary to deal with more complicated equity complaints, which can leave them in a tight spot when those situations arise. Sometimes Ombudspeople step in to fill this gap, which leads to complications given the lack of clarity in the CUSID Ombudsperson Bylaw regarding the role of the Ombuds team, as well as the complete absence of a clear appeals structure for equity decisions.

There is also a lack of clarity regarding how Equity Officers should manage incidents that occur during tournaments. The prevailing trend has been that Equity Officers should only act responsively, to resolve complaints after receiving them (rather than pre-emptively, after witnessing Code of Conduct violations themselves). This model of intervention benefits both the CUSID community and the Equity Officers themselves - it places a burden on individuals within CUSID to engage with the equity process when necessary, and it prevents Equity Officers from becoming lightning rods for controversy by acting pre-emptively in an attempt to fulfil unclear obligations. However, that role needs to be clarified so Equity Officers don't feel conflicted regarding when to intervene.

Recommendations:

1. The Ombudsperson Bylaw should be completely overhauled, following community

consultation on the role of Ombudspeople and requirements for a fair, transparent appeals process that protects the rights of complainants and individuals subject to complaints.

2. Information on appeals processes should be made easily available to Tournament Equity Officers and included in any training materials, so they are aware of the supports available to them within CUSID, and of their obligations to the equity process.
3. The “responsive” model of intervention for Equity Officers should be made explicit, so that Equity Officers are aware of their responsibilities at tournaments and are not called upon to act beyond their areas of expertise or comfort. This model should also be made explicit in Tournament Equity Policies and Equity Briefings, so that all participants are aware of how equity complaints will be managed.

Scratch Policies

Up to this point, scratch policies have been more-or-less informal. This year, that informality has led to some confusion regarding the role of Equity Officers and Adjudication Teams in implementing scratches at tournaments.

Recommendations:

4. Scratch policies should be made explicit in Style Guides, to emphasize that scratch policies are developed and administered by Adjudication Teams to maintain the integrity of tournament adjudication.
5. Whether or not an Adjudication Team chooses to keep scratches confidential should be made explicit in scratch policies; circumstances under which a scratch may have to be disclosed should also be made explicit.

Tournament Reporting

Last year, the Ombuds team introduced a standardized equity report form, allowing Tournament Equity Officers to file reports in one place and ensuring that all necessary information was being included in reports.

This has substantially improved the consistency and detail of equity reports from tournaments, and I have received feedback indicating that the form makes the reporting process easier for Equity Officers.

However, reporting continues to be consistently late, and dependent on prompting from regional Ombudspeople. This makes it incredibly difficult for the Ombuds team to monitor and respond to issues that arose at tournaments in a timely manner.

Recommendations:

6. Reporting requirements should be explained and emphasized on CUSIDnet, in any training materials made available to Equity Officers, by members of the Ombuds team, and by the CUSID Executive where appropriate.

Equity Officer Training

Unfortunately, there are as of yet very few resources available to assist Equity Officers in fulfilling their roles. While most Equity Officers are fully capable of executing their responsibilities with regards to most run-of-the-mill equity complaints, the role of the Equity Officer is most important when serious and out-of-the-ordinary complaints arise. Unfortunately, many Equity Officers lack the experience, training, or knowledge to feel comfortable resolving these complaints.

Recommendations:

7. An Equity Officer training guide should be developed, canvassing both common and uncommon complaints and strategies for resolving them.
8. Equity Officers should be encouraged to seek out training in areas including active listening, negotiation, mediation, and anti-oppression work.
9. Before a tournament, Equity Officers should think about what their response would be in the event of a serious issue: for instance, if someone came to them as a result of a mental health trigger, if someone reported an assault or a sexual assault, or if someone reported a particularly severe incident of discrimination. Equity Officers need to plan so that they aren't caught off guard in the rare circumstance that one of these issues arise.

Safe Socials

Several troubling incidents related to alcohol have occurred at CUSID socials this year.

I raise this point not because I am interested in starting a flame war; we've been there as a community and I don't see a need to return to that conversation. Rather, this conversation is necessary because this year there was a sexual assault that was enabled by alcohol at a CUSID social, and because it has been made clear to me this year that there are people within CUSID struggling with alcohol, for whom our socials are not safe spaces.

It may be that we need to have a conversation about what we want our community to look like, from a social standpoint. I would like to encourage that conversation, but I want to be clear: when we talk about where we go from here, we need to consider the real impacts that our policies will have on members of our community, and think carefully about what impacts we consider acceptable.

I believe it is possible for us to have socials at which people can drink, while at the same time having socials that are inclusive and safe. The recommendations below are crafted in the interest of promoting safe, inclusive socials at which alcohol may be present.

Recommendations

10. At least one equity officer must be present and sober throughout tournaments and to a reasonable point at tournament-sponsored socials. This equity officer should be visible and well-known to all tournament attendees.
11. Equity officers should be prepared to act in a supportive role to individuals who struggle with alcohol but still want to attend socials.
12. Tournament organising committees should do what they can to encourage a number of tournament volunteers to be present, visible, and sober at tournament socials. People who will be among this group of sober volunteers should be identified to tournament attendees.
13. Tournament organising committees and club executives should have plans in place to assist individuals who drink too much to take care of themselves. Any plans developed should take into account the vulnerability of people who drink too much, and ensure that everything possible is done to ensure the safety of those individuals, as well as of the people around them.

To be as clear as possible: alcohol is a factor in half of all sexual assaults, whether it is being consumed by the perpetrator, the victim, or both. Any safety plan relating to alcohol should incorporate considerations of the risk of sexual assault.

14. Wherever possible, socials should be held in mixed-use spaces, where it is possible for people to enjoy themselves without drinking.

Transparency and Long-Term Planning

One of the difficulties of serving on the ombuds team is that the transition from year to year can be unusually challenging. The confidential nature of much ombuds work can make the prospect of sharing information about the previous year's work more fraught.

In addition, when reporting is limited to one oral presentation per year by the National Ombudsperson, it becomes difficult for the CUSID community to see the long-term work done by the Ombuds team and hold the Ombuds team accountable for their work from year to year.

15. The annual report by the National Ombudsperson to the CUSID Executive should be made publicly available on cusid.ca, alongside other CUSID documents.