April 12th, 2022

ABCs of Responding to Complaints

In Partnership with

Shira M. Berkovits, Esq., Ph.D.
Sacred Spaces builds healthy Jewish communities by partnering with Jewish institutions to prevent and respond to sexual abuse and other abuses of power.
Community of Practice

Respect
Demonstrate respect for differences of experience, perspective and identity.

Self-Care
If you need to take a breather, journal, get water, turn off screen...please do!

Community Safety
If you have a safety concern, please send private chats to Sacred Spaces staff.

Confidentiality and Consent
What’s shared here stays here, what’s learned here leaves here.

Experience
Speak from the place of your own personal or professional experience, with recognition that your understanding may not be generalized to all contexts.
In this Webinar

1. Receiving a Report
2. Action Planning
3. Fact-finding
4. Decision Making
Parking Lot

• Serving as an Investigator
• Resolution
• Public Statements
• Restorative Justice
• Healing

Photo Credit: Elizabeth Villalta, Unsplash.com
What’s Your Organization’s Responsibility?

- Swift Response
- Procedural Fairness
- Rigorous and Independent Inquiry
- Effective, Proportionate Solution
- Continued Monitoring
The Keilim Policy Toolkit guides Jewish organizations to develop policies and procedures that create safer, more respectful, and more equitable environments for those who work at or access your organization.

‘Keilim’ is Hebrew for tools or vessels. Hear the pronunciation of Keilim
Explore the Six Modules of Keilim

1. Foundational Elements
2. Prohibited Conduct
3. Interaction Guidelines
4. Screening
5. Organizational Response
6. Living Your Policy
6 Guiding Principles to a Trauma Informed Approach

1. SAFETY
2. TRUSTWORTHINESS & TRANSPARENCY
3. PEER SUPPORT
4. COLLABORATION & MUTUALITY
5. EMPOWERMENT VOICE & CHOICE
6. CULTURAL, HISTORICAL, & GENDER ISSUES

Substance Abuse and Mental health Services Administration (SAMHSA)
https://ncsacw.acf.hhs.gov/userfiles/files/SAMHSA_Trauma.pdf
Intake

Things to Remember

• Multiple modalities
• Anyone can report
• Listen and create a safe space
• No prerequisites to reporting
• Ask open-ended questions

Facts to take note of

• What happened?
• One time or ongoing?
• Others involved?
• Previously reported?
5 Organizational Response

View All Modules

- Receiving a Report
- Action Planning
- Fact-Finding
- Decision Making
Preliminary Decision Making

1. Would the report, if true, constitute a policy violation?
   - **Unsure**: A preliminary inquiry is necessary.
   - **No**: This can be resolved at the supervisory level.
   - **Yes**: An investigation is necessary.

2. Is there a dispute of facts?
   - **Unsure**: A preliminary inquiry is necessary.
   - **No**: No investigation is necessary.
   - **Yes**: An investigation is necessary.
Preliminary Inquiry

Conduct a preliminary inquiry when:

- Unsure if behavior would constitute policy violation
- Incident is singular and easily verifiable (e.g., public)

A simple verification of events, that may include:

- Inspection of material
- Examination of physical space
- Speaking to recipient of behavior
- Speaking to individual accused of wrongdoing
<table>
<thead>
<tr>
<th>Look at the matter</th>
<th>(1 point)</th>
<th>(2 points)</th>
<th>(3 points)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The matter to be investigated is</td>
<td>Simple, involving two parties and one or two incidents</td>
<td>Moderate in complexity, involving more than two parties or multiple incidents</td>
<td>High in complexity, involving multiple parties and multiple incidents, or reports of hostile environment</td>
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<tr>
<td>The person(s) accused of misconduct is/are</td>
<td>Non managerial and at the same rank as the complainant</td>
<td>Middle management and higher in rank than the complainant</td>
<td>Senior managers or executives</td>
</tr>
<tr>
<td>The complaint involves</td>
<td>Inappropriate language, jokes, or simple misconduct</td>
<td>A combination of inappropriate language and multiple acts of misconduct</td>
<td>Extreme racial, sexual, or threatening/harassing behavior</td>
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<tr>
<td>The person(s) to do the investigating is/are</td>
<td>Experienced and confident</td>
<td>Somewhat experienced, but uncertain about the best way to proceed</td>
<td>Inexperienced OR is in a reporting relationship to a party in the investigation</td>
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<tr>
<td>TOTAL SCORE: Tally your points in all three columns.</td>
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1-4 points: Almost certainly manageable internally  
5-9 points: Consider using outside investigator  
10 points: Recommend outside investigator
Breakout Rooms
Identifying Conflicts of Interest

Avoiding even the appearance of favoritism or bias

- Able to be neutral and independent and not form predispositions?
- Supervisor-employee relationship with party or family/social network?
- Personal relationship with party or family/social network?
- History of conflict with any of the known parties?
- Personal or financial interests shared with any of the known parties?
- Expressed to others unfavorable opinions about parties in past?

Disclose → Discuss → Decide
# Action Log

Date _____________________
Names and roles of individuals involved in the Action Planning _______________________________

<table>
<thead>
<tr>
<th>Action Planning</th>
<th>Actions to be Taken</th>
<th>Parties Involved</th>
<th>Date Taken</th>
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</thead>
<tbody>
<tr>
<td>Preliminary Inquiry</td>
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<td>Supportive Measures</td>
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<td>Supervisory Actions</td>
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<td>Interim Actions</td>
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<td>Communications Plan</td>
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<td>Fact Finding</td>
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<td>Problem Solving</td>
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</table>
5 Organizational Response

- Receiving a Report
- Action Planning
- Fact-Finding
- Decision Making
Interim Actions

1. Separate Parties
2. Preserve Evidence
3. Reduce Risk

*Take care not to retaliate.*
Need to Know Analysis

• Nothing
• There’s an investigation
• Parties’ identities
• Details
Supporting all Parties

- Support person
- Monitor for retaliation
- Counseling/EAP
- Community resources
5 Organizational Response

- Receiving a Report
- Action Planning
- Fact-Finding
- Decision Making
Range of Options

- Education
- Mediation
- Warning
- Discipline
Grant me the wisdom to discern what is right and what is wrong and inspire me with the courage to speak out whenever I see injustice without shame or fear of personal retribution… Make us whole, make us holy.

~Professor Alice Shalvi
The Talmud relates that Rabbi Neḥunya ben Hakana would relate the following prayer — that he not err in his judgments of halakha, Jewish law — upon his entrance to the beit medrash, or study hall. Today it appears on the inside cover of Artscroll’s printings of the Talmud (Schottenstein Editions). This language, or an adapted version, may resonate with your Committee, particularly when meeting to discuss sensitive issues or handle weighty decisions.

"May it be your will, Hashem, my God, that an offense not come about through me, and may I not stumble in a matter of Halakha and cause my colleagues to rejoice over me. May I not pronounce anything pure that is impure, or impure that is pure, and may my colleagues not stumble in a matter of Halakha, and I rejoice over them. For Hashem grants wisdom; from God's mouth comes knowledge and understanding."
ASK MORE QUESTIONS
Creating Sacred Spaces. Together.