

## The Process

The following is a description of the process for investigating an incident to determine an outcome. With mindfulness around the power of language, the term Person/People Affected (PA) is used in place of the word “victim”, and Person In Question (PIQ) instead of “perpetrator”.

- When an incident report is lodged, the Conduct Committee decides on a member to carry out the investigation (the CCI), in consideration of any wishes from the PA. The CCI will contact the PA, discuss the process and the confidentiality agreement, and document their account. Where appropriate, and with respect to confidentiality, the incident will be discussed with an Operations representative for background and context.
- The PA may not wish for the incident to be taken further, but simply to make the Conduct Committee aware of it. In such cases, the report will be documented and archived, then re-opened should another report be lodged against the PIQ. The PA will be asked if they wish to be contacted if this happens. If no further reports are lodged against the PIQ within a timeframe determined by the Conduct Committee, based on the severity of the incident, the report will be deleted.
- If multiple reports are filed against a PIQ, with the PA’s all wishing to remain anonymous to them, the Conduct Committee will liaise with the PA’s to see if they are happy for the reports to be actioned. This will involve contacting the PIQ, but no specific details of the reports will be given.
- If the PA wishes for the incident to be taken further, the PIQ will be contacted. If they are unwilling to engage with the Conduct Committee regarding the matter, the committee will discuss to decide on an outcome in conjunction with the wishes of the PA. This recommendation will be put to Kiwiburn’s Executive Committee (ExCom) for a vote. The PIQ will be given official notice, with 30 days to appeal the decision.
- If the PIQ engages with the Conduct Committee, and has an alternative perspective of the incident that is substantiated and deemed to be valid, the PA and PIQ will be offered a mediation process. If either party is unwilling, an outcome will be jointly negotiated and the reports will be archived. If there is a resolution satisfactory to both parties, the initial report will still be archived, but with a delete date added.
- If the PIQ engages with the Conduct Committee and they show remorse, understanding, and ownership of the incident, the Conduct Committee will then discuss the outcome with them, while still privileging the PA’s wishes. Ultimately the

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Conduct Committee will decide whether the PIQ should receive a warning or a ban, which will be put to ExCom for a vote and the PIQ will have 30 days to appeal the decision. A mediation process will be offered where appropriate. The Conduct Committee will strive to suggest or offer resources for the PIQ to engage with, and if the PIQ can demonstrate a genuine engagement and behavioural change then this will be favourably considered when the period of the ban has lapsed, where applicable.

- If the PIQ engages with the Conduct Committee but shows no understanding or ownership of the incident, then the Conduct Committee will decide on an outcome in conjunction with the PA. This decision will be put to ExCom for a vote, and the PIQ will have 30 days to appeal the decision. The Conduct Committee will suggest resources for the PIQ to engage with, and the PIQ will be informed that they may contact the Conduct Committee any time they wish to engage with the issue.
- Repeated and/or serious offences might call for a more involved Transformative Justice process, which the Conduct Committee will facilitate in careful accordance with the wishes of the PA and the PIQ. Support people will be identified for the PIQ, and a skilled and qualified professional, who is not connected to the Kiwiburn community, will be sought to work with the PIQ at their own expense. The purpose of this is not to persecute the PIQ, but to engender accountability and change.
- To return to Kiwiburn after the ban period, the PIQ shall submit a written request to the Conduct Committee. Evidence-based requests (documentation from or opportunity to contact persons/entities other than the PIQ, credentialed where appropriate) will enjoy greater consideration.