

Motion to Adopt the Involvement Restriction Policy

Submitted to the General Assembly, December 1th, 2020

Whereas, perpetrators of sexual assault and violence that are not officially sanctioned by university policies such as through the [Gendered and Sexual Violence Policy](#) of McGill are not restricted from events where they could potentially commit these offences again,

Whereas, students, including victims of sexual and gendered assault and violence, may feel unsafe at events knowing that perpetrators of sexual assault and violence may be present,

Whereas, students that are restricted from attending events from one faculty may not be restricted from attending events from other faculties,

Whereas, the Students' Society of McGill University (SSMU) created an Involvement Restriction Policy (IRP - Appendix A) to ensure event environments are safe spaces for all students by creating a list of students that are restricted from participating in particular or all campus events that are organized by faculty associations and SSMU,

Whereas the IRP acts as a compliment, and not a substitute for existing channels for survivors of sexual and gendered violence at McGill & outside (**The Sexual Assault Centre of the McGill Students' Society (SACOMSS)**, **Office for Sexual Violence Response, Support and Education (OSVRSE)**, the police etc.),

Whereas the IRP and it's ruling do not determine a verdict of whether the accused is 'guilty' of the act of sexual or gendered violence, but rather to rule on whether restricting their involvement in events (or other remedial activities, like anti-oppression training) would provide a safer environment for other event participants.

Whereas, several other undergraduate student societies (Arts, Education, Engineering, Arts and Science) have already signed and adopted the policy, and other societies (Music) are currently aiming to sign,

Be it resolved, the Medical Students Society (MSS) shall adopt the IRP,

Be it further resolved, that a Faculty Committee be formed, consisting of the MSS SSMU Representative, one Equity Commissioner, one VP Social, and three members at large who will be selected based on interviews conducted by the MSS SSMU Representative, the Equity Commissioner, and the VP Social,

Be it further resolved, the Faculty Committee will meet within one month of its formation to formally write a policy outlining the implementation of the IRP, including but not limited to establishing a formal resolution process, detailing the complaints process, defining the scope of the IRP, and setting timelines for the application of the IRP,

Be it further resolved, the Faculty Committee shall meet twice a year to review any complaints about the IRP to discuss possibly amending the MSS interpretation of the IRP,

Be it further resolved, the Faculty Committee may act as the Investigation (duties include reviewing reports of violence, sexual violence, harassment, racism, or other threatening behaviour), Sanctions (duties include determining the scope and severity of the restrictions), or Appeals (duties include reviewing appeals of restrictions) committee for other faculties, whereas the Faculty Committee of other faculties that have signed the IRP would act as MSS' Investigation, Sanctions or Appeals committee, in order to avoid potential conflict of interest inherently caused by the small size of the MSS,

Moved by Benson Wan (M2), MSS SSMU Representative

Seconded by Denis Rompotinos (M2), MSS Executive President

APPENDIX A: Involvement Restriction Policy

POLICY STATEMENT

The Students' Society of McGill University (hereinafter the "SSMU") is a student association responsible for overall campus life and activities at McGill University. Arts Undergraduate Society (AUS) of McGill University, Engineering Undergraduate Society (EUS) of McGill University, Management Undergraduate Society (MUS) of McGill University, Science Undergraduate Society (SUS) of McGill University, and other signatory faculty associations recognized under the *Act respecting the Accreditation and Financing of Students' Associations* (hereinafter collectively the "Student Association(s)") are responsible for faculty life and activities within their respective faculties at McGill University.

In consideration of the foregoing, the SSMU and the Student Associations want to take the necessary means to ensure that their environment is safe for their staff, members, visitors (i.e., those not employed or represented by the Student Association(s) or SSMU, including but not limited to McGill employees, graduate students, alumni, and individuals not participating in other bodies or activities at the University) and students and that their events and activities for which the participating Persons can reasonably be restricted via a registration screening or on-location screening process are safe. Some Student Associations have already adopted an involvement restriction policy and apply it to its members. However, the SSMU and the Student Associations want to widen and standardize the process and application of the restrictions applied in virtue of these individual involvement restriction policies to Events held by either the SSMU or any Student Association(s). This policy therefore provides a framework that must be adhered to for any All-Faculty Involvement Restriction to be upheld. Faculty Association Involvement Restriction Policies can be used to determine procedure according to each Faculty Association's capabilities as long as there is no direct conflict with this policy. Faculty Association Involvement Restriction Policies may be applied to cases that do not fall under the scope of this policy but must, nevertheless, provide a framework that is in accordance with that of this policy.

Consequently, the SSMU and the Student Associations want to adopt a uniform policy to provide the Persons with an environment where everyone is treated with respect, dignity and fairness and where all forms of discrimination, violence (including sexual violence), psychological, sexual or other forms of harassment, disrespect, dignity violation and lack of fairness is prohibited. Further, to provide a way to share the information gathered by the application of the Policy and to efficiently apply a Restriction across all Events, as may be imposed pursuant to this policy and other faculty involvement restriction policies.

OBJECTIVE AND SCOPE OF APPLICATION

1. This Policy applies to all Persons, including members of the SSMU and of the Student Associations community to varying degrees depending on their status within the SSMU

and the Student Associations' respective communities. For further clarification, this Policy also applies to

- a. Undergraduate students;
- b. SSMU's and the Student Associations' employees, both full time, part-time and casual;
- c. SSMU's and the Student Associations' volunteers;
- d. SSMU's and the Student Associations' officers, also referred to as executives;
- e. SSMU's and the Student Associations' General Manager (if applicable);
- f. SSMU's and the Student Associations' departmental associations (if applicable);
- g. SSMU's and the Student Associations' Legislative Council (if applicable);
- h. SSMU's and the Student Associations' Judicial Board (if applicable);
- i. SSMU's and the Student Associations' Board of Directors;
- j. Executives and/or members of all SSMU's and Student Associations' affiliated clubs, independent student groups, services, or other student groups;
- k. Graduate students at McGill attending Events held by the SSMU or Student Associations;
- l. Any visitor on premises owned, leased, or rented by the SSMU or Student Associations;
- m. Any visitor using SSMU's services or participating in a SSMU or Student Association club, service, or independent student group.

which are all, collectively, to be considered Persons as per this Policy.

2. This Policy applies to all behaviour adopted by a Person during any and all types of Events, including but not limited to online and in-person Events.
3. This policy serves to, for example and without limiting the generality of the foregoing:
 - a. Maintain an environment that is safe and free of Discrimination, physical, verbal, sexual or other forms of Violence and Harassment and any Improper Conduct;
 - b. Ensure acceptable behavior within the SSMU's and Student Associations' Environment during Events ;
 - c. Establish a mechanism for receiving Complaints and a procedure for handling Complaints;
 - d. Provide appropriate support to Persons who experienced Discrimination, Violence, Harassment or other Improper Conduct;
 - e. Enable SSMU or a Student Association to restrict a Person from participating in Events (hereinafter the "Restriction");
 - f. Provide guidelines for the circumstances under which a Person can be subject to a Restriction and;
 - g. Set out the parameters under which confidential information in regards to a Person who has been subject to a Restriction by the SSMU or a Student Association pursuant to this Policy can be provided to the Governing Committee and communicated by the Governing Committee to the SSMU and Student Associations in order to implement the Restriction for all subsequent Events.

4. It is each Person's responsibility to understand all terms outlined in the definitions section of this Policy and to act in accordance with its terms and conditions. SSMU and the Student Associations encourage all Persons to seek clarifications from the SSMU and the Student Associations if necessary.
5. It is an essential condition to the participation in various Events that all Persons abide by this Policy.
6. Faculty Committees can receive and manage Complaints regarding incidents that took place at any point in the past, without limitations insofar as they fall within the scope of this policy as provided in Section 1 above.

DEFINITIONS

7. "SSMU and Student Associations Environment": the SSMU's and the Student Associations' regular offices, as well as all McGill University premises and all off-campus premises where Events take place and are organized by either the SSMU or the Student Association(s), or by any group to which they serve as a fiduciary.
8. "Person": defined as per Article 1 of this Policy.
9. "Investigator": the Faculty Committee Chair(s) or their designate(s), who is responsible for carrying out an investigation.
10. "Respondent": a Person who is named in a Complaint as having violated this Policy.
11. "Complainant": an individual who makes a Complaint of a violation of this Policy.
12. "Complaint": means the act of informing a Faculty Committee about a violation of this Policy, in accordance with this Policy for the purpose of investigation.
13. "Events": events, activities or spaces in which Persons are organized and for which the participating Persons can reasonably be restricted via a registration screening or on-location screening process. This shall be taken to include peripheral gatherings before, during, or after such Events, organized as a direct consequence of the Event.
14. "Event Organizer(s)": the individual(s) who are elected or selected by the respective Faculty Association who is mandated to select the individuals who plan and run Events. This position commonly refers to Vice President Internal, Social or Events where applicable, and can be thought of as the executive in charge for said Event. Event Organizer is a status given to a Person prior to any Event.
15. "Governing Committee": an impartial committee formed by one representative of each signatory Student Association's Faculty Committee (as defined below) and one representative of the SSMU. The Chair of the Governing Committee shall be the member appointed by the SSMU, namely the Anti-Violence Coordinators. The Governing Committee is responsible for the administration and application of this Policy and the management of the Restriction Lists and Restrictions, as defined below.
16. "Discrimination": any distinction, exclusion, or preference based on any of the prohibited grounds of Discrimination set forth by the applicable human rights legislation that has the effect of negating or impairing a Person's right to full and equal recognition and exercise of their human rights and freedoms. Prohibited grounds of Discrimination may include, without limitation, race, ancestry, place of origin, colour, ethnic or national origin,

citizenship, creed, sex, sexual orientation, gender identity, gender expression, pregnancy, age (except as provided by law), religion, political convictions, affiliation or activity, language, record of offences, marital status, family status, civil status, social condition, physical or mental disability, handicap or the use of any means to palliate a handicap, or any other applicable ground identified in the applicable human rights legislation, including the Quebec *Charter of Human Rights and Freedoms*.

17. “Harassment”: engaging in a course of vexatious comment, conduct or gestures that are known or ought to be reasonably known to be unwelcomed. It includes objectionable or unwelcome conduct, comment, bullying or action by a Person and that the Person knows or ought reasonably to know will or would cause offence, intimidation or humiliation to another Person or adversely affect the Person’s health and safety. Harassment can manifest itself through repeated conduct, behavior, verbal comments, actions or gestures (of a psychological, sexual or physical nature) that: are hostile or unwanted, adversely affect or undermine the Person’s dignity and psychological or physical integrity; or create a harmful environment for the Person. A single serious offence or conduct may also constitute psychological or sexual Harassment if it causes such harm on the Person.
 - a. Examples of Harassment may include, without limitation:
 - i. Unwelcome remarks, jokes, nicknames, insinuations, innuendo, or taunting that are expressed after the Person has been warned or when they ought reasonably to know that these are embarrassing, insulting or unwelcome, including those about based on prohibited grounds of Discrimination;
 - ii. Written or verbal abuse or threats, aggressive words or gestures, unjustified accusation or blackmail ;
 - iii. Racial or ethnic slurs;
 - iv. Disdainful or contemptuous language;
 - v. Repeated lack of courtesy or respect;
 - vi. The use of terms or concepts that reinforce offensive stereotypes;
 - vii. Posters, notices or bulletins which may cause offence, encourage Discrimination or create a hostile work environment;
 - viii. Public humiliation or ridicule of Person;
 - ix. Use of terminology that reinforces offensive stereotypes;
 - x. Condescension, paternalism, maternalism or patronizing behavior that undermines self-respect;
 - xi. Abuse of a certain authority that threatens or puts into question a Person’s position or performance or that interferes or negatively influences the Person’s progression. This includes abuses of power, including intimidation, threats, blackmail and coercion;
 - xii. Targeting a Person to humiliate and torment them because they belong to a visible minority; and
 - xiii. Physically intimidating or isolating an individual.
18. “Sexual Harassment”: a particular form of “Harassment”, that is of a sexualized or gendered nature.

- a. Examples of Sexual Harassment may also include, without limitation:
 - i. Unwelcome remarks, jokes, innuendoes, or taunting about a Person's body, sex, or attire in connection with their gender that causes embarrassment or displeasure and that are expressed or carried out after the Person has already been warned or when they ought reasonably to know that their words are by nature embarrassing, insulting or unwelcome;
 - ii. Practical jokes of a sexual nature which causes discomfort or embarrassment;
 - iii. Using words with a sexual connotation to describe someone;
 - iv. Obscene or sexually suggestive comments, anecdotes or gestures, including bragging about sexual prowess;
 - v. Displaying pornographic pictures, posters, graffiti or other offensive material;
 - vi. Unwelcome questions or comments about a Person's sexual preferences;
 - vii. Leering (suggestive staring) or other obscene or suggestive gestures;
 - viii. Persistent unwanted sexual flirtations, advances, or propositions;
 - ix. Comment or conduct against a Person because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome;
 - x. Explicit or implicit threats to solicit sexual favours;
 - xi. Unwelcome physical contact including touching, kissing, patting and/or pinching; and
 - xii. Persistent unwelcome contact or attention following the end of a consensual relationship.

19. "Violence" generally means:

- a. an attempt or the exercise of physical force by a Person against another Person that causes or could cause physical injury. This includes, but is not limited to, physical acts such as punching, hitting, kicking, pushing, damaging property or throwing objects;
- b. a statement or behaviour during events that it is reasonable for a Person to interpret as a threat to exercise physical force against a Person, that could cause physical injury; and
- c. bringing a weapon of any kind or possessing a weapon of any kind while being in the SSMU or the Student Association Environment, or threatening to bring a weapon to the SSMU or the Student Association Environment.
- d. Violence includes threatened, attempted or actual conduct of a Person that causes (or is likely to cause) physical or psychological injury or harm and includes domestic violence, intimate partner violence or sexual violence when conducted in the SSMU and Student Associations Environment during events.
- e. Examples of Violence include, but are not limited to:
 - i. Threats of physical harm;
 - ii. Psychological attacks;

- iii. Harassment;
- iv. Intimidation;
- v. Fighting;
- vi. Assault;
- vii. Sexual assault or abuse;
- viii. Forcible confinement;
- ix. Possession of a dangerous weapon;
- x. Striking furniture, throwing objects and vandalism;
- xi. Destruction of property; and
- xii. Robbery.

20. “Sexual Violence”: a particular kind of Violence, defined as any non-consensual, unwanted actual, attempted, or threatened act or behaviour, that is carried out through sexual means or by targeting a Person’s sexuality, gender identity, or gender expression. This act or behaviour may or may not involve physical contact. Sexualized violence includes all forms of sexual misconduct including but not limited to:

- a. Sexual Assault,
- b. Sexual Coercion,
- c. Sexual Harassment,
- d. Stalking,
- e. Indecent Exposure,
- f. Voyeurism,
- g. Distribution of Sexually Explicit Photograph or Recording; and
- h. Stealthing.

21. “Gendered Violence” is a particular kind of Violence, defined as any act of physical, verbal, or emotional aggression which implicates, targets, or de-legitimizes a Person’s gender presentation or identity; or an act reinforcing gender inequalities resulting in physical, sexual, emotional, or economic harm. This includes misogynistic, queerphobic, racist, and transphobic violence. Gendered Violence is often implicit, and the gendered dynamics which enable it may not always be hypervisible. Gendered Violence can manifest as singular acts or as continued micro-instances of violence

22. “Improper Conduct:” any inappropriate conduct during Events that has an impact on SSMU’s and the Student Associations’ affairs and activities.

COMMITMENT TO A SSMU AND STUDENT ASSOCIATION ENVIRONMENT FREE OF DISCRIMINATION, VIOLENCE, HARASSMENT AND IMPROPER CONDUCT.

23. SSMU and the Student Associations apply a zero tolerance Policy to all forms of Discrimination, Violence, Harassment or Improper Conduct which are strictly prohibited, whether they are perpetrated against or by any Person, representative, client, provider, visitor and any other individual during an Event. To this end, the SSMU and the Student Associations undertake to implement all reasonable measures to prevent, address, and intervene in any situation of Discrimination, Violence, Harassment or Improper Conduct

that is reported to them, ensuring, to the extent practicable, that confidentiality is preserved.

24. If a Complaint is submitted to the SSMU or the Student Associations regarding a potential incident of Discrimination, Violence, Harassment or Improper Conduct, the Student Association Faculty Committee will investigate the incident in a fair, timely and confidential manner, in accordance with the investigation procedures set out below.
25. Any Person who engages in Discrimination, Violence, Harassment or Improper Conduct during an Event may be subject to a Restriction or other appropriate measures, as per Articles 64 and 65, according to the severity of the conduct, as may be recommended by the Committee of the SSMU or Student Association that received the Complaint, in accordance with this policy.

PROCEDURE - HANDLING OF DISCRIMINATION, VIOLENCE, HARASSMENT OR IMPROPER CONDUCT COMPLAINTS

Faculty Committee

26. Each Student Association shall form an involvement restriction committee as per the terms of this Policy (hereinafter each referred to as the "Faculty Committee").
 - a. The members of the SSMU's Gendered and Sexual Violence Policy Committee shall serve as the Faculty Committee for the SSMU.
27. The Faculty Committees manage the application of this Policy, including receiving Complaints filed by Persons, assessing and investigating Complaints, and making decisions regarding a Person's involvement within the SSMU and Student Associations Environment during Events and inform the Governing Committee of any Restrictions.
28. Each Faculty Committee shall be an impartial body and shall not conduct its activities or render its decisions in a biased manner.
29. The Faculty Committees shall be chaired by the Equity Commissioner(s), a person or person(s) holding a similar role, in each Student Association.
 - a. The SSMU's Faculty Committee shall be co-chaired by the Anti-Violence Coordinators.
 - b. The Membership of the Faculty Committee shall be determined by the Chair(s).
 - c. The Committee shall be composed of no less than four members.
 - d. In nominating members to the Faculty Committee, Chair(s) will prioritize candidates with either formal or informal experience with equity and anti-oppression work, as well as sexual violence response and support work.
 - e. In forming the Faculty Committee, the Chair(s) will take into account how composition of such a committee could constitute a barrier to reporting, keeping in mind that the scope of Complaints includes racialized and gender-based violence.
30. The mandate of the members of the Faculty Committees shall be for a term of one academic year.

31. If a Faculty Committee does not have the capacity to carry out an investigation, they may refer the case to another Faculty Committee or the GSVP Committee.
32. A Chair of each Faculty Committee, or their delegate, shall serve as its representative to the Governing Committee. They are responsible for maintaining the results of investigations in an up-to date, confidential and in a secure location until such time as the names related to these results can be added to the Governing Committee's Restriction List.
33. The Faculty Committee shall make its decisions and recommendations with an intersectional approach and an understanding that a Person's lived experiences are differently affected by personal characteristics such as race, colour, sex or gender, gender identity or expression, pregnancy, sexual orientation, civil status, age (except as provided by law), political conviction, language, ethnicity, religion, social condition, family status, a disability or the use of any means to palliate a disability.
34. Each individual in a Faculty Committee shall receive at the minimum training on the following:
 - a. Active listening;
 - b. Violence, Sexual Violence, Harassment, Sexual Harassment and Consent ;
 - c. Responding to disclosures;
 - d. Investigations and Adjudications processes;
 - e. Equity and Intersectionality.
35. This training will be administered by the Faculty's Equity Commissioners or other appropriate organizations, using material provided by SSMU or other appropriate organizations.
36. The Faculty Committees shall take terms and measures to protect the confidentiality of the Complaint process and to protect the personal information of a Person subject to a Restriction to the extent possible including, but not limited to:
37. The creation of a list of individuals having access to the personal information of the Person subject to a Restriction and scope of the Restriction. This list shall contain only those as few individuals as possible who are required to access this information as part of their functions.
 - a. The use of a secured server or electronic files protected by a password
 - b. The members of each Faculty Committee shall sign a confidentiality agreement at the beginning of their term. A violation of the obligations contained in the confidentiality agreement will constitute grounds for immediate removal from the Faculty Committee, and other positions in the Student Association and SSMU.

Complaints: General

38. Complaints regarding any form of Discrimination, Violence, Harassment or Improper Conduct under this Policy shall be submitted to the Faculty Committee.
39. Complaints shall include the following: details of the allegations in support of the Complaint, including the dates, times, a description of the incident, the identity of the

Respondent and their relationship to SSMU or the relevant Student Association, the names of witnesses, and any other relevant information the Faculty Committee may request. The statement should be as detailed as possible.

40. Complaints may be submitted verbally or in written form. If submitted verbally, it is the responsibility of the Faculty Committee receiving the information to record it and to confirm with the Complainant or third-party that they have accurately recorded the incident.
41. Third-party and anonymous Complaints are accepted under this policy.
 - a. Where sufficient evidence exists and where it would not violate Procedural Fairness, anonymous or third-party Complaints may be investigated.
 - b. A third-party is deemed privy to an incident if they have been told about it or witnessed it. A Complaint submitted by a third-party will only be investigated if the Faculty Committee to which the Complaint was submitted receives, from the individual submitting the Complaint, the express verbal or written consent of the individual who experienced Discrimination, Violence, Harassment, or Improper Conduct
42. Complainants have the right to withdraw their Complaint at any point.
43. Lodging a Complaint under this Policy does not prevent a Person from exercising any other rights or remedies that may be available to them, including remedies available under by the *McGill University's Policy Against Sexual Violence*, the *SSMU's Gendered and Sexual Violence Policy*, direct reporting to law enforcement, and statutory remedies under the applicable human rights laws including, without limitation, the *Quebec Charter of Human Rights and Freedoms* and the *Act Respecting Labour Standards*. At any time during the investigation, the Complainant may, in addition to its Complaint, also resort to avenues of recourse or Complaint procedures available outside the procedure provided for by this Policy.
44. Where a representative of the Faculty Committee or GSVP Committee is the Person responsible for the alleged Discrimination, Violence, Harassment or Improper Conduct or is named as a witness, or holds any other apparent conflict of interest, they may be prevented from participating in an investigation or any future appeal process.
 - a. Another member of the Faculty Committee can be appointed as replacement for the conflicted member of the relevant Faculty Committee conducting the investigation.
 - b. If necessary, a member of the Governing Committee can then be temporarily appointed as replacement for the conflicted member of the relevant Faculty Committee conducting the investigation.
45. Complainants have the right to seek additional support as needed such as SACOMSS or O-SVRSE.

Interim Measures

46. At any time after a Complaint is filed, the Investigator may, if necessary to ensure a healthy SSMU and Student Association Environment, or as otherwise permitted by law, impose interim temporary measures. The Investigator may, amongst other things:
 - a. Prohibit communication between the Respondent and the Complainant during the investigation process;
 - b. Prohibit the Respondent or the Complainant to attend, participate or staff in any SSMU's or the Student Associations' Events in which the Respondent or the Complainant is involved;
47. If the investigation is conducted by an External Investigator, they shall communicate any interim measures to the chair(s) of the Faculty Committee who will be responsible to impose them.
48. Over the course of the Investigation the Chair of the Faculty Committee shall check in with both the Respondent and the Complainant regarding the efficacy and appropriateness of interim measures.

Complaint Process

49. Within one (1) week of receiving the Complaint the Chair(s) of the Faculty Committee will examine the Complaint and determine if the Complaint falls within the scope of this Policy.
50. This one-week period can be extended if unforeseen circumstances arise limiting the ability of the Faculty Committee to evaluate the Complaint or if the Faculty Committee considers that additional time is required in order to evaluate the Complaint adequately. In such cases, the chair(s) of the Faculty Committee shall notify the individual submitting the Complaint of the delay.
51. If the Complaint does not fall within the scope of this Policy, the chair(s) of the Faculty Committee will within twenty-four (24) hours of their decision, inform the Complainant accordingly, provide them with the rationale for their decision and, if applicable, may advise them in a non-directional manner of:
 - a. the availability of services, counsel and other forms of support provided by external groups, the SSMU, or the relevant Student Association; and
 - b. the existence of other avenues of recourse such as those established by McGill University's Policy Against Sexual Violence, the SSMU's *Gendered and Sexual Violence Policy*, and the applicable human rights legislation including the *Quebec Charter of Human Rights and Freedoms*.
52. If the Complaint falls within the scope of this Policy, the chair(s) of the Faculty Committee within twenty-four (24) hours of their decision, advise the Complainant of:
 - a. The decision to open an investigation into their Complaint;
 - b. a link to the most recent version of this Policy and the Faculty Association IRP where applicable as a reference and a resource during and after the investigation process;

- c. the availability of services, counsel and other forms of support provided by SSMU or the relevant Student Association, if any and if it deems it appropriate;
- d. their right to withdraw their Complaint at any time; and
- e. the existence of other avenues of recourse such as those established by *McGill University's Policy Against Sexual Violence*, the SSMU's *Gendered and Sexual Violence Policy*, and the applicable human rights legislation including the *Quebec Charter of Human Rights and Freedoms* and the *Act Respecting Labour Standards*.
- f. the right to request the replacement of any Investigating Committee members for reasons such as, but not limited to, conflict of interest in the proposed Investigating Committee; and
- g. of the confidentiality provisions of this policy and its importance in order to preserve the integrity of the investigation process.

Investigation

- 53. If the Complaint is deemed to fall within the scope of this Policy, an investigation will then be conducted over a period not exceeding four (4) weeks unless otherwise required in order to adequately investigate the Complaint.
- 54. Prior to proceeding with an investigation, the chair(s) of the Faculty Committee shall determine if the investigation should be carried out internally or by an external third-party investigator. External investigations, investigations conducted by third-party investigators, may be carried out when:
 - a. Full time staff and members of the Faculty Executive Committee are named as Respondents;
 - b. Where there is a potential conflict of interest within the Faculty Committee concerning the Investigation;
 - c. At the discretion of the Chair(s) of the Faculty Committee.
- 55. Internal Investigations shall be carried out by a Chair of the Faculty Committee or their designate(s).
- 56. Any party involved in an investigation may request the replacement of any Investigating Committee members when it is deemed that a member of the Investigating Committee has a conflict of interest.
- 57. In the case that a Faculty Committee is unable to produce an Investigating Committee capable of completing an Investigation adequately, for reasons such as, but not limited to, conflict of interest, or due to the complexity of a case, the following options may be pursued, in this order:
 - a. Using a different Faculty Association who is a signatory of the All-Faculty IRP as a third-party investigator.
 - b. Using a third-party investigator who is external to McGill. Costs associated with a third-party investigation shall be shared between the Faculty Association who received the Complaint and SSMU, with other Faculty Associations able to opt-in to contribute as well.

58. At the beginning of the investigation process, the Investigator shall advise the Respondent of:
 - a. the content of the Complaint and that an investigation process has begun;
 - b. a link to the most recent version of this Policy and, where applicable, the Faculty Association IRP;
 - c. the right to request the replacement of any Investigating Committee members for reasons such as, but not limited to, conflict of interest in the proposed Investigating Committee;
 - d. of the confidentiality provisions of this policy and its importance in order to preserve the integrity of the investigation process and;
 - e. the availability of services, counsel and other forms of support provided by external groups, the SSMU, or the relevant Student Association.
59. The Investigator shall not hold a hearing.
60. The Investigator may investigate in any manner required to obtain the information required to make the necessary findings of fact to the extent permitted by law. This may include, but is not limited to, the following:
 - a. meeting with and requesting information from the Complainant;
 - b. meeting with and requesting information from the Respondent;
 - c. meeting with or requesting information from any other individuals who may have information relevant to the Investigation, including, but not limited to any witnesses identified by the Complainant or the Respondent; obtaining any other evidence (e.g., documents, copies of correspondence, photos/images) that may be relevant to the investigation.
61. During the investigation process, the Investigator shall ensure that the Respondent, will in a timely manner, have the opportunity to respond to the allegations contained in the Complaint.
62. The Investigator will take all measures to ensure that the Investigation will be carried out in a manner that is trauma-informed and respects the principles of procedural fairness.
 - a. During the investigation, the parties concerned may also be accompanied by a support person of their choice.
63. When the investigation is complete, the Investigator shall prepare a report of the case, with the facts of the case, including relevant evidence and a conclusion, on a balance of probabilities, on whether or not there was a founded violation of the Policy.
64. If there is no finding of a violation of the Policy, the Investigator shall inform the Faculty Committee, the Complainant and the Respondent that the investigation that there was not a finding of a violation of the Policy and that the investigation is now closed.
 - a. The Respondent and Complainant shall be informed of their right to an appeal.
65. If there is a founded violation of the policy, the Investigator shall determine the nature of restrictions. The terms of the restrictions shall be determined in regards to the circumstances of the incident and the other information available due to the investigation.

- a. The terms of the Restriction shall include details regarding the restrictions, period of time in which the Restriction is applied, the type of Events or roles that will be restricted and that any violation of the terms of the Restriction may be subject to further measures.
 - b. The Restriction may apply to all Events or roles or to specific Events or roles.
66. The Investigator may also recommend decide upon other outcomes, including but not limited to:
 - a. Attending workshops, trainings, or other learning opportunities regarding substance abuse, consent, discrimination, inappropriate behaviour, bullying, and harassment.
 - b. Active efforts to change their behaviour at other events and in their personal life.
67. The application and terms of a Restriction shall be decided upon by a simple majority vote of the Investigator.
68. The Investigator will provide both the Complainant and the Respondent with a copy of the Investigation Report, the terms of any Restriction or other outcomes and their right to an appeals process.
69. Following the completion of the investigation, the Investigator will submit the findings of the case and the actions taken to the chair(s) of the Faculty Committee or GSVP Committee for permanent filing. The submission of the report by the Investigator concludes the Investigation.
70. If there is a Restriction applied, the chair(s) of the Faculty Committee shall inform the Chair of the Governing Committee of the name of the Respondent, their student number, the scope of the Restriction and the terms applied.

APPEAL

71. A Respondent or Complainant in an involvement restriction case may submit an appeal of the Investigator's decision within twenty (20) days of the notification by submitting a written request for appeal to the chair(s) of the Faculty Committee. The grounds for appeal must be specified.
72. The grounds for an appeal are as follows:
 1. whether there was a substantial procedural error in the application of the policy,
 2. whether there is new evidence that could not have reasonably been presented earlier,
 3. whether the decision maker's finding is consistent with the evidence,
 4. whether the remedy/sanction are reasonable in the circumstances.
73. A Committee shall consist of two (2) to four (4) members of the faculty committee that did not take part in the investigation and restriction process shall be formed to conduct the appeal (the "Appeal Committee").
74. The Appeal Committee may deem the grounds for appeal to be inadequate and decide not to proceed with an appeal process. Any such decision must be documented as part of

the investigation and reasons for dismissing the appeal must be stated. Requests for an appeal may be denied if:

- a. The reasons outlined in the appeal have already been adequately addressed in the initial investigation;
 - b. The Person submitting an appeal does not have grounds for an appeal.
75. The Chair of the Faculty Committee, upon accepting the request for an appeal, shall notify the Complainant and Respondent that an appeal is underway. The Appeal Committee shall review all minutes and written statements from the Investigation. They may conduct follow up interviews or ask for additional written statements from the parties involved in the original investigation. Additional written statements or interviews should not be used to reinvestigate the case, but rather for clarifications.
- a. The investigation and deliberation of the Appeal Committee shall be conducted during a period not exceeding two (2) weeks. This timeline may be extended due to unforeseen circumstances, or where the Appeal Committee deems that more time is required in order to adequately assess the appeal, in which case the Chair of the Appeal Committee shall notify the Complainant and Respondent of the delay's expected duration.
76. The Appeal Committee may accept or reject the appeal. The terms of the restriction may only be modified if the appeal is accepted.
- a. Additional restrictions may not be imposed on a respondent's terms following a rejected appeal.
77. The decision of the Appeal Committee shall be final and binding, and no further appeal shall be considered.
78. The Appeal Committee shall inform the Respondent and Complainant, in writing, of its decision and the reasons for the decision within twenty-four (24) hours from the end of the deliberation.
79. The Appeal Committee will inform the chair of the Governing Committee of any modifications to the restrictions

CONFIDENTIALITY

80. To reduce potential barriers to reporting, investigations will be conducted in a climate of dignity and discretion. Information about Complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or Complaint of Discrimination, Violence, Harassment or Improper Conduct, including identifying information about any Person involved, will not be disclosed by members of the Faculty Committee unless disclosure is necessary to protect a Person, to investigate the Complaint or incident, to take corrective action, including a Restriction, or as otherwise required by law.
81. Any concerned third parties, are bound by a duty of confidentiality throughout the investigation and at all times thereafter and are strictly prohibited from disclosing the

details of the Complaint to anyone, except to the Investigator, the Complainant or the Respondent unless otherwise required by law.

82. Anyone, including the Complainant, the Respondent or a witness, who violates the confidentiality of a Complaint, will be in breach of this Policy which may result in disciplinary action.
83. Under the following circumstances, Faculty Committees may face additional legal obligations and may not be able to guarantee complete confidentiality if, without limiting the generality of the foregoing:
 - a. An individual is at risk of self-harm;
 - b. An individual is at risk of harming others;
 - c. Members of the university or the broader community may be at risk of harm and/or
 - d. Investigation or reporting to authorities where required by law (the following list of examples is not meant to be exhaustive: an incident involving a minor, obligations related to occupational health and safety, human rights legislation and/or community safety)
84. While all documents produced in the reporting and investigating process will be required to be kept confidential, this does not limit the Complainant's right to speak openly about their experiences for the purpose of seeking support or maintaining their safety or others, excluding the proceedings and result of an investigation to maintain viable legal protection for the parties involved (including but not limited to; the Investigator(s), the Complainant, Respondent, and witnesses) in the case.

PROTECTION OF INFORMATION

85. Information contained in the Restriction List will not be used for purposes not relevant to the object for which such information has been collected.
86. Personal information contained in the Restriction List will not be communicated outside the terms and conditions provided in this Policy.
87. The Restriction List may also be disclosed to any other Person, if necessary, to ensure the fulfilment of the SSMU's or the Student Associations' mandate to provide a safe Student Association Environment.

RESTRICTION LIST

88. The Chair of the Governing Committee shall maintain a confidential Restriction List containing a list of all the Persons subject to a Restriction. This Restriction List shall include the name of the Person subject to the Restriction, their student number, the scope of the Restriction, the duration of the Restriction, without specifying the reason for the application of said Restriction. It is the responsibility of the Governing Committee to maintain this Restriction List up-to-date, confidential and in a secure location.

89. The Faculty Committee and the Governing Committee collect only the information it deems necessary for conducting their mandates and to achieve specific purposes.
90. The Restriction List shall only be used to implement Restrictions or as otherwise required by law.
91. The number of individuals having access to information contained within the Restriction List shall be restricted to what is necessary in order to implement the Restriction in the SSMU or the relevant Student Association Environment. The Restriction List may also be disclosed to any other Person if necessary to efficiently fulfil the SSMU's or the Student Associations' mandates or activities.
92. Prior to disclosing the Restriction List containing the personal information of the Persons subject to a Restriction, the Faculty Committee must ascertain that it has the formal written consent of every Person on the Restriction List.
 - a. Consent shall generally be obtained through the consent form made available by each Student Association at their Events, detailing the type of information disclosed, the purpose of the disclosure (i.e. to apply the Restriction to Events), and the length of time during which the consent is valid.
93. Event Organizers must notify the Chair of the Governing Committee of a request for a list of restricted Persons either:
 - a. If an Event is non-recurring within a span of an academic semester, at least two weeks in advance of the start of an Event.
 - b. If the said Event is recurring within a span of an academic semester, at least two weeks in advance of the first occurrence of said Event.
94. The Event Organizers will propose the minimum number of Persons who are privy to the restricted Persons' identities, which the Chair of the Governing Committee can modify to limit the number of informed Persons as much as feasible while allowing restrictions to be enforced properly.
95. At least one week in advance of the event, the Chair of the Governing Committee shall provide the Event Organizers with a shortened version of the Restriction List, including names and student numbers, that is deemed relevant to said event's potential participant, staff and/or volunteer pool.
96. Any updates to the Restriction List will be communicated immediately to the Event Organizer by the Chair of the Governing Committee to ensure all Event participants' safety. The number of individuals having access to information contained within the Restriction List shall be restricted to what is necessary in order to implement the Restriction in the SSMU or the relevant Student Association Environment. The Restriction List may also be disclosed to any other Person if necessary to efficiently fulfil the SSMU's or the Student Associations' mandates or activities provided they have signed a confidentiality agreement prior to the disclosure of the list as permitted by law.

AMENDMENTS

97. Amendments to this policy shall be approved by a simple majority vote of the Governing Committee. Amendments to this policy shall be ratified by a simple majority of the General Council, Legislative Councils, Board of Directors in all of the respective Faculty Associations.
98. The Governing Committee shall review the All-Faculty IRP at least once per year over the Summer to discuss the Policy to ensure a mutual understanding. This also provides an opportunity to any member of the Governing Committee or signatory of the Policy, who wishes to propose potential amendments. It is the SSMU's and Faculty Associations' joint responsibility to create an environment of open and fair discussion where all signatory Faculties' stances are heard and listened to.

IN WITNESS THEREOF, THE SSMU AND STUDENT ASSOCIATIONS HAVE DULY SIGNED AND EXECUTED THE PRESENT AGREEMENT IN THE CITY OF MONTREAL, PROVINCE OF QUEBEC, ON THIS THE ___ OF _____, 2020.

Ayo Ogunremi
Vice-President (External Affairs)
Students' Society of McGill University

Gifford Marpole
Vice-President (Finance)
Students' Society of McGill University

Grace Jumbo
Vice-President of Social Affairs
Arts Undergraduate Society of
McGill University

Yasemin Bicer
Vice-President of Internal Affairs
The Engineering Undergraduate Society of
McGill University

Jared Warden-Joseph
Vice-President of Internal Affairs
Science Undergraduate Society
of McGill University

Sydney Kalyn
Vice-President of Events
The Management Undergraduate Society
McGill University

Alexandre Kalmbach
Vice-President of Internal Affairs
Education Undergraduate Society of
McGill

Louisa Shen
President
Arts and Science Undergraduate
Society of McGill University

FIRST LAST
SIGNING AUTHORITY

The Music Undergraduate Student's Association of McGill University

FIRST LAST

SIGNING AUTHORITY

Arts and Science Undergraduate Society of McGill University