



Memorandum

To: SSMU Legislative Council

From: SSMU Equity Committee

Prepared by: Ryan Thom, Equity Outreach Coordinator

Date: February 5, 2012

Re: SSMU Equity Policy Revisions

Introduction and Background

The current Equity Policy, adopted 11 November 2010 and written by VP University Affairs 2009-2010 Rae Dooley, marked an important step toward bringing a higher level of equity to the SSMU's practices and administration. The policy reaffirmed the SSMU's 1989 commitment to being an "anti-oppressive organization" and, for the first time, outlined a Complaints Procedure for dealing with policy violations, and delegated responsibilities amongst the Equity Officers, Commissioner, and Committee. It also dedicated the SSMU to taking a proactive stance against systemic oppression on campus, thus mandating the organization to ongoing, progressive action.

As the Equity Commissioners and Committees of 2010-2011 and 2011-2012 embarked upon putting the policy in motion, however, it soon became clear that greater clarity and accountability were called for in order to build Dooley's vision into practice. In the first place, the Complaints Procedure leaves a great deal of room for ambiguity and possible abuse: there are no mechanisms for resolving conflicts informally, for vetting complaints made in bad faith, or for appeal. Furthermore, the current Policy affords the Equity Officers no decision-making powers, leaving the sometimes confidential and sensitive material of Equity Complaints and Policy violations up for public debate at Legislative Council.

Our proposed revisions seek to address these issues by building a structure of checks and balances into the current Policy. The majority of our changes are based on the ground-breaking and extremely progressive Anti-Oppression and Diversity Policy of Sistering Organization in Toronto. By adding greater regulation around confidentiality, increasing transparency of the decision-making process, and creating processes for appeals and accountability of complaints made in bad faith, we hope to increase the safety of those who come forward to speak against Policy violations. We also hope to make the Policy more accessible and comprehensible to all members of the SSMU, thus fostering a culture of equity that is enduring, self-reflexive, and grounded in a philosophy of anti-oppression and transformative rather than punitive justice.



*The following is a list of proposed changes and additions to the current Equity Policy. Please note that formatting changes such as numbering, spelling, and grammar are **not** noted.*

Change to Policy Definitions

In reviewing the policy, it seems appropriate to replace the term *appellant* with *claimant*, as the former is a legal term generally used to refer to “a person who applies to a higher court for a reversal of the decision of a lower court” (Merriam-Webster, 2010).

Addition of Accountability and Confidentiality Clauses

The question of accountability and confidentiality – who is responsible for upholding the Policy, and how is the safety of those who wish to make Complaints best preserved – remains unaddressed in the current policy. The addition of these clauses clarifies the SSMU’s responsibility to maintain equity in all its endeavours and within the boundaries of the SSMU building. They also specify the protections afforded to persons who file complaints while noting that claimants must be ready to identify themselves to respondents.

Changes to Scope

Addition of the sub-clause: “If the Equity Complaint involves physical or sexual assault, both of which are criminal offences, or if the subject matter of an Equity Complaint involves persons or bodies outside the jurisdiction of the SSMU, including, but not limited to, McGill Administrative units, faculty members, libraries, and Student Services, this policy and the procedures therein are not the appropriate venue for resolution. Nonetheless, the Equity Officers may serve as a resource in referring the complainant to the appropriate channels.” This change was made in light of complaints the SSMU received requesting that action outside the SSMU’s jurisdiction or reasonable intervention be taken.

Changes to Protocol

These changes address difficulties with the current structure of the Equity Officers and Equity Committee. Currently, the persons involved in SSMU Equity are:

- 1) the Equity Commissioner, who is also an Equity Officer
- 2) three other Equity Officers, comprised of members of the SSMU Executive
- 3) the Equity Outreach Coordinator
- 4) the members of Equity Committee

As it stands, delineation between the roles of Equity Officers and Equity Committee members is somewhat unclear, though the Policy does state that the Officers have greater responsibility for investigating and resolving Complaints. Furthermore, the body of Equity Officers is heavily concentrated toward members of the SSMU Executive, which in many situations results in a conflict of interest. Our revisions therefore recommend that the Equity Officers be comprised of:



- 1) 2 Equity Commissioners
- 2) 1 member of the Equity Committee
- 3) 1 member of the SSMU Executive

This structure also ensures that all Equity Officers have a solid background in equity and diversity training – Equity Commissioners and Committee members are all selected for such backgrounds, and the SSMU Executive receives mandatory Equity Training at the beginning of the academic year.

Changes to Complaint Procedure

Sections 9 through 11 of the revised policy extend and clarify the processes around Equity Complaints and violations of the Policy. This greater detail is intended to add transparency and accountability to the Complaint resolution procedure by clearly stating:

- 1) the boundaries under which the Equity Officers must operate
- 2) the respective rights and responsibilities of claimants and respondents, and
- 3) the different avenues that resolution may take

Section 9 restates that a complaint may be filed confidentially, and establishes the time frame within which a complaint may be filed – not more than six months after the incident of equity violation occurred. The final sub-clause states that both claimant and respondent have the right to be accompanied by a support person of their choice.

Section 10 outlines a procedure for the informal resolution of complaints – this process is voluntary for all involved parties, and does not involve Legislative Council. This process relies upon the willingness of both claimant and respondent parties to accept mediation (though not arbitration)* from one or more Equity Officer. This revision was born from the recognition that in many cases of Equity violation, it may be preferable for both parties to find resolution collaboratively, with as little outside administration as possible.

Section 11 revises the formal procedure for resolving Equity Complaints. The revisions clarify specific timelines and boundaries for acknowledgement of complaint receipt, investigation, and response that are absent from the current policy. Furthermore, the revisions state that detailed investigation records must be kept and made available, when possible in the bounds of confidentiality, to all involved parties. A full final report of all investigations will also be kept in the Equity Log, which will be kept by the SSMU General Manager.

Addition of Appeals Process

The revised Policy allows for an appeal of a decision made by the Equity Officers, which is not present in the current Policy. The revisions suggest that in the case of an Appeal, a new decision-making committee should be formed, comprising:



- 1) 1 SSMU Executive who was not involved in the original investigation
- 2) 1 member of the Equity Committee who was not involved in the original investigation
- 3) 1 Chief Justice Member

Addition of Unsubstantiated Complaints Clause

The current policy does not make provisions for the case of complaints made with malicious or misguided intent, or complaints for which there is not substantive evidence. The addition of this clause is intended to prevent abuse of the Complaint Procedure on parts of all involved in the process.

The proposed revisions state that in the case of inconclusive evidence, an Equity investigation may not yield to decisions or recommendations of any kind. Furthermore, in the rare case that a Complaint is filed maliciously, the claimant is subject to the same possible penalties as the respondent.

Addition of Additional Options Clause

The revised policy affirms that any action taken by SSMU Equity does not prevent any involved parties from seeking action from outside bodies.

Addition of Documentation Clause

The revised policy clarifies the purpose and administration of the Equity Log.