



MOTION TO CONDEMN THE PRESENT FORM OF THE POLICY ON HARASSMENT AND DISCRIMINATION PROHIBITED BY LAW

2020-04-02

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Submitted to:	SSMU Legislative Council	Document no.:	LEG-PUB-MOT-2020-04-02-004 (to be assigned by Steering)
Moved by:	Adam Gwiazda-Amsel <i>Vice-President (External Affairs)</i>	Current Status:	<input type="checkbox"/> FOR APPROVAL <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> POSTPONED <input type="checkbox"/> COMMITTED <input type="checkbox"/> NOT APPROVED
Seconded by:	Beatrice Mackie <i>Law Representative</i>		

Issue This motion adopts best practices in policy reform endorsed by the SSMU during revisions to McGill's Policy Against Sexual Harassment, and mandates SSMU Executives to make revisions to McGill's harassment and discrimination policy a top advocacy priority for the upcoming year.

Background and Rationale The present *Policy on Harassment and Discrimination Prohibited by Law* (hereinafter, the "Policy on Harassment") is overly legalistic and offers no protections for the McGill community above what is guaranteed by Quebec law. As an institution, McGill has the prerogative to adopt disciplinary procedures that enact consequences to behaviours not strictly prohibited by law, as evidenced by such documents as the *Student Code of Conduct* and *Policy Against Sexual Violence*.

Some major problems with the Policy on Harassment are as follows:



- Harassment assessors chosen from across the University are given inadequate training in best practices for investigative procedures and equity principles¹;
- No measures to protect a Complainant are guaranteed above what is guaranteed under Human Rights Law;
- The Policy on Harassment allows only for complaints against individuals, and not units or departments that have a history of discriminatory practices;
- The Policy on Harassment requires demonstration of an egregious act of discrimination and does not recognize the role of repeated and sustained harassment;
- The Policy on Harassment requires that individuals demonstrate that the incident hindered their ability to perform their daily functionings, a requirement which is insensitive to cultures that actively encourage one to persevere through hardship rather than taking time to recover;
- The Policy does not have a mechanism in place for disciplining Respondents who breach confidentiality during a complaints process.

Alignment with Mission

In using our own Policies as aspirational documents, we can see several failings with McGill's policies. For example, our Equity Policy allows for reporting against clubs and services, acknowledging structural inequities in a way McGill has failed to.

Furthermore, advocating for changes to the Policy on Harassment generally aligns with our commitment to Leadership as outlined in the Constitution.

Consultations Completed

A long-time harassment assessor and the Racialized & Ethnic Persons subcommittee of the Joint Board-Senate Committee on Equity have voiced a desire for these changes. The incoming Vice-Presidents of External and University Affairs have agreed to take on this advocacy work.

Risk Factors and Resource Implications

This will require mainly a sizeable dedication of labour by the Vice-Presidents External and University Affairs in their consultations and coalition-building, as well as advocacy work directed at media and University administration.

Sustainability Considerations

This advocacy work will likely require a two-year given the timeline for the revision of the Policy on Harassment. Most of the mobilization is anticipated to be completed in the first year.

¹ In total, harassment assessors are given a half-day of training.



The completion of this work will improve the social sustainability of McGill as an environment where marginalized students and staff feel safe reporting incidents of harassment and discrimination.

Impact of Decision and Next Steps

Over the summer, the incoming and outgoing Executive Committees will work on a preliminary mobilization plan to effectively advocate for changes to the problems identified above. This will be cross-examined by various stakeholders once the summer is over, and the plan will be put into action.

Motion or Resolution for Approval

Be it resolved that the Legislative Council condemn the present form of the *McGill Policy on Harassment and Discrimination Prohibited by Law* for the reasons outlined in the background to this motion.

Be it further resolved that the incoming and outgoing Executive Committee be mandated to develop a mobilization plan to advocate for changes to this policy, to be spearheaded by the Vice-Presidents of External and University Affairs.

Results of the Vote

In favour ()
Opposed ()
Abstain ()
