



GENDERED AND SEXUAL VIOLENCE POLICY

Adopted by Legislative Council: 2020/11/19

Expires: 2023/05/01

[Adopted Motion](#) (Link 2020)

1. Purpose

The Students' Society of McGill University (SSMU) Gendered and Sexual Violence Policy (GSVP) has been created to provide an intersectional and survivor-centric approach to sexual harassment, gendered violence and sexual violence within the SSMU community and applied to the SSMU context.

The SSMU is committed to advocating for a holistic approach to addressing campus sexual violence that includes prevention, support and survivor-centric disciplinary processes.

The SSMU is a unique entity whereby their jurisdiction within the SSMU context is different from the institution of McGill University. The SSMU has jurisdiction over its employees, volunteers, participants in SSMU clubs and services and those who are present within SSMU spaces. Furthermore, the SSMU is comprised of various governing bodies, Officers, the Board of Directors, the Judicial Board, and Legislative Council who, by provincial legislation, are subject to different processes with regards to sanctions. It is important to note that this jurisdiction is different than that of McGill University, whose [Policy Against Sexual Violence](#) has limited authority within the SSMU context of employment, clubs or services. Thus, the purpose of this policy is to fill this gap and complement the existing campus and community structures in place to respond to gendered and sexual violence.

This policy creates a response to gendered and sexual violence within the SSMU community that is holistic and encapsulates the four components of prevention, support, advocacy and response. All of these components will rely on an intersectional framework to account for the different ways in which various groups experience and are impacted by gendered and/or sexual violence.

2. Scope

2.1. This policy applies to all forms of gendered violence, sexual harassment and sexual violence, as defined in section 4 of this policy. This includes whether they are in the University's learning, living or work environment, on or off campus, or interacting through social or other electronic media.



Furthermore, this policy applies when the potential consequences of the incident(s) may adversely affect the Complainant's ability to feel safe and to be able to access the SSMU spaces or services, or the safety of SSMU members is compromised based on the actions of the Respondent.

2.2. Due to the context and limitations of the jurisdiction of the SSMU, this policy applies to all members of the SSMU community to varying degrees depending on their status within the SSMU community, as outlined in section 21 of this policy.

2.3. For clarity there is no limit on the temporal jurisdiction of this policy, as to when the act of gendered and/or sexual violence occurred. Specifically, so long as the respondent and/or complainant are members of the SSMU community at the time of the incident or at the time of the complaint.

3. Roles and Responsibilities

3.1. **Anti-Violence Coordinator (AVC).** The coordinators are responsible for applying the GSVP and for facilitating the response section of the policy. The AVCs can be reached at avc@ssmu.ca.

3.2. **GSVP Committee.** The GSVP Committee is comprised of McGill students, responsible for the review and/or appeal of complaints referred to them.

3.3. **Human Resources Director.** The Human Resources Director is responsible for applying the GSVP and supports the AVCs. The Human Resources Director can be reached at hr@ssmu.ca.

3.4. **SSMU Executive Officers.** The Executive Officers are responsible for assisting in the implementation of the GSVP.

4. Definitions

4.1. **Affirmative Consent:** Affirmative consent requires that a person is able to freely choose between two options: yes and no. This means that there must be an exchange of mutually understood affirmative words or body language which indicates a willingness to participate in mutually agreed upon sexual activity. Consent cannot be assumed or implied. It is the responsibility of the person initiating or engaging in a sexual activity to obtain clear and affirmative responses at all stages of sexual engagement. Silence or non-communication must never be interpreted as consent. Consent is positive, active and ongoing, and can be revoked at any time. The fact that consent was given in the past to a sexual activity or in the context of a dating relationship does not mean that consent is deemed to exist for all future sexual activity. Recognizing the intersectionality of consent and ability, consent may not be fully obtained if an individual has a disability that limits their verbal or physical



means of interaction. In these instances and all instances, it is necessary to determine how consent will be established.

Consent is not obtained if, but not limited to:

- The agreement is expressed by the words or conduct of a person other than the specific individuals who are involved in the sexual activity;
- An individual induces another individual to engage in the activity by abusing a position of trust, power or authority;
- An individual expresses, by words or conduct, a lack of agreement to engage in the sexual activity;
- An individual, having consented to engage in sexual activity, expressed, by words or conduct, expresses a lack of agreement to continue to engaging in the activity;
- An individual is asleep, unconscious or otherwise unable to communicate;
- An individual has been threatened or coerced, as outlined in the definition of sexual violence, into engaging in the sexual activity;
- An individual has been drugged;
- An individual is incapacitated due to consumption of alcohol or drugs;
- Any individual under the age of 16 cannot give valid consent;
- Any sexual activity involving alcohol or drug-use requires the standard of affirmative consent. The use of alcohol and/or drugs by an individual never implies consent and should not be assumed to have played a role in causing a survivor's experience of sexual violence; Furthermore, the use of drugs or alcohol by the perpetrator never justifies their actions;
- An individual's profession should not impact their ability to provide or withdraw consent. Specifically, individuals choosing to engage in sex work maintain autonomy over their bodies and the ability to consent or not consent to any form of sexual activity. However, it is important to distinguish the term 'sex work' from 'sex trafficking'. Sex trafficking is the trade of humans for the purposes of sexual exploitation. Sex trafficking is a criminal act, under which, consent cannot be obtained in any circumstances.

4.2. **Complainant:** Any individual who files a Complaint under the GSVP.

4.3. **Complaint:** A written statement made by the Complainant outlining the facts and details of any incident(s) of gendered and/or sexual violence experienced by the individual with the intentions of initiating the procedures outlined in the GSVP and with possible and desired outcomes.

4.4. **Disclosee:** An individual who discloses information about an incident(s) of gendered or sexual violence that they have experienced.



4.5. **Disclosure:** Information given by a Disclosee regarding an incident of gendered or sexual violence that they have experienced for the purpose of obtaining confidential support, assistance, services and/or accommodations.

4.6. **Gendered Violence:** Any act of physical, verbal, or emotional aggression which implicates, targets, or de-legitimizes an individual's gender presentation or identity, or an act reinforcing gender inequalities resulting in physical, sexual, emotional, or economic harm. This includes misogynistic, queerphobic, 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. These include, but are not limited to:

- Intentional misgendering;
- Intentional “outing”;
- Verbal abuse;
- Use of gendered slurs;
- Intimate partner violence;
- Physical violence or intimidation.

4.7 **Rape Culture:** A culture in which dominant ideas, social practices, media images, and societal institutions implicitly or explicitly condone sexual violence by normalizing or trivializing sexual violence and by blaming survivors for their own abuse. Rape culture enables disproportionate rates of sexual and gendered violence in marginalized communities, and prevents perpetrators from being held accountable for their actions.

4.8. **Respondent:** A member of the SSMU community named in a complaint of sexual and/or gendered violence.

4.9. **Sexual Violence:** 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:** Any form of sexual touching or the threat of sexual touching without the individual's consent;
- b) **Sexual Coercion:** The act of using subtle pressure, drugs, alcohol, influence, power, or force to have sexual contact with someone against their will. Sexual coercion includes ongoing attempts to have sexual contact of some kind with another person who has already expressed that they do not want to have sexual contact;



- c) **Sexual Harassment:** Unwelcome conduct of a sexual nature that affects the working, learning, or living environment, or leads to adverse consequences for the one directly subjected to the harassment. The Sexual Harassment conducted in whole or in part can occur through various electronic means and different forms of social media;
- d) **Stalking:** Engaging in conduct that causes an individual to fear for their physical or psychological safety, such as repeatedly following or communicating through any means with someone, engaging in threatening conduct, or keeping watch over the place where the individual happens to be;
- e) **Indecent Exposure:** Exposing one's body to another individual for a sexual purpose or coercing another individual to remove their clothing in order to expose their body, without their consent;
- f) **Voyeurism:** Non-consensual viewing, photographing, or otherwise recording another individual in a location where there is an expectation of privacy and where the viewing, photographing or recording is done for a sexual purpose;
- g) **Distribution of A Sexually Explicit Photograph(s) or Recording(s):** The distribution of a sexually explicit photograph or recording of an individual to one or more individuals other than the individual in the photograph or recording without the consent of all individuals in the photograph(s) or recording(s);
- h) **Stealth:** Non-consensual condom removal of any form of contraceptive during sexual intercourse.

4.10. **Personal Advocate:** An individual who may advocate or provide information and support to a Complainant through the Complaint process.

4.11. **Support Person:** Both parties to an alternate or formal process have the ability to have a support person, any individual chosen by them, present throughout the process. The support person may not speak for either party during the formal process. The Support Person must maintain confidentiality.

4.12. **Survivor:** For the purposes of this policy, a SSMU Community Member who has experienced an act or acts of sexual violence as it has been defined above. Survivors themselves may self-identify using whatever language they prefer.

4.13. **Survivor-centrism:** A survivor-centric is an approach that requires all those engaging who engage in sexual violence prevention and support programming to prioritize the rights, needs, and



wishes of the Survivor. This requires the inclusion of procedural commitments that seek to mitigate the potential for re-traumatization when Survivors seek recourse or accommodations.

4.14. Third-Party Disclosure: disclosure of an act(s) of gendered and/or sexual violence experienced by another individual who the third-party witnessed or was told about.

4.15. Trauma-Informed: A process that is informed by the understanding of how trauma affects Survivors' response to services, resolution processes, and procedures.

5. Prevention & Training

5.1. GSVP Training will be coordinated by the AVCs in collaboration with relevant parties, including but not limited to the SSMU President, General Manager, Human Resources Director, the Vice-President (Student Life) and Executive members of SSMU student groups.

5.2. Individuals have the ability to have alternative trainings to those offered by the SSMU and is recognized as equivalent to the GSVP training, based on the discretion of the Human Resources Director in collaboration with the Anti-Violence Coordinators.

5.3. Individuals must complete training each year based on the academic year.

5.4. Employee Training:

5.4.1. All SSMU employees, including Officers, will be required to complete the GSVP Training, within 2 weeks of their contract start date as mandated and re-trained annually. The training will be coordinated by the AVCs, in conjunction with the SSMU Human Resources Director.

5.4.2. If an employee does not complete the training within their first month of employment they will be placed on an administrative suspension until the training is completed.

5.5. Legislative Council Training:

5.4.1. All voting and non-voting members of the SSMU Legislative Council will be required to complete GSVP Training prior to or within one month of the first Legislative Council meeting.

5.4.2. This training will be coordinated by the AVCs in conjunction with the Speaker of the Legislative Council, to be included in the general Legislative Council training prior to the beginning of their mandate.

5.4.3 This training will be coordinated by the AVCs, in conjunction with the Governance Manager.



5.4.4. If a member of Legislative Council is unable to complete the training during the Legislative Council training, then the individual member must coordinate with the AVCs to attend an alternative training session.

5.4.5. If a member of the Legislative Council does not complete the training within the month following the first Legislative Council meeting, they will be suspended from Legislative Council meetings until the training is completed.

5.5 Board of Directors and Judicial Board Training:

5.5.1. All members-at-large of the SSMU Board of Directors and Judicial Board, will be required to complete GSVP Training within two weeks of their contract start date.

5.5.2. This training will be coordinated by the AVCs, in conjunction with the General Manager and the Governance Manager.

5.5.3 If a member of the Board of Directors or Judicial Board does not complete the training within the month following their contract start date, they will be suspended from meetings until the training is completed.

5.6. Clubs, Services and Independent Student Groups (ISGs) Training:

5.6..1 All employees hired by services are required to complete GSVP Training within 2 weeks of beginning their contract.

5.6.2. All accredited SSMU clubs, services and ISGs will be required to ensure that at least 5 members or 50% of their club membership, whichever is lesser, has received GSVP Training before the end of the Fall semester. They will be offered the ability to arrange a training session in December.

5.6.3. All SSMU clubs, services and ISGs will be notified of this requirement by the VP Student Life. This requirement will also be included in any club and services orientation documents or online information pages provided by the SSMU.

5.6.4. If the composition of clubs, services and ISGs change in the Winter semester, members should request additional training from the AVCs.

5.6.5. It is the responsibility of the VP Student Life, in conjunction with the AVCs, to ensure that all clubs, services and ISGs have the required number of members to complete the training.



5.6.6. If a club, service or independent student group does not complete their training prior to the beginning of the winter semester, sanctions will be applied accordingly.

6. Support

6.1. The SSMU acknowledges the existing sexual violence support services on campus and in the community, which include but are not limited to, the Sexual Assault Centre of McGill Students' Society (SACOMSS), the Office for Sexual Violence Response, Support and Education (O-SVRSE), Nightline McGill and the Montréal Sexual Assault Support Centre.

6.2 The SSMU acknowledges the emotional labour that one performs while providing support to others who have experienced harm and encourages those providing support to seek support for themselves if they feel it is necessary. If needed these individuals can reach out to the AVCs who will connect them with other appropriate resources at McGill and in the broad community.

7. Advocacy

7.1. SSMU is committed to advocating for a holistic approach to addressing campus sexual violence that includes prevention, support and survivor-centric disciplinary processes.

7.2. SSMU is committed to maintaining a student-led taskforce to serve as a consultative body in all SSMU anti-sexual violence work.

7.3. In all anti-gendered and anti-sexual violence advocacy work SSMU commits to:

7.3.1. Advocating for more resource allocation to support services on campus, and to better support individuals with intersecting marginalized identities;

7.3.2. Advocating for an intersectional approach to gendered and sexual violence by way of recommending the inclusion of representatives from marginalized groups, who are interested and have the capacity to participate in various SSMU and administrative committees;

7.3.3. Advocating for survivor-centric reforms to both campus policies and provincial legislation;

7.3.4. Contextualizing experiences of gendered violence and sexual violence within the broader systemic structures of rape culture;

7.3.5. Consulting survivors of campus gendered violence and sexual violence and campus stakeholders actively engaged in anti-gendered and anti-sexual violence work;



7.3.6. Holding the institution of McGill accountable for violations of survivors rights or sexual violence response processes that violate the provincial Law 22.1 An Act to Prevent Sexual Violence in Higher Education Institutions.

7.4. It is the responsibility of all members of the SSMU Legislative Council, including SSMU officers, to uphold and advocate for the rights of survivors as enumerated in the SSMU Survivor's Bill of Rights.

7.5. The Taskforce is independent of the GSVP or the procedures within the complaint processes. Their mandate, outlined in section 7.8, is primarily to harmonize advocacy efforts on campus and inform SSMU anti-sexual violence efforts.

7.6. This policy recommends that the task force be composed of students from the following groups:

- a. Equity Commissioners from every faculty association, as well as SSMU;
- b. Members at large;
- c. Representative(s) from SACOMSS;
- d. Representative(s) from O-SVRSE;
- e. Representative from PGSS (Post-Graduates Students' Society of McGill University).

7.7. To ensure that the task force is able to gain a diverse range of perspectives and experiences the task force should include representation from underrepresented communities who are often adversely impacted by gendered and sexual violence. This includes but is not limited to reaching out specifically to members from BSN, ISA, QM, UGE and other groups who express interest.

7.8. The mandate of this task force is:

7.8.1. Harmonize all student-led initiatives on campus around gendered and sexual violence prevention;

7.8.2. Create a culture of consent on the McGill campus through education and events coordinated by the taskforce;

7.8.3. Act as SSMU's consultative body on anti-gendered and anti-sexual violence advocacy and policy reform with a specific focus on the McGill Policy Against Sexual Violence and Law 22.1.

8. Response



8.1. A Disclosure does not have to result in a Complaint. As such, the AVCs may not take any action through accommodations, alternate or formal investigation processes without the consent of the Disclosee, unless legally obligated to do so as stipulated in Article 17.3 of the GSVP.

8.2. The AVCs must inform the Disclosee that non-identifying information will be recorded for the purpose of statistics.

8.3. A Complaint, as defined in Article 4.3 of this policy, is a written statement made by the Complainant outlining the facts and details of any incident(s) of gendered and/or sexual violence experienced by the individual. In the event of a request for a formal investigation, the AVCs will follow the procedures defined in section 19 of this policy, in addition to providing resources for support.

8.4. Complaints can be submitted in writing or verbally. In the case of a verbal complaint, the AVCs are responsible for writing the complaint.

8.5. If a person requests that the SSMU not act on a Complaint of gendered or sexual violence, the SSMU shall not unless the SSMU is legally obligated to. These decisions will be made by the GSVP Committee together with the AVCs following consultation with the Human Resources Director and the General Manager, as appropriate.

8.6. The AVC will use Trauma-Informed investigation techniques.

8.7. The AVC shall ensure that investigations adhere to the principles of Procedural Fairness.

8.8. If a Complaint falls under the jurisdiction of the Policy, the Complainant may choose to pursue a Formal Investigation or an Alternate Resolution.

8.9. Formal Investigations shall be carried out by either the Anti-Violence Coordinator or a third party Investigator.

8.10. If there is a founded violation of the Policy, the GSVP Committee shall apply sanctions.

8.11. Alternate Resolutions are mutually agreed upon processes that include both the Complainant and the Respondent, in which the parties work to address the harm that was caused without the use of a Formal Investigation or disciplinary procedures.

9. Accommodations and Interim Measures

9.1. Both parties to an Alternate Resolution or Formal Investigation process have the ability to have a personal advocate and/or a support person present throughout the process.



9.2. Complaints may function as grounds for accommodations and/or interim measures.

9.3. If a Complainant is employed by the SSMU, they may request a minimum of five (5) working days off without penalty or loss of pay. They may also work with the AVCs to request additional time off. The time off will be discussed and possibly arranged by the AVCs in conjunction with the Human Resources Director, as the case permits. They may also request situational accommodations, such as changes in working space. Additionally, the AVCs will assist the Disclosee in accessing relevant campus resources that can provide other forms of accommodation.

9.4. If a Complaint is filed, a Complainant may request Interim Measures to ensure their safety and well-being. Furthermore, once a Complaint is filed, the AVCs may decide to implement preventative Interim Measures, without the request of the Complainant. These may include, but are not limited to, banning contact between the parties, temporary or partial space bans on the Respondent, employment scheduling changes, temporary suspension of contracts, including volunteer contracts and temporary administrative suspension of a Respondent from employment, without prejudice.

9.5. Interim Measures seek to protect the safety of all parties involved and to protect the integrity of the ongoing investigation or disciplinary process. The need for Interim Measures and severity of the Interim Measures imposed will be determined on a case by case basis, taking into account the circumstances of each Complaint.

9.6. Interim Measures will remain in effect for as long as is reasonably required pending the outcome of an investigation. Individuals affected by Interim Measures may request, in writing, a review of such measures. A written request for review of the measures must be made to the AVCs within five (5) days of the notice advising the party of Interim Measures imposed.

10. Third-Party Disclosures

10.1. The AVCs will provide the ability for individuals to submit anonymous and/or third-party Disclosures in person or through the general online Disclosure form. The general online Disclosure form will allow the individual disclosing to specify how they would like the SSMU to respond to the information. The SSMU shall not launch an investigation without the consent of the individual who discloses, unless they are obliged by law. If the Disclosure is in person, after the meeting, the AVCs will record non-identifying information for the purpose of statistics.

10.2. The SSMU may be unable to proceed with an investigation involving anonymous or third-party Disclosures due to a lack of evidence, a potential violation of the autonomy and privacy of involved parties, or where proceedings would violate procedural fairness and impede due process. In such cases, the AVCs will consider whether any other steps can and should be taken. In appropriate cases, the AVCs may contact the third-party who submitted the allegations to inquire if the individual who experienced the incident(s) of gendered or sexual violence would consider submitting a formal



Complaint. However, where other sufficient evidence exists and where it would not violate procedural fairness, at the sole discretion of the AVCs, the SSMU may decide to proceed with an Investigation. In such cases, the individual who experienced the incident of gendered or sexual violence has the right to not participate in the Investigation or to call for its cessation.

11. Concurrent Complaints

11.1. This policy and the Complaint process do not prevent and is not intended to discourage an individual from also reporting gendered and/or sexual violence through external mechanisms such as the criminal justice system, the McGill Policy Against Sexual Violence, the McGill Student Code of Conduct and the Human Rights Tribunal of Quebec pursuant to the Quebec Charter of Human Rights and Freedoms.

11.2. It is important to note that under article 1.3.1 of the [McGill Policy on Harassment, and Discrimination Prohibited by Law](#), concurrent Complaints of Harassment cannot be filed. Consequently, if a Complaint is filed under the SSMU GSVP, the individual will not be permitted to pursue Complaints under the McGill Policy on Harassment, and Discrimination Prohibited by Law.

11.3. Complaints about the same incident cannot be filed concurrently under the SSMU GSVP and the SSMU Equity Policy.

11.3.1. Individuals may file separate Complaints about different incidents of violence committed by the same individual or several individuals under both policies concurrently.

11.4. In the event that an individual wishes to file a Complaint against a SSMU club, service or ISG, as opposed to an individual, they must pursue a Complaint under the SSMU Equity Policy.

11.5. Should an individual feel that their experiences are covered by both the SSMU GSVP and the SSMU Equity Policy, they may contact either the AVCs or the SSMU Equity Commissioners in order to arrange for a joint meeting to discuss the options available.

12. Retaliation

12.1. Any reprisal, or expressed or implied threat of reprisal, for reporting an incident(s), making a Disclosure or making a Complaint about gendered and/or sexual violence under this policy may itself be the subject of a formal Complaint and may be subject to Interim Measures (such as restrictions from certain SSMU spaces, or other appropriate measures).



13. Conflict of Interest

13.1. If an individual involved in the investigation, Complaint process, or sanction enforcement has a real or apparent conflict of interest in a particular matter, or there is a reasonable apprehension of bias, then that individual will not continue their involvement in the matter. They are obligated to inform the AVCs who will make other arrangements.

13.2. Any individual, including the Disclosee, Complainant, Respondent or a third party must inform the AVCs of a conflict of interest, in a timely manner. The AVCs and the Human Resources Director will then investigate and decide what appropriate next steps are required, if any.

13.3. In the event of a conflict of interest with the AVCs, the AVCs must disclose the conflict of interest in a timely manner to the Human Resources Director.

14. Respecting the Dignity of Disclosees and Complainants

14.1. In accordance with the survivor-centric approach that this policy adopts, at no point in the Disclosure, or in the Alternate Resolution or Formal Investigation processes, shall the Disclosee be asked questions or subjected to discussions regarding their character and choices including but not limited to prior sexual activity, sexual orientation and gender identity.

14.2. At any point the Complainant, and/or Respondent - may contact the AVCs to receive information, barring confidentiality requirements, about the case.

14.3. At any point, a Complainant may withdraw their Complaint and end the Alternate Resolution or Formal Investigation process(es). If a Respondent decides to not participate in the Complaint process, the formal Complaint process may still be initiated and concluded, in their absence.

14.4 They will receive, at various points as detailed further below, the opportunity to provide evidence for the investigation and/or write a statement to the GSVP Committee. It is up to the Respondent's discretion whether they submit their documents.

15. Specific Exceptions

15.1. The SSMU recognizes that some individuals may be hesitant to disclose or report gendered or sexual violence. An individual or SSMU community member acting in good faith who discloses or reports an incident(s) of gendered and/or sexual violence may not be subject to sanctions for violations of other SSMU policies relating to the minor breach(es) at the time that the incident(s) took place.



16. Coercion and Power Relations in the SSMU Context

16.1. In the context of the SSMU, any individual subject to this Policy, who uses their position to coerce or manipulate an individual into sexual activity is committing an act of sexual violence by abusing their position of authority.

16.1.2 This does not explicitly prohibit all intimate relationships between Officers and students, or between employees. However, it does prohibit intimate relationships that develop due to an abuse of power.

16.2. If an employee is put in a position where they are involved in the hiring, selection, or evaluation of an individual with whom they have had an intimate relationship, they are obligated to inform the Human Resources Director of this conflict of interest and recuse themselves from the process.

16.3. Furthermore, should a relationship develop between an individual in power and one of their subordinates, it is the duty of the former to notify the Human Resources Director.

17. Confidentiality

17.1. The SSMU understands that confidentiality is an important part of fostering an environment where individuals feel safe disclosing incidents of gendered or sexual violence and seeking support. Personal information received by the AVCs will be kept confidential subject to limitations outlined in this section.

17.2. The SSMU will make every reasonable effort to protect personal information and maintain confidentiality when it becomes aware of an incident of gendered or sexual violence, and will limit disclosure of information about individuals to those within SSMU, who need to know for the purposes of, or those consistent with, addressing the situation, investigating, implementing sanctions or taking corrective action.

17.3. If legally obligated, the SSMU may disclose information, if, but not limited to:

- a) An individual is at imminent risk of self-harm or harming others;
- b) Members of the University community or the broader community may be at imminent risk of harm; and/or
- c) 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, procedural fairness, following the principles of natural justice).



17.4. All documents produced in the Alternative Resolution and Formal Investigation processes will be required to be kept confidential, in the limits permitted by law. This does not limit the Disclosee's right to speak openly about their experiences for the purpose of seeking support or maintaining their safety and the safety of others.

18. Club, Services and ISGs' Responses to Gendered and Sexual Violence

18.1. All clubs, services and ISGs fall under the jurisdiction of the SSMU Gendered and Sexual Violence Policy.

18.2. This does not limit the ability for a club, service and ISG to create an internal policy to respond to gendered and sexual violence. However, these policies must mention the existence of the SSMU GSVP, and cannot contradict or obstruct the procedures outlined under the SSMU GSVP.

18.3. Any internal policies created by clubs, services and ISGs must be reviewed and approved by the AVCs and Vice-President (Student Life) to ensure that they are in accordance with the SSMU GSVP.

19. Procedures

19.1. All Complaints of sexual violence shall be made to the AVC.

19.2. The AVC, in the initial communications with a Complainant or Respondent, shall:

- a. provide the parties with a copy of or an active hyperlink to the Policy and other relevant policies;
- b. inform the parties of their rights and responsibilities in regard to an investigation;
- c. inform all parties of available support resources for them both on- and off-campus.

19.3. Filing a Complaint

19.3.1. Complaints must include identifying information regarding the incident(s), the identity of the Respondent and their relationship to the SSMU, as well as any documentation relevant to the incident, which may include but is not limited to: screenshots; written or online exchanges; photographs; written testimonies; witness contact information and recordings.

19.3.2. Upon receipt of a Complaint, the AVC will acknowledge receipt. The AVC will then conduct an initial review to determine:

- a. whether the AVC has jurisdiction to investigate;
- b. if a Formal Investigation and/or Alternate Resolution is possible;
- c. whether immediate measures, as defined by the Policy, may be warranted.



19.3.3. Upon receiving a Complaint the AVCs will, if possible, notify the complainant in writing of any action that is being taken within two (2) business days and ask the Complainant if they require any interim measures being applied, pursuant to Section 9.2 of this policy.

19.3.4. Within 48 hours, the AVC will inform the Complainant if their Complaint falls under the jurisdiction of the policy.

19.3.5. If the Complaint does not fall under the jurisdiction of the Policy, the AVC will advise the Complainant as such, and if applicable, advise them of other methods of recourse, support and accommodations available.

19.3.6. If the Complaint does fall under the jurisdiction of the Policy, the AVC will inform the Complainant as such and provide them with the option to pursue an alternate and/or formal resolution process.

19.4. Alternate Resolution Process

19.4.1. An Alternate Resolution is initiated when a Complainant requests an AVC to pursue an Alternate Resolution process.

19.4.2. Prior to proceeding with an Alternate Resolution, the AVCs will assess the situational needs of each party, with particular focus placed on the safety of the survivor.

19.4.3. An Alternate Resolution process requires the consent of all participants. At any stage during the process, the complainant may indicate they would like to end the Alternate Resolution process and initiate a formal investigation process.

19.4.4. Where the Alternative Resolution process involves the respondent, the AVCs will take steps to ensure that the circumstances of any meeting will appropriately protect the dignity of the Complainant through accommodations that continue to allow their participation.

19.4.4.1 Accommodations can include, but are not limited to:

- a. providing separate rooms before the meeting;
- b. alternate means of participation such as telephone, video, pre-recorded answers and statements;
- c. prepared written responses;
- d. the opportunity to have a support person present;
- e. and other appropriate accommodations.



19.4.5. The outcome of an alternative resolution process must be agreed upon by both parties in writing. Should the terms of this resolution be violated by the Respondent, the Complainant may request another alternative resolution or request a formal investigation.

19.4.5.1 Outcomes can include, but are not limited to:

- a. apologies and impact statements;
- b. mandating anti-oppression and/or educational training for the respondent;
- c. restorative and transformative justice processes;
- d. negotiations of accommodations; and any other forms of recourse or accountability which both parties agree to, provided that the AVCs are capable of enforcing their enactment.

The SSMU may not have the capacity to facilitate restorative justice processes, but can work with the individuals involved to seek out these processes within the larger Montreal communities.

19.4.6. Following the completion of an alternate resolution, the AVC will write a report, summarizing the Complaint, the actions taken to address the Complaint, the outcomes, and any other relevant information.

19.5. Formal Investigation Process

19.5.1. If an investigation is launched, both the Complainant and Respondent will be notified, in writing, by the AVCs within two (2) business days from the written formal Complaint. The AVCs will provide a copy of the Complaint to the Respondent(s) named in the Complaint as well as a copy of this policy. The AVCs must inform the Respondent that they may provide a written response to the Complaint, within five (5) business days from the date they have been notified of the investigation. If the Respondent does not provide a written response within the time requested, the investigation will proceed in the absence of a response.

19.5.2. The AVCs charged with the investigation will then send the Respondent's response to the Complainant, who can submit a written reply within five (5) business days. If no written reply is provided within the time requested, the Investigator will proceed in the absence of such reply. The Respondent will receive a copy of the reply, if any. The AVCs will complete the report within five (5) business days after the responses are received.

19.5.3. Any formal Complaint against an individual subject to this Policy may be investigated by an external third-party, if it is deemed necessary by the AVCs. The General Manager, along with the Human Resources Director, shall be tasked with informing and providing the mandate to the third-party investigator.



19.5.4. An investigation conducted by the AVCs or third-party investigator should take no longer than forty (40) days from the day a Formal Investigation is opened. In exceptional circumstances, this deadline may be extended by the AVCs, however, the Complainant and the Respondent will be informed of this delay in writing by the AVCs.

19.5.5. The AVCs charged with the Investigation will examine all of the information submitted by the parties as well as any other information gathered during the investigation and conduct all interviews. Any interview conducted will require the presence of an AVC who will be in charge of providing a written account. This document will be part of the evidence submitted to the GSVP Committee.

19.5.6. The AVCs will keep the GSVP Committee, Complainant and Respondent informed on the status of the investigation, if applicable.

19.5.7. A report will be provided to the Complainant and to the Respondent within five (5) days of emission of the report. A breach of confidentiality by any person with respect to a Complaint may also constitute reprisal.

19.5.8. The purpose of an investigation is to:

- a. gather evidence and witness statements;
- b. weigh the evidence;
- c. make findings of fact based on the evidence;
- d. produce a written investigative report.

In an investigation under this procedure, the AVCs or third-party investigator must outline the evidence, their findings and make a conclusion of whether or not the Complaint of gendered or sexual violence was founded or unfounded.

19.5.9. A report produced by the AVCs who will take the appropriate next steps in the following circumstances:

- a. In the instance that the report does not substantiate the Complaint, the AVCs will communicate this to the Complainant and Respondent who will each receive a confidential copy of the investigative report.
- b. In the instance that the report does substantiate the Complaint, the AVCs will communicate this to the Complainant and Respondent who will each receive a confidential copy of the investigative report. The AVCs will contact the members of the GSVP Committee to arrange the panel to review the report and determine sanctions.

19.5.10. A report produced by a third-party investigator will be provided to the AVCs who will take the appropriate next steps in the following circumstances:



- a. In the instance that the report does not substantiate the Complaint, the AVCs will communicate this to the Complainant and Respondent who will each receive a confidential copy of the investigative report. Either party may seek review of the investigative report by a panel of three members of the GSVP Committee who may unanimously decide to overrule the investigative report.
- b. In the instance that the report does substantiate the Complaint, the AVCs will communicate this to the Complainant and Respondent who will each receive a confidential copy of the investigative report. The AVCs will contact the members of the GSVP Committee to arrange the panel to review the report and determine sanctions.

20. Review and Sanctions by the GSVP Committee

20.1. Upon completion of the investigative report, the AVCs will take steps to arrange a GSVP Committee Review Panel meeting within two (2) business days. The AVCs will contact the Complainant and Respondent regarding the Panel's decision, within five (5) days from the status issuing of the investigation report.

20.1.1. The AVCs will present the formal Complaint to the GSVP Review Panel, any written responses received and confidential investigative report in writing.

20.1.2. To ensure procedural fairness, the Respondent and Complainant will both have the opportunity to submit in writing to the Committee a response to the report, as well as comments on a desired sanction(s) within five (5) business days of the receipt of the report.

20.1.3. When making their decision, the Committee must consider:

- a. the impact of Sexual Violence on the Survivor, as expressed through a written statement that the Survivor shall have the option to submit to the relevant disciplinary authority;
- b. The impact that Sexual Violence can have on communities;
- c. Procedural Fairness as applicable in the context;
- d. The principle of progressive discipline or gradation in sanctions;
- e. The nature and severity of the incident;
- f. Any other relevant factors.

20.1.4. The decision of the GSVP Review Panel will include a summary of the information relied upon, as well as the motives for the decision, any sanctions imposed and the signatures of the GSVP Review Panel members.



20.1.5. In the event that the GSVP Review Panel does not have the authority to impose the necessary sanctions to the Respondent due to their position within the SSMU, the decision of the GSVP Review Panel will submit recommendations for the appropriate sanctions. In this situation, the GSVP Review Panel will provide their decision to the Human Resources Director and they will take the necessary steps to convene a meeting of the appropriate body.

20.1.6. The health and safety of Complainants in this process, including their mental health and psychological well-being, are paramount.

20.1.7. A document with the signature of the AVCs with the name of the Respondent and sanctions imposed will be communicated to all individuals required to enforce the decision.

21. GSVP Sanctions

21.1. Due to the nature of the SSMU jurisdiction, the sanctions that can be imposed by the GSVP Committee vary.

21.2. For a visitor who is a non-SSMU member, sanctions are to be enforced by the AVCs, in conjunction with the Human Resources Director and Building Director include, but are not limited to:

- a. Letter of apology;
- b. Letter of behavioural expectations signed by the Respondent, AVCs and other appropriate enforcement actors;
- c. Restrictions related to accessing the SSMU building, other leased spaces or SSMU events.

21.3. For a SSMU member, sanctions are to be enforced by the AVCs, in conjunction with the Human Resources Director and Building Director include, but are not limited to:

- a. Letter of apology;
- b. Letter of behavioural expectations signed by the Respondent, AVCs and other appropriate enforcement actors;
- c. Restrictions related to accessing the SSMU building, other leased spaces or SSMU events;
- d. Mandated anti-oppression or anti-sexual violence training coordinated by the AVCs.

21.4. For a SSMU member who is also a member of a club, service or ISG, sanctions are to be enforced by the AVCs, in conjunction with the VP Student Life, Human Resources Director and Building Director include, but are not limited to:



- a. Letter of apology;
- b. Letter of behavioural expectations signed by the Respondent, AVCs and other appropriate enforcement actors;
- c. Restrictions related to accessing the SSMU building, other leased spaces or SSMU events;
- d. Mandated anti-oppression or anti-sexual violence training coordinated by the AVCs;
- e. Restrictions related to accessing club, service, and ISG spaces, including events;
- f. Restriction from participation in a club, service, or ISG, including removal from executive positions.

21.5. For a SSMU employee, sanctions are to be enforced by the Human Resources Director, in conjunction with the Building Director and the Human Resources Committee include, but are not limited to:

- a. Letter of apology;
- b. Letter of behavioural expectations signed by the Respondent, AVCs and other appropriate enforcement actors;
- c. Restrictions related to accessing the SSMU building, other leased spaces or SSMU events;
- d. Mandated anti-oppression or anti-sexual violence training coordinated by the AVCs;
- e. Administrative leave or suspension without pay;
- f. Dismissal from their position at the SSMU.

21.6. For any SSMU member elected into office, before the start of an employment contract with the SSMU and during the probationary period, and before the start of their term, sanctions are to be enforced by the Human Resources Director, in conjunction with the Building Director and the General Manager include, but are not limited to:

- a. Letter of apology;
- b. Letter of behavioural expectations signed by the Respondent, AVCs and other appropriate enforcement actors;
- c. Restrictions related to accessing the SSMU building, other leased spaces or SSMU events;
- d. Mandated anti-oppression or anti-sexual violence training coordinated by the AVCs;
- e. Suspension of their duties, without pay;
- f. Removal from their elected position, by a majority vote of the Board of Directors.

21.7. For members of Legislative Council, sanctions to be enforced by the AVCs, in conjunction with the Human Resources Director and the Building Director include, but are not limited to:

- a. Letter of apology;



- b. Letter of behavioural expectations signed by the Respondent, AVCs and other appropriate enforcement actors;
- c. Restrictions related to accessing the SSMU building, other leased spaces or SSMU events;
- d. Mandated anti-oppression or anti-sexual violence training coordinated by the AVCs;
- e. Administrative leave or suspension without pay;
- f. Dismissal from their position at the SSMU, without prejudice to the appropriate procedures provided for in the SSMU Constitution and/or other governing documents.

22. Enforcement

22.1. The designated individual(s) (Human Resources Director, Human Resources Manager and AVCs) have the obligation to communicate the Committee's decision and/or sanctions to the appropriate group(s) and governing bodies, who will also maintain confidentiality in the steps that they take.

22.2. If the Complainant has concerns regarding the sanctions enforced, they can contact the AVCs to appeal the decision.

22.3. The SSMU Constitution currently requires that the Board of Directors approve any dismissal of the General Manager. In the instance that the GSVP Committee recommends the dismissal of the General Manager, the AVCs will inform the Board of Directors and provide a copy of the GSVP Committee's decision. This meeting will not entail any discussion of specific incident details, a Complainant's identity, or the legitimacy of an instance of gendered and/or sexual violence. The role of the Board is to enforce the decision which was made by trained representatives.

22.4. The Quebec Corporations Act requires that any member of the SSMU Board of Directors or Executive team be dismissed through a two-thirds majority vote at a Board meeting. In this instance, the AVCs will inform the Board of the GSVP Committee's decision. This meeting will not entail any discussion of specific incident details, a Complainant's identity, or the legitimacy of an instance of gendered and/or sexual violence. The role of the Board is to enforce the decision which was made by trained representatives.

22.5. The Quebec Corporations Act further requires that any dismissal of an Officer is ratified by the SSMU General Assembly. In this instance, the Officer who the Board has voted to be dismissed will be suspended and a Special General Assembly (GA) will be called. In this instance, the AVCs will inform the GA of the GSVP Committee's decision and Board of Directors decision. This meeting will not entail any discussion of specific incident details, a Complainant's identity, or the legitimacy of an instance of gendered and/or sexual violence. The role of the GA is to enforce the decision and/or recommendations which were made by trained representatives.



23. Appeals

23.1. An appeal is not an opportunity for the Complainant or the Respondent to repeat the information provided to the GSVP Review Panel. The right to an appeal is not automatic and an appeal will only be considered if it meets the following requirements:

- a. The appeal is submitted by either the Complainant or the Respondent;
- b. The appeal must be made within two (2) business days after the date of the final decision has been communicated;
- c. The appeal includes the reasons for the appeal, the reasons why the appeal should be granted, the arguments in support of the appeal and the outcome sought;
- d. The appeal must demonstrate that:
 - i. There has been a fundamental procedural error in the making of the final decision and that such error has caused or will cause actual prejudice to the person seeking the appeal; or
 - ii. There are new facts relevant to the final decision that were not available and could not have been provided to the investigator or the GSVP Review Panel.

23.2. The following is a non-exhaustive list of some examples of situations where an appeal would not meet the requirements:

- a. The appeal repeats arguments made at the meeting of the Review Committee or in written submissions and does not provide any new information relevant to the final decision;
- b. The appeal is based only on a disagreement with a finding of fact, including findings made about the credibility of witnesses;
- c. The appeal raises new arguments that were not made, but could have been made at the GSVP Review Panel meeting;
- d. The appeal amounts to a mere speculation or a bold statement of a procedural error causing prejudice. It does not provide detailed and convincing information to establish the error and to establish a link between the error and actual prejudice.

23.3. If an appeal is made, any interim measures implemented during the Complaint will be extended for the duration of the appeal.

23.4. The appeal will be heard by the Appeal Panel of the GSVP Committee within five (5) business days of the request. They will review the findings of the initial panel and consider the grounds for appeal, ultimately deciding the outcome.

23.5. The Appeal Panel of the GSVP Committee may, after reviewing the relevant information:



- a. uphold the original decision and/or sanction(s);
- b. reverse the decision and/or sanction(s);
- c. modify the sanction(s); or
- d. determine that a procedural error occurred and refer the matter back to the GSVP Committee for re-investigation or referral to an external investigator.

23.6. The appeal process is conducted in writing. The Complainant or Respondent, as the case may be, will be advised of the appeal and does not need to respond to the appeal unless the Appeal Panel sends a letter requesting them to do so.

23.7. The Appeal Panel reviews the motives for appeal, reviews the initial investigation report of the AVCs, reviews the initial decision made by the GSVP Review Panel and determines whether the appeal meets the requirements. Following review of the written submissions, if any, the Appeal Panel may in its sole discretion convene a hearing to determine the matter. All decisions of the Appeal Panel are final.

23.8. The Appeal Panel will provide their decision in writing to the AVCs, who will inform the Complainant and Respondent within two (2) business days of the decision being made.

23.9. The decision made by the Appeal Panel will be made by a simple majority. The written decision will include the reasons for the decision, any sanctions to be implemented and will be signed by all members of the Appeal Panel.

23.10. Upon the Appeal decision, the AVCs will take appropriate steps to enforce any relevant sanctions.



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