



## Association étudiante de l'Université McGill

*Située sur les territoires traditionnels des collectivités Haudenosaunee et Anishinaabe.*

## Students' Society of McGill University

*Located on Haudenosaunee and Anishinaabe, traditional territories.*

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# EQUITY POLICY

Adopted by Board of Directors: 2021/05/13

Expires: 2026/05/01

Adopted Motion ([Link](#))

## Part I: Preamble

### Background

In 1989, the SSMU defined itself as an “anti-oppressive” organization. This commitment allowed them to expand the definition of equity and broaden the scope of their services to better advocate for marginalized groups that have been historically underserved and erased.

“The SSMU—an organization working with individuals, in groups, within organizations, and across a wide social and political context—shall promote a functional anti-oppressive environment that fosters a culture of respect and facilitates our mission of Service representation and leadership.” [Approved by the Legislative Council on March 14, 1989]

Since this 1989 decision, the 1990s saw a development in the SSMU’s commitment to equity. The creation of a VP Equity (by splitting the VP University Affairs position) was proposed and rejected by the Legislative Council in 1992-1993, and again in 1996-1997. The Legislative Council soon after created the position of Equity Commissioner, who was given the responsibility of overseeing the Equity Committee and taking a proactive position in addressing equity issues at the SSMU and at the University.

McGill University created the Joint Senate Board Committee on Equity in 1994. Today, this Committee has grown into an umbrella group with six subcommittees; for Women; Racialized and Ethnic Persons; Indigenous Peoples; Queer People; Persons with Disabilities; and Family Care. The efficacy of this structure is still in question, and undergraduate students continue to be active in pushing for equitable practices at McGill.

Much of the SSMU’s commitment to equity stems from the inherent responsibility of university organizations to create safe havens where marginalized persons can come together to access support and to continue to dismantle systemic oppression. The SSMU’s history has seen extensive student



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organization against sexism, racism, homophobia, classism, ableism, and other forms of discrimination on the local, university, provincial, federal, and international levels.

Numerous SSMU services and student groups have a strong commitment to equity, safety, and the creation of safe(r) spaces for its membership, including but not limited to Queer McGill, the Union for Gender Empowerment, the Black Students Network, the Sexual Assault Centre of the McGill Students' Society, Walksafe, and Drivesafe. Dozens of SSMU Clubs and affiliated student groups also share a commitment to equity and anti-discrimination in their mandates.

While the SSMU has not always found itself on the right side of history, the SSMU has a responsibility as a leader, representative, and service provider to a diverse membership to conduct itself with integrity, respect, and inclusivity. The safety and equitable treatment for all persons is paramount to SSMU's mandate, as it continues to support students, student-led initiatives and their communities as they further address systemic oppression.

## 1. Interpretation

This Policy should be applied to ensure that the rights of marginalized students are upheld throughout a Complaints process. This means ensuring that students are respected and not subjected to undue stress or disparagement.

This Policy is to be applied in such a way that uplift the perspectives and voices of those historically disadvantaged by various and intersecting systems of oppression, and ensures respect for these members during discussion on campus that implicate their identities.

## 2. Scope

This Policy will apply to:

- a. all Staff, elected representatives, Departments, Clubs, and Services, of the Students' Society of McGill University;
- b. all operations, political activity, events, or other activities conducted or sanctioned by SSMU or its affiliates;
- c. all SSMU Members participating in activities and events sanctioned by the SSMU or its affiliates; and
- d. any communication that is published, distributed, endorsed, or funded by the Society.



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#### 2.1. An Equity Complaint that is outside the jurisdiction of the SSMU may involve:

- a. matters dealt with under other Policies and Codes of Conduct of the SSMU including, but not limited to, the Gendered and Sexual Violence Policy, the Human Resources Policy, the Psychological Harassment Policy, the Health and Safety Policy and Procedures, Mental Health Policy and Procedures;
  - i. Persons or bodies outside the jurisdiction of the SSMU, including, but not limited to, McGill Administrative units, Governing Bodies, Staff, and Faculty Members.

#### 2.2. In the event that a Complaint falls outside the jurisdiction of this Policy, the Equity Commissioners, assisted by the Vice-President (University Affairs), may act as a resource in guiding the Claimant through the appropriate reporting channels.

- a. Relevant University Policies may include the Charter of Students' Rights, the Policy on Harassment and Discrimination, the Policy Against Sexual Violence, the University Student Assessment Policy, the Code of Student Conduct and Disciplinary Procedures, the Policy Concerning the Rights of Students with Disabilities, and the Code of Student Grievance Procedures.
- b. Claimants may also be referred to the Office of the Ombudsperson, the Office of the Dean of Students, or the Legal Information Clinic at McGill.

## 3. Definitions

For the purposes of the Equity Policy, the following definitions apply:

- a) **Appellant:** a Claimant or Respondent of an Equity Complaint, who has appealed a decision of the Equity Complaints Committee to the Judicial Board.
- b) **Bad faith:** an intentional and dishonest act demonstrated as actively or passively obstructing the Policy. In the case of Equity Complaints, bad faith may be categorized as failing to fulfill the obligations of Claimants or Respondents as outlined in this Policy.
- c) **Claimant:** the person or group who has experienced (an) alleged incident(s) and has filed a Complaint against the Respondent.
- d) **Complaint:** a recorded allegation, recorded in writing or otherwise, of a violation of the Equity Policy submitted to the Equity Officers.



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- e) **Conflict of interest:** a situation in which a person's interests may affect or be perceived to affect their ability to make a fair decision, such as the presence of pre-existing social relationships or the possibility of personal, financial, or professional advancement.
- f) **Disadvantage:** a circumstance or situation that puts an individual or group in an inferior or less favourable position compared to others, resulting in compromised access to resources or opportunities.
- g) **Discrimination:** the differential treatment of an individual or group, to their disadvantage, on the basis of their identity or perceived identity.
- h) **Diversity:** the existence of differences in needs, histories, and experiences, among individuals and groups based on both visible and invisible characteristics.
  - i) These characteristics may include, but are not limited to gender identity, gender expression, age, race, ethnic or national origin, religion, sexuality, sexual orientation, ability, language, size, or social class. It is important to remember that people are multidimensional in their diversity (see "Intersectionality").
  - ii) Diversity, for the purposes of this Policy, does not extend to diversity of opinion or political belief, where those beliefs or opinions are contrary to the values of this Policy.
- i) **Equity:** a principle and process that promotes fair conditions for all persons to fully participate in society while recognizing that while all people have the right to be treated equally, not all experience equal access to resources, opportunities or benefits.
  - i) Achieving equity means acknowledging and celebrating diversity and actively addressing the underlying drivers of inequity, including historical oppressions and power dynamics.
- j) **Equity Officer:** a member of the Equity Complaints Committee responsible for responding to Complaints, including Informal and Formal Resolutions Processes.
- k) **Good faith:** An intentionally honest or sincere fulfillment of an obligation outlined in this Policy.
- l) **Harassment:** any behaviour, act, comment, or display that demeans, and/or causes personal, psychological, or social harm to an individual or group, including acts of intimidation or threat.
- m) **Intersectionality:** coined by Kimberlé Crenshaw in 1989, intersectionality is the recognition that individuals may experience interconnected systems of oppression differently, in varying configurations and degrees of intensity. This recognizes the larger structures of oppression that form and work in conjunction with each other to produce individual identities.



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- n) **Marginalization:** the exclusion and relegation of certain individuals and groups to positions of lesser value, power, and access to opportunity within society.
- o) **Mediator:** an Equity Officer or third-party professional selected to facilitate mediation.
- p) **Oppression:** experiences of domination and exploitation resulting from historically and systemic institutions of superiority and inferiority. These relations of power result in individuals or groups being systematically subjected to political, economic, or social injustices.
- q) **Privilege:** an unearned advantage or immunity knowingly or unknowingly held by a group of persons. This is typically used to the disadvantage of others and maintained by systems of oppression.
- r) **Respondent:** the person who a Complaint is brought against.
- s) **Subject-advocates:** individuals with significant lived and/or advocacy experience on a given subject. Unlike subject-experts, the term “subject-advocates” recognizes that no one individual can be an expert in any given subject, regardless of lived experiences.
- t) **Support person:** an individual who a Claimant, Respondent, or Witness may request to accompany them throughout the Complaints process. Such individuals may include, but are not limited to, a Student Advocate of the Legal Information Clinic at McGill or an informal Support Person.
- u) **Working day:** a calendar day, excluding Saturday and Sunday, which is not a religious or statutory holiday.

## Part II: Promoting Equity

### 4. Harassment and Discrimination

#### 4.1. Principles for Advocacy

4.1.1. The SSMU recognizes that groups that have been historically and culturally disadvantaged are subject to systematic marginalization and oppression, and condemns harassment or discrimination based on but not limited to: gender identity, gender expression, age, race, ethnic or national origin, religion, sexuality, sexual orientation, ability, language, size, or social class.



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- a. The SSMU regards harassment and/or discrimination on these bases as serious offences that undermine its constitutional commitment to respect, as outlined in the preamble of the SSMU Constitution.

## 4.2. Anti-Oppression

4.2.1. The SSMU will ensure a functional, anti-oppressive environment by:

- a. Recognizing that historical and ongoing processes of oppression disadvantage and harm certain groups of people.
- b. Taking proactive steps to challenge the current and historical processes that affect the safety and well-being of these groups, and the actions, attitudes, and assumptions that result from these processes of oppression.
- c. Acknowledging that certain groups of people knowingly and/or implicitly benefit from these processes.

## 4.3. Solidarity

4.3.1. The SSMU will actively support projects and policies that aim to end oppression or to promote accessibility and inclusivity within the McGill community.

- a. This includes, but is not limited to, programs or activities whose purpose it is to improve the conditions of groups that have been historically and culturally disadvantaged.
- b. For greater certainty, it is not inherently discriminatory or oppressive to advocate for the reallocation of resources, material or immaterial, to address social and systemic barriers faced by groups that have been historically and culturally disadvantaged.
- c. The SSMU and its affiliates will not condone organizations that promote or engage in discrimination, harassment or harm to members of the Society.

## 4.4. Accountability

4.4.1. Any activity or behaviour that is not in alignment with the beliefs and commitments of the SSMU, as outlined in this Policy, will be grounds for an Equity Complaint.



## Part III: Operationalizing Equity

### 5. Active Commitment

5.1. This Policy recognizes that the practice of equity requires the dedication of material support to reduce intersectional barriers for marginalized groups who may benefit from targeted resources. As such, failure to perform any of the operational requirements as outlined in this Policy will be grounds for an Equity Complaint.

### 6. Training

6.1. SSMU-facilitated equity and anti-oppression training must be provided to all Permanent and Casual Staff, Elected Officers and Representatives, Members of the Board of Directors, and Members of the Judicial Board on a yearly basis.

- a. In particular, Executives and Managerial Staff will receive exhaustive training and should be held to a higher standard than their non-Executive and non-Managerial counterparts.
- b. No individual who has received adequate training, as prescribed by this Policy, may claim ignorance as a defence for actions which violate this Policy.

6.2. This training must provide the knowledge and tools to combat oppression, harassment, and discrimination of any kind, particularly on the basis of visible and invisible characteristics including, but not limited to gender identity, gender expression, age, race, ethnic or national origin, religion, sexuality, sexual orientation, ability, language, size, or social class.

- a. This training should be provided by subject-advocates including, but not limited to the Equity Commissioners, Indigenous Affairs Commissioner, Black Affairs Commissioner, Gender & Sexuality Commissioner, Accessibility Commissioner, and Anti-Violence Coordinators.
- b. Training may also be provided by student groups, such as but not limited to Queer McGill, the Union for Gender Empowerment, the Black Students Network, the Sexual Assault Centre of the McGill Students' Society, and the Indigenous Students' Alliance.
- c. Further training may be requested from University services, such as the Office for Sexual Violence Response, Support and Education, the First Peoples House, and Our Shared Spaces.



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## 7. Communications

7.1. The SSMU commits to the use of accessible, plain-spoken language, avoiding jargon and overly technical language in published communications. This shift will be implemented systematically under the joint supervision of the Vice-President (Internal Affairs) and the Communications Department.

7.2. Gender-neutral language will be used, as a default, in all documents, minutes, transcripts, electronic and written correspondence, and in the workplace. This shift will be implemented systematically under the supervision of the Vice-President (University Affairs) and the Communications Department.

- a. Notwithstanding, an individual's stated pronouns and gender identity should always be reflected in documents, communications, and transcripts of official meetings. This recognizes that the use of gender neutral language, when an individual does not identify with such language, is nevertheless misgendering.

## 8. Tone Policing

8.1. The SSMU recognizes that, historically, language has been used both to empower, and to silence marginalized and oppressed peoples. To that effect, the SSMU commits to ensuring that its communications practices are inclusive, accessible, and anti-oppressive, respecting diverse language styles, methods of communication, expressions of gender, and methods of interacting with language.

8.2. As such, no sanctions may be imposed by the SSMU or any of its representatives for the use of profanity, casual language, or cultural dialects like African-American Vernacular English, with the following conditions:

- a. This protection should be applied in such a way as to ensure that language can be used expressively to illustrate severity, evoke emotion, and express identity both cultural and personal;
- b. This protection should be applied in such a way that the gendered nuances of different vernaculars and dialects are respected in the context of respecting identity, regardless of how different they are to the English and French used by SSMU;
- c. Notwithstanding, this does not extend to any conduct that would itself constitute discrimination, abusive language, or personal attacks; and
- d. The use of profanity is, furthermore, discouraged in office settings and must be accompanied by a content warning in published communications.





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8.3. Standing Rules should be drafted in consultation with the Equity Commissioners and should include provisions protecting participants from tone policing

- a. Such provisions may include, but are not limited to, requirements that instances of tone policing be struck out of order.
- b. Decorum, furthermore, should not be used as justification for tone policing.

## 9. Equitable Consultations

9.1. The Equity Commissioners must be consulted on any political statements, campaigns, or events undertaken by the SSMU.

- a. These consultations may be substituted by consultations with subject-advocates, including other Commissioners.
- b. Clubs or Services must consult the Equity Commissioners before establishing any Equity provisions or by-laws.
- c. Elected representatives and decision-making bodies within the SSMU who invoke or reference the Equity Policy must consult the Equity Commissioners before doing so.
- d. Consultations with the Equity Commissioners should not be considered as a mere formality and must be conducted in good faith, in a manner that respects both their expertise and limitations.
  - i. As such, individuals entering into consultations with the Equity Commissioners must allocate sufficient time to implement any recommended changes.

## 10. The Equity Triage

10.1. All internal operations of the Students' Society of McGill University will strive to prioritize service to Student Groups that serve or represent disadvantaged communities as defined by this Policy.

10.2. These internal operations comprise, but are not limited to, the Operations, Communications, Information Technology, Human Resources, and Accounting Departments.

10.3. This prioritization will take the form of a Triage system, whereby equity-seeking Student Groups will be given expedited access to operational services offered to student groups by the SSMU.

10.3.1. Examples of such services include, but are not limited to: graphic and web design services; the processing of accounting and honorarium request forms; room booking and event support; use of communication channels; IT support; support for hiring and other HR



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processes; the ratification or approval of governing documents and legal contracts; and the resolution of concerns or problems relating to the aforementioned services.

10.4. While the Human Resources Department is encouraged to equitably prioritize the voices and lived experiences of disadvantaged groups, the Human Resources Department will not be required to expedite processes relating to Human Resources complaints or resolutions thereof.

10.5. Equity Triage systems will be implemented gradually across the implicated Departments of the SSMU, under the supervision of the relevant Executives and Department Heads.

10.6. The Vice-President (Student Life) in collaboration with the Communications Department, will be responsible for ensuring that all Student Groups are made aware of the services and resources available to equity-seeking groups.

## 11. Equity Complaints Committee

11.1. The Equity Complaints Committee will be responsible for responding to and resolving Complaints of violations of this Policy, according to Equity Complaints Procedures (see Appendix A).

11.2. The Equity Complaints Committee will normally be comprised of the following Equity Officers:

- a. the Equity Commissioner(s);
- b. the Vice-President (University Affairs); and
- c. one (1) additional Executive as selected by the Equity Commissioners following the election of Incoming SSMU Executives; and

11.3. Depending on the subject matter of a particular Complaint, additional Executives and Commissioners may be appointed as Equity Officers, for the duration of the Complaint, at the discretion of the Equity Complaints Committee. This may include, but is not limited to:

- a. the Vice-President (External Affairs) for campaigns or political activities;
- b. the Vice-President (Finance) for financial discrimination;
- c. the Vice-President (Internal Affairs) for communications or events;
- d. the Vice-President (Student Life) for Clubs or Services;
- e. the Accessibility Commissioner for ableism or inaccessibility;
- f. the Anti-Violence Coordinator(s) for sexism or misogyny;
- g. the Black Affairs Commissioner for anti-Black racism and misogynoir;
- h. the Francophone Affairs Commissioner for anti-Francophone linguistic discrimination;
- i. the Gender & Sexuality Commissioner for queerphobia;
- j. the Indigenous Affairs Commissioner for colonialism or anti-Indigenous racism; and
- k. the Mental Health Commissioner for sanism or cognitive discrimination



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11.3.1. The Equity Complaints Committee may choose to consult other Staff, Student Groups, Governing Bodies, and subject-advocates as necessary.

11.4. Lastly, all Equity Officers must have received exhaustive equity training, as prescribed by this Policy (see “Training”).

- a. Furthermore, the Human Resources Department, including the Anti-Violence Coordinators, will be responsible for ensuring that Equity Officers are adequately trained to investigate and resolve Equity Complaints.

## 12. Enforcement and Reporting

12.1. The Board of Directors and the Executive Committee are responsible for the enforcement of this Policy and the proactive integration principles of anti-oppression, inclusivity, and accessibility into all activities of the SSMU.

- a. The Vice-President (University Affairs) will be responsible for supervising the implementation of this Policy and resolving inequities at the SSMU.
  - i. Where the Vice-President (University Affairs) is unable to resolve inequities unassisted, they will be responsible for communicating the issues to the Executive Committee and Board of Directors, who must then resolve them.
  - ii. Failure to fully and proactively address Equity concerns within the SSMU is sufficient grounds for the submission of an Equity Complaint.

12.2. The Report of the Equity Committee to the Legislative Council will include a general summary of the number of Complaints received and the Resolutions issued by the Equity Complaints Committee.



## APPENDIX A : EQUITY COMPLAINTS PROCEDURES

### 1. Submission of an Equity Complaint

1.1. Any individual who was a SSMU Member or was employed by the SSMU at the time of the incident alleged in the Complaint may submit an Equity Complaint under the Equity Policy.

1.2. It is encouraged that complaints be submitted within six months following the incident alleged in the Complaint.

- a. This timeline respects both the impediments to filing a Complaint, and the increasing difficulty with time of investigating Complaints.

1.3. All Complaints must be submitted or referred to the Equity Commissioners. While the submission does not need to be in writing, the details of the Complaint must be recorded.

- a. The Complaint must be outlined in sufficient detail, including the identity of the Respondent(s) and any Witness(es), information about the incident(s), and any additional relevant information.
- b. The Equity Officers may request additional information, as necessary, while respecting the potential for retraumatization of the Claimant, and possibility that more information may not be possible to be given as a result.
- c. If an individual wishes to submit a Complaint in a language other than English or French, a translator must be provided by the SSMU, for this purpose. Failure to provide a translator throughout the resolution of an Equity Complaint will be grounds for an appeal to the Judicial Board.
- d. Complaints may be filed against whole Clubs, Services, governing bodies and administrative units of the SSMU:
  - i. Where a complaint is filed against a Club or Service, the Club or Service will select one or more of its Executives or Coordinators to serve as Respondent(s);
  - ii. Where a complaint is filed against the Board of Directors, the Chair of the Board of Directors will serve as the Respondent;
  - iii. Where a complaint is filed against the Legislative Council, the Speaker of the Legislative Council will serve as the Respondent;



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- iv. Where a complaint is filed against the Executive Committee, the President will serve as the Respondent.
- v. Where a complaint is filed against a Committee that is not the Executive Committee, the Committee Chair(s) will serve as the Respondent(s); and
- vi. Where a Complaint is filed against an administrative unit or department of the SSMU, the senior-most Staff member(s), with authority over the unit, will serve as the Respondent(s).

1.4. Complaints may name multiple Respondent(s).

1.5. Where more than one Claimant wishes to file a Complaint on the same grounds, or against the same Respondent(s), they may choose to file individual Complaints or one joint Complaint.

1.6. The Equity Complaints Committee may accept anonymous and third-party complaints, provided there is sufficient information to conduct a fair investigation:

- a. All implicated parties will have the right to be informed about the Complaint and to choose whether to participate or not in the investigation of the Complaint.
- b. The Equity Complaints Procedures will be adapted, as necessary, to respect the right of the implicated parties not to participate in an investigation.
- c. All Complaints that are deemed to fall within the scope of this Policy will be thoroughly investigated and resolved, to the best of the ability of the Equity Complaints Committee.

## 2. Accommodations

2.1. Following the receipt of a Complaint, the Equity Complaints Committee may recommend that accommodations be implemented, in extraordinary circumstances, to protect the safety and wellbeing of the Claimant(s).

2.2. Depending on the gravity of the perceived risk to the Claimant(s), immediate accommodations may include, but are not limited to:

- a. an order to the Respondent(s) to cease and desist communication(s) with the Claimant(s);
- b. the excusal, with pay, if applicable, of the Claimant(s) from their professional or extra-curricular responsibilities to the SSMU or its affiliated Clubs, Services, or other Student Groups;
- c. the temporary suspension, with pay, if applicable, of the Respondent(s) from their position(s) within the SSMU or its affiliated Clubs, Services, or other Student Groups;



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- d. the referral of the Claimant(s) to safety services offered by the SSMU, the University, or community organizations; and
- e. the referral of the Claimant(s) to law enforcement, in exceptional cases.

2.3. Accommodations will be recommended to and enforced by the Board of Directors, who will consider them in a confidential session.

- a. Where accommodations must be implemented urgently, they may be considered through an electronic vote or at an emergency meeting of the Board of Directors, called by the President for this purpose.

## 3. Confidentiality

3.1. Every aspect of an Equity Complaint and its resolution will be strictly confidential between the Equity Complaints Committee; the Claimant(s), Respondent(s) and their Support Person(s); the Witness(es); and the Board of Directors.

- a. The Equity Officers will provide the Respondent(s) with any evidence provided by the Claimant including, but not limited to, the initial Complaint and transcripts of the testimonies of the Claimant(s) and Witness(es).
- b. The Equity Officers will provide the Witness(es) with the initial Complaint and any additional information, at the discretion of the Claimant.

3.2. Reports and Recommendations of the Equity Complaints Committee will be presented to and considered by the Board of Directors in confidential session.

- a. The identities of all implicated parties will be omitted from the minutes of such sessions.

3.3. Failure to observe confidentiality will constitute Bad Faith, and may result in the issuance of further Recommendations by the Equity Complaints Committee.

## 4. Conflicts of Interest

4.1. Upon receiving an Equity Complaint, Equity Officers must declare any and all conflicts of interest.

- a. This may include, but is not limited to, conflicts of interest between Equity Officers and the Claimant(s), Respondent(s), or Witness(es).
- b. Equity Officers who declare a conflict of interest must recuse themselves from the entire resolution process.



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4.2. Failure of an Equity Officer to declare a conflict of interest and/or recuse themselves from the resolution process will constitute grounds to appeal a decision of the Equity Complaints Committee.

- a. Depending on the severity of the violation, the Equity Complaints Committee or Board of Directors may choose to indefinitely suspend the Equity Officer from their position on the Equity Complaints Committee.

4.3. Should a Complaint be filed against an Equity Officer, the Equity Officer will recuse themselves from the entire resolution process.

- a. Should a Complaint be filed against the Vice-President (University Affairs), the President will assume the responsibilities of the Vice-President (University Affairs) on the Equity Complaints Committee for the duration of the resolution process.
- b. In the case fewer than two Equity Officers are available to resolve an Equity Complaint, the Complaint will be referred to the Judicial Board.

## 5. Right to a Support Person

5.1. Throughout the resolution of an Equity Complaint, the Claimant(s), Respondent(s), and Witness(es) will have the right to be accompanied at any and all times by a Support Person.

- a. The Claimant(s), Respondent(s), and Witness(es) may request that the SSMU provide a Support Person. Such individuals should understand anti-oppression principles and prioritize active listening in their approach.

5.2. The Support Person may advise, take notes, and speak on behalf of the party they are supporting.

- a. Any interview or mediation may be paused to allow the Claimant(s), Respondent(s), or Witness(es) and their Support Person(s) to discuss in private.

5.3. The Support Person(s) may not hold position(s) of power over the Claimant(s), Respondent(s), or Witness(es).

- a. A Support Person may be removed from the resolution process for conducting themselves in bad faith, at the discretion of the Equity Complaints Committee.
  - i. In such cases, the removed Support Person may be substituted by an alternative Support Person, at the discretion of the relevant Claimant(s), Respondent(s), or Witness(es).



## 6. Equity Complaint Resolutions

6.1. Within three (3) working days of the submission of an Equity Complaint, the Equity Commissioners must assemble the Equity Complaints Committee, including any additional Equity Officers based on the subject matter of the Complaint (see “Equity Complaints Committee”).

6.2. The Equity Complaints Committee will first assess whether the Complaint falls within the Scope of the Equity Policy (see “Scope”).

- a. Where a complaint falls outside of the Scope of the Equity Policy, the Equity Officers may act as a resource in referring the Claimant to the appropriate channels, including other reporting channels of the SSMU or the University, where appropriate.
- b. In this case, the Equity Officers must provide the Claimant with detailed explanation of why the Complaint falls outside the Scope of the Policy.

6.3. Should the Complaint fall within the Scope of the Equity Policy, the Equity Complaints Committee will provide the Respondent(s) with a copy, or copies, of the Complaint and any initial evidence.

6.4. Concurrently, the Equity Complaints Committee will inform the Claimant(s) and Respondent(s) of their rights and responsibilities under the Equity Policy and Equity Complaints Procedures:

- a. The implicated parties will be provided with copies of the Equity Policy and Equity Complaints Procedures.
- b. The implicated parties will be informed of their right to retain Support Person, and of the availability of on and off-campus support resources, as applicable.
- c. The implicated parties will be informed of their responsibility to ensure confidentiality throughout the resolution process (see “Confidentiality”).
- d. The implicated parties will be informed that no information disclosed during mediation may be entered into the evidence of an investigation.
- e. The implicated parties will be informed that any information disclosed outside of mediation may be utilized as evidence in an investigation.

6.5. The Equity Complaints Committee will then request that the Respondent(s) submit a response to the Complaint, outlined in sufficient detail, including the identity of any Witness(es), information about the incident(s), any counterclaim they wish to file against the Claimant(s), and any additional relevant information.





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- a. Respondent(s) may file a counterclaim, similar in form to a Complaint, if they believe the Claimant(s) has, or have, filed their Complaint in bad faith or otherwise violated the Equity Policy. Counterclaims may be resolved concurrently to the initial Complaint.
- b. The Respondent(s) must file their response(s) within five (5) working days following their receipt of this request.
- c. The Respondent(s) will be informed that the resolution process may proceed regardless of whether they submit a response or not, and that their refusal to submit a response will constitute Bad Faith and may affect the Report and Recommendations of the Equity Complaints Committee.

6.6. The Equity Complaints Committee will forward the response(s) of the Respondent(s) to the Claimant(s) within three (3) working days of their receipt.

6.7. The Claimant(s) and Respondent(s) will be informed that Equity Complaints may be resolved through either mediation or an investigation, with the goal of producing a Report and Recommendations to be ratified by the Board of Directors.

6.8. The Claimant(s) and Respondent(s) will then be asked to indicate, within five (5) working days, their willingness to resolve the Complaint via good-faith mediation.

- a. No party will be penalized for choosing to, or not to, pursue mediation.
- b. Should all parties respond in the affirmative, within the prescribed time, the Equity Complaints Committee will proceed with the mediation process (see “Mediation”).
- c. In the event that at least one of the parties does not respond in the affirmative, within the prescribed time, the Equity Complaints Committee will proceed with the investigation process (see “Investigation”).

6.9. At the discretion of the Equity Complaints Committee, responses to requests of the Committee submitted after the prescribed time may be accepted, provided that any delay is justified in detail.

6.10. Any individual who does not wish to participate in the resolution process is not obligated to do so.

- a. Any individual who chooses not to participate in an investigation or resolution process must be informed that these processes, including the submission of a Report and Recommendations to the Board of Directors, may continue, regardless of their decision.

6.11. At the request of the Claimant(s) and/or Respondent(s), the timelines and time limits prescribed in these Procedures may be extended in the event of the passing of a loved one or serious illness.



## 7. Mediation

7.1. Mediation will begin within ten (10) working days following the receipt of consent to mediation from the Claimant(s) and Respondent(s).

7.2. At least one Equity Officer will be identified as a Mediator, to initiate and facilitate an ameliorative dialogue between all parties concerned in a Complaint.

- a. To preserve good faith and impartiality in mediation, the Equity Officer(s) responsible for facilitating the mediation of an Equity Complaint must recuse themselves from the investigation of the Complaint.
- b. At the discretion of the Equity Complaints Committee, or at the request of the Claimant(s) or Respondent(s), a third-party professional may be selected to facilitate mediation.
- c. The Claimant(s) and Respondent(s) must approve the third-party mediator, unless the Equity Complaints Committee has reason to believe that the refusal of the Claimant(s) or Respondent(s) is in bad faith.

7.3. Mediation may be conducted face-to-face or, at the request of the Claimant(s) or Respondent(s), the Mediator(s) may meet with each party separately.

- a. Mediation will be conducted in private, with only the Mediator(s), Claimant(s), Respondent(s), and Support Person(s) in attendance.
- b. The Mediator(s) will be responsible for ensuring that no party involved in mediation will be subject to harassment, discrimination, or retraumatization.
- c. The ultimate goal of mediation will be to produce a document outlining a statement of facts and measures to resolve the dispute, agreed to by the Claimant(s) and Respondent(s).
- d. This document must be signed by the Claimant(s) and Respondent(s) and witnessed by the Mediator(s).
- e. This document will be ratified by the Equity Complaints Committee, and ratified and enforced by the Board of Directors.

7.4. Measures to resolve a dispute, resolved through mediation, may include, but are not limited to:

- a. Letter(s) of apology;
- b. Resignation of the Respondent(s) from their position(s) within the SSMU and its affiliated Clubs, Services, or other Student Groups;
- c. The creation of equity provisions or by-laws by Clubs, Services, or other Student Groups; and;



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- d. Any other remedy deemed to be appropriate and equitable by the Mediator and agreed to by the implicated parties.

7.5. In the event of a counterclaim, these measures may also be applied to the Claimant(s).

7.6. At the request of the Claimant(s) or Respondent(s), or if mediation has been ongoing for more than thirty (30) days, mediation will end and the Equity Complaints Committee will proceed immediately to an investigation.

- a. The implicated parties will be informed beforehand that mediation may not be resumed at any point following its termination.
- b. The thirty (30) day timeline may be extended, at the discretion of the Equity Complaints Committee and with the permission of all implicated parties.

## 8. Investigation

8.1. Following the termination of mediation, or in the event that at least one party does not consent to mediation, within the prescribed time, the Equity Complaints Committee will proceed with the investigation process.

- a. Investigation may not take place during mediation and no information disclosed during mediation may be utilized as evidence in an investigation.
- b. The Claimant(s) and Respondent(s) will be informed immediately of the commencement of an investigation.

8.2. The Equity Complaints Committee, excluding any Mediator(s), will normally conduct investigations as a whole. The Equity Officers, excluding any Mediator(s), will be known as Investigators.

- a. At the discretion of the Equity Complaints Committee, or at the request of the Claimant(s) and Respondent(s), a third-party professional may be selected to investigate the complaint.
- b. The Claimant(s) and Respondent(s) must approve the third-party Investigator, unless the Equity Complaints Committee has reason to believe that the refusal of the Claimant(s) or Respondent(s) is in bad faith.

8.3. The Investigators will request that the Claimant(s) and Respondent(s) identify any and all Witness(es) that they would like interviewed.

- a. The Claimant(s) and Respondent(s) will have five (5) working days to identify their Witness(es).



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- b. At the discretion of the Investigators, the identification of Witness(es) after the prescribed time may be allowed, provided that any delay is justified in detail.

8.4. The Complaint will be thoroughly investigated, through any means necessary for the Investigators to confidently conclude whether or not a violation of the Equity Policy had, in fact, taken place and make appropriate recommendations to resolve the violation.

- a. An investigation may involve, but is not limited to:
  - i. meeting with and requesting information from the Claimant(s);
  - ii. meeting with and requesting information from the Respondent(s);
  - iii. meeting with or requesting information from any other individuals who may have information relevant to the Investigation, including, but not limited to any Witness(es) identified by the Claimant(s) or the Respondent(s);
  - iv. obtaining any other evidence (e.g., documents, copies of correspondence, photos/images) that may be relevant to the investigation.

8.5. Where necessary, the Investigators may request any documents or information, confidential or otherwise, from the Board of Directors.

- a. Such requests will be considered by the Board of Directors in a confidential session.

8.6. Any information collected by the Investigators will be communicated to the Claimant(s) and the Respondent(s).

- a. The Investigators, at their discretion, may choose to withhold any information that they believe is not pertinent to the investigation or which would needlessly harm an implicated party.

8.7. The Investigator will not hold a hearing, in which the Investigators would meet with multiple parties simultaneously to hear their respective claims.

8.8. Within 30 days of the commencement of an investigation, the Investigators will produce a Report and Recommendations based on the evidence, testimonies, and information collected throughout the investigation.

- a. This timeline may be extended, at the request of the Investigators, with the consent of the Claimant(s) and the Respondent(s).

8.9. This Report and Recommendations will include, but is not limited to:

- a. a detailed description of procedures followed by the Equity Complaints Committee;



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- b. a detailed report of the facts of the Complaint, identified by the Investigators, and the specific provisions of the Equity Policy that have been violated; and
- c. a list of equitable recommendations to resolve the violation, to be enforced by the Board of Directors.

8.10. Depending on the nature and severity of the Complaint, these Recommendations may include, but are not limited to:

- a. Letter(s) of apology;
- b. Suspension or removal of the Respondent(s) from their position(s) within the SSMU or its affiliated Clubs, Services, or other Student Groups;
- c. The amendment or creation of any governing documents, to be referred to the Legislative Council by the Vice-President (University Affairs)
- d. Other remedies deemed reasonable by the Equity Complaints Committee, upon consultation with the Claimant(s), that may best facilitate reparations and healing among both parties, if applicable.

8.11. In the event of a counterclaim, these Recommendations may also be applied to the Claimant(s).

- a. Recommendations for Resolution made by the Equity Officers will be ratified by a majority vote of the Board of Directors.
- b. If the Board of Directors does not approve the Report and Recommendations of the Equity Complaints Committee, they will be referred back to the Equity Complaints Committee for revision and presentation at the next session of the Board of Directors.
  - i. If the Board of Directors rejects the Report and Recommendations following revision, it will submit an appeal to the SSMU Judicial Board explaining its reasons for withholding ratification (see “Judicial Board Appeal”).

8.12. Within five (5) working days of the ratification, the Equity Complaints Committee will submit the Report and Recommendations to the General Manager, Claimant(s), and Respondent(s).

- a. The General Manager will be responsible for archiving the Report and Recommendations for a period of five (5) years, after which it will be destroyed.

## 9. Inconclusive Investigations

9.1. If, following a thorough investigation, the Equity Complaints Committee determines that there is not enough evidence to conclude that the Equity Policy had been violated, beyond reasonable doubt, no Recommendations will be issued.



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- a. The Equity Complaints Committee will draft a Report including what facts can be conclusively discerned. This Report will explain that the investigation was inconclusive, including the reasoning of the Equity Complaints Committee for making this determination.
- b. Another competent individual (such as an appropriate SSMU Executive or Commissioner) should review this Report and meet with the Equity Commissioner to review before an inconclusive determination is affirmed.
  - i. An inconclusive report could have very real and damaging effects on a Claimant. In such cases, the Claimant(s) should be directed to appropriate support services and treated with utmost dignity and respect at all times.

9.2. If, at any time during the investigation, the Investigators determine that the Complaint was made in bad faith, no Report or Recommendations will be issued.

- a. The Equity Complaints Committee will inform the Claimant(s), Respondent(s), and the Board of Directors of their decision, including the reasoning of the Committee.
- b. The Respondent(s) will be informed of their ability to file a Complaint against the Claimant(s), on these grounds.

9.3. The Claimant(s) or Respondent(s) may choose to appeal the decision of the Equity Complaints Committee not to issue a Report and/or Recommendations (see “Judicial Board Appeal”).

## 10. Judicial Board Appeal

10.1. The Claimant(s) and Respondent(s) may appeal the Report and/or Recommendation(s) of the Equity Complaint Committee to the Judicial Board.

- a. Agreements and resolutions reached through mediation may not be appealed.
- b. Appeals may be filed up to ten (10) days from the day the Report and Recommendations of the Equity Complaints Committee were communicated to Claimant(s) and Respondent(s).
- c. If an appeal is not submitted within the prescribed time, the Complaint will be considered to be resolved and no appeal may be filed, unless there were reasonable excuses preventing the Complaint submission to the Judicial Board.

10.2. Should the Claimant(s) or Respondent(s) of an Equity Complaint wish to appeal the decision of the Equity Complaints Committee, they must submit both a P-1 “Petition for Hearing” form and a copy of the relevant Report and Recommendations to the attention of the Chief Justice of the Judicial Board.

- a. Upon the receipt of an appeal, the Judicial Board will notify the Equity Complaints Committee, who will serve as the Respondent to the appeal and will submit an R-1 “Position of Respondent” form.



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- b. The Equity Complaints Committee will provide the Judicial Board with all evidence, material or immaterial, relating to the Complaint under appeal.
- c. Appeals will be conducted confidentially and no intervenors will be entertained.
- d. No hearing will be held, public or otherwise, in which the Judicial Board would meet with multiple parties simultaneously to hear their respective claims.
- e. The Judicial Board may meet with and request additional information from the Appellant(s) and the Equity Complaints Committee, as necessary.

10.3. Within sixty (60) days of the submission of an appeal, the Judicial Board will issue a Decision, including any necessary amendments, if applicable, to the Report and/or Recommendation(s).

- a. The Judicial Board may extend this timeline and notify the Appellants(s) and the Equity Complaints Committee in-writing.

10.4. Any amendments recommended by the Judicial Board will be implemented by the Equity Complaints Committee within five (5) working days of receiving the Decision of the Judicial Board.

- a. The amended Report and Recommendations will be ratified by a majority vote of the Board of Directors.
- b. Following successful ratification, the amended Report and Recommendations will be communicated to the Claimant(s), Respondent(s), and General Manager. The Complaint will be considered resolved and no further appeals may be filed.
- c. If the Board of Directors rejects the amended Report and Recommendations following revision, it will submit its appeal to the Judicial Board following the procedures outlined in the Internal Regulations of Governance (see “Appeal Procedure”).

10.5. At the beginning of every academic term, and when requested by the Judicial Board, the Equity Complaints Committee will be responsible for providing extensive training to Judicial Board members on Equity Complaints Procedures, in addition to any other training requirements (see “Training”).

- a. Should an appeal be referred to the Judicial Board before this training has been completed, the Equity Complaints Committee will be responsible for ensuring that Judicial Board members are trained by a third-party who has not been implicated in the appeal. This training period will not count towards the sixty (60) day appeals timeline.

## 11. Enforcement

11.1. The enforcement of ratified Recommendations of the Equity Complaints Committee will be overseen by the Board of Directors.

- a. The Board of Directors may delegate authority to the Equity Officers to directly oversee the implementation of Recommendations, where necessary.



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- b. Should the Claimant(s) or Respondent(s) fail to abide by ratified Recommendations, the Equity Complaints Committee may make further Recommendations to the Board of Directors.
- c. These Recommendations may be more severe in nature, depending on the gravity of the offense of the Claimant(s) or Respondent(s).