



**Association étudiante de l'Université McGill**

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

**Students' Society of McGill University**

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# GENDERED AND SEXUAL VIOLENCE POLICY

Adopted by Board of Directors: 2024-05-02

Expires: 2029-05-01

[Adopted Motion](#) (Link 2024)

## Foreword

Members of the SSMU Community who are applicable under this policy as per Section 2 and are looking to file a complaint can utilize [this document](#) in conjunction with this policy for a more accessible understanding of the timeline and process of managing a complaint. We also encourage doing a review of this policy, especially Section 19 onwards, to gain clarity on the process.

## 1. Purpose

The Students' Society of McGill University (SSMU) Gendered and Sexual Violence Policy (GSVP) has been created to provide an intersectional 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 active management, up to and including 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 members, 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 the 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



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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 members of the SSMU Community. This includes the following:

- a. all Employees (regular full-time, regular part-time and contract) and elected representatives of the Students' Society of McGill University;
- b. All members of the Student' Society of McGill University;
- c. All members or Executives of Students' Society of McGill University Clubs, Services and Independent Student Groups;
- d. Any Student' Society of McGill University volunteers;
- e. Any visitor on premises owned, leased, or rented by the Students' Society of McGill University;
- f. Any individual attending events under the jurisdiction of the Students' Society of McGill University;
- g. Any visitor using the Students' Society of McGill University's services.

2.2. 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 McGill University's learning, living or work environment, on or off campus, or interacting through social or other electronic media. The content of a complaint under this policy can be investigated when the potential consequences of alleged incident(s) may adversely affect the Complainant's ability to feel safe in the SSMU Environment and/or to be able to access SSMU events, spaces or services (including but not limited to SSMU clubs, services and ISGs). Complaints may also be investigated if the safety of SSMU members is compromised based on the alleged actions of a Respondent.

2.3. 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 24 of this policy.

2.4. For clarity there is no limit on the temporal jurisdiction of this policy, beginning when the act of gendered and/or sexual violence occurred. Specifically, as long as the Respondent and/or Complainant are members of the SSMU community at the time of the complaint then the content of a complaint can be investigated.

2.5. This is a policy of the SSMU Board of Directors, broadly overseen by the Equity & Policy Specialist with primary implementation from the Anti-Violence Coordinators. Execution of this policy is additionally aided by departmental Directors and Executive Officers across the SSMU.



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## 3. Roles and Responsibilities

**3.1. Anti-Violence Coordinator (AVC).** The coordinators are responsible for implementing the Response Section of the policy for SSMU Members, members of clubs, services and Independent Student Groups, volunteers, regular part-time staff and visitors on SSMU property. The AVCs broadly support the application of the GSVP with support as necessary from the EPS. The AVCs can be reached at [avc@ssmu.ca](mailto:avc@ssmu.ca).

**3.2 Equity and Policy Specialist (EPS).** The specialist is responsible for overseeing the GSVP and managing complaints involving all regular full-time staff and Executive Officers. The EPS also supports the Anti-Violence Coordinators (AVCs) as necessary in the facilitation of this policy. The EPS can be reached at [eps@ssmu.ca](mailto:eps@ssmu.ca).

**3.3. GSVP Committee.** The GSVP Committee is comprised of the EPS, AVCs and McGill students of various knowledge and experiences along with a representative of SSMU Human Resources. The committee contains subcommittees which are responsible for the review and/or appeal of complaints referred to them.

**3.4. Human Resources Director.** The Human Resources Director is responsible for aiding in the application of the GSVP and supports the EPS and AVCs as necessary. The Human Resources Director can be reached at [hr@ssmu.ca](mailto:hr@ssmu.ca).

**3.5. 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



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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 involved is under the age of 16 and therefore 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 an act of sexual violence;
- The use of drugs or alcohol cannot be used to justify an act of sexual violence;
- 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.
- 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, whether a self-disclosure or third-party disclosure.

**4.3. Complaint:** A verbal or 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. If a complaint is made verbally, a written statement of complaint will be drafted by either the EPS or an AVC.



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4.4. **Disclosee:** Any individual who discloses information about an incident of gendered or sexual violence whether about themselves or other parties under the scope of this policy.

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

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 acts reinforcing gendered inequalities resulting in physical, sexual, emotional, or economic harm. This includes acts of misogyny, gendered harassment and transphobia. Gendered violence is often implicit, and the gendered dynamics which enable it may not always be obvious.

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”;
- Intentional deadnaming;
- Inappropriate lines of questioning related to gender presentation, gender identity or reproductive/sexual anatomy;
- Sexist/derogatory comments, jokes, questions etc;
- The posting/endorsement of online rhetoric which reinforces gendered inequalities, including hate speech against gender minority groups;
- 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 perpetuate 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



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identity, or gender expression. This act or behaviour may or may not involve physical contact or direct communication to the individual(s) involved. These acts may also be conducted both in-person or online and may target specific individuals or certain groups of people/identities. 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, social or living environment, or leads to adverse consequences for the one directly subjected to the harassment. This can take the form of comments, behavior, jokes, threats, discriminatory remarks and/or sexual contact. 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) **Stealthing:** Non-consensual removal or manipulation of any form of contraceptive or sexually protective device before, during, or after a sexual act.



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- i) **Posting or Endorsement of Sexually Violence Content Online:** Content posted to online platforms aimed at specific individuals, groups, identities etc. that encourages any form of sexual violence, uses sexually violent language or otherwise inappropriately commenting on rhetoric regarding sexual violence in a way that could cause harm to others.

4.10 **Lead Investigator:** Either the AVC, EPS or third party investigator (internal or external) tasked with being the central party communicating with parties of a disclosure, being present for interviews related to a disclosure (or designating another party to be present) and leading any subsequent Alternate Resolution or Formal Investigation processes.

4.11. **Procedural Fairness:** A legal term that denotes fairness in the process of investigation– one that is consistently applied without bias before arriving at a decision. In this context, procedural fairness upholds four key principles; The respondent's right to know the case against them, the right to a meaningful opportunity to respond and be heard, the right to an impartial decision and the right to have decisions based on clear rationale. These principles must be adhered to in all investigations.

4.12. **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 but may provide information. The Support Person must maintain confidentiality within the limits permitted legally.

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

4.14. **Survivor-centrism:** survivor-centrism is an approach that requires all those engaging 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.

4.15. **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.

4.16. **Third-Party Disclosee:** The individual making a third-party disclosure.

4.17. **Self-Disclosure:** A disclosure of an act(s) of gendered and/or sexual violence experienced by the individual making the disclosure.

4.18. **Witness:** An individual who witnessed or directly heard about an alleged instance of gendered or sexual violence and is identified to provide evidence by the Complainant or Respondent.



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4.19. **Additional Parties:** Any other party identified by a Complainant or Respondent to provide evidence who did not witness or directly hear about an alleged instance of gendered or sexual violence. Additional parties should be contacted to provide evidence if they are determined by the Lead Investigator to possibly hold information pertinent to the investigation.

4.20. **Trauma-Informed Investigation Techniques:** A process that is informed by the understanding of how trauma affects an individual's response to services, resolution processes, and procedures. This includes making all efforts to avoid retraumatization for all parties involved in a complaint process. Careful consideration should be made to balancing trauma-informed investigation techniques with the requirement of procedural fairness as defined in Section 4.12 of this Policy.

4.21. **External Third-Party Investigator:** A party external to the SSMU identified by the SSMU Human Resources Director to act in the role of Lead Investigator at any point in the Alternate Resolution or Formal Investigation. This individual must have sufficient training and experience to take the role of Lead Investigator and conduct a thorough and impartial investigation.

4.22. **Internal Delegate of the Lead Investigator:** A party within the SSMU identified by the SSMU Human Resources Director to act in the role of the Lead Investigator who is not prescribed to take this role within Section 8.4 - 8.6 of this policy. The internal delegate must have received adequate training to act in the role of Lead Investigator and conduct a thorough and impartial investigation. This individual will generally be another party within the SSMU Human Resources Department. An internal delegate shall only be appointed if the prescribed Lead Investigator as per Section 8.4 - 8.6 cannot fulfill the role for reasons including but not limited to conflicts of interest or position vacancy.

4.23. **Business Days:** In this context, business days shall be considered to be days in which the SSMU Office is in operation. This shall be considered to be from Monday-to-Friday for the months of September-to-May and Monday-to-Thursday for the months of June-to-August. This shall not include statutory holidays or the approximate two-week SSMU Office closure across the McGill Winter Holiday.

## 5. Prevention & Training

5.1. GSVP Training shall be coordinated by the EPS and 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 can follow alternative training to those offered by SSMU. However, to be valid, these trainings have to be recognized as equivalent to the GSVP training, at the sole discretion of the Human Resources Director in collaboration with the Equity and Policy Specialist.





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### 5.3. Annual Training:

5.3.1. All regular part-time and regular full-time staff must complete training each academic year.

5.3.2. Annual training for Executive Officers, Managers and Department Directors will be coordinated and presented by the EPS.

5.3.2.1. GSVP Training for Executive Officers, Managers and Department Directors should include but is not limited to the following topics:

- Definitions and examples of sexual and gendered violence.
- Setting anti-sexual violence and anti-gendered violence norms in the workplace.
- Responding to disclosures of gendered and sexual violence.
- Confidentiality and impartiality.
- Conduct of an active bystander.
- Connecting survivors to resources on and off campus.
- The role of the AVCs and EPS.
- Detailed training on the GSVP Alternate Resolution and Formal Investigation process.
- Responsibilities of parties involved in a gendered and sexual violence investigation.
- Supporting an employee through an investigation and reintegration to the workplace.

5.3.2.2. Executive Officers will receive their Annual GSVP training within the month of May while they are acting in their role of Incoming Executives.

5.3.3 Annual training for regular full-time staff will be coordinated and presented by the EPS.

5.3.4 Annual training for regular part-time staff will be coordinated and presented by the AVCs with support from the EPS as necessary.

5.3.4.1 Annual training for regular part-time and regular full-time staff should include but is not limited to the following topics:

- Definitions of sexual violence and gendered violence.
- Examples of gendered and sexual violence in the workplace.
- Appropriate and inappropriate communication/behavior in the workplace.



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- Witnessing and responding to sexual or gendered violence in the workplace.
- Conduct of an active bystander.
- Seeking support related to sexual or gendered violence.
- Resources available on and off campus.
- The role of the AVC and EPS.
- Utilizing the GSVP complaint process and what to expect of the GSVP process.

#### 5.4. Employee Onboarding Training:

5.4.1. All SSMU employees will be required to complete the GSVP onboarding training, within 2 (two) weeks of their contract start date as mandated and re-trained annually. The training will be coordinated by the EPS and AVCs, in conjunction with the SSMU Human Resources Director. The content, coordination and presentation of the training will follow the divisions outlined in Section 5.3 for annual training.

#### 5.5. Legislative Council Training:

5.5.1. All voting and non-voting members of the SSMU Legislative Council will be required to complete GSVP Training prior to the first Legislative Council meeting.

5.5.2. This training will be coordinated by the AVCs in conjunction with the Speaker of the Legislative Council and Governance Manager with support as needed supplied by the EPS. This training is to be included in the general Legislative Council training prior to the beginning of their mandate.

5.5.3. The content of the training for members of the Legislative Council will include the subject matter laid out in Section 5.3.3.1 of this policy with some adjustments in examples for the Legislative Council context.

5.5.4. If a member of the 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.

5.5.5. 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. The AVCs will communicate with any members of the Legislative Council who have not completed their training in this timeline to the Governance Director.

#### 5.6 Board of Directors and Judicial Board Training:



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5.6.1. 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.

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

5.6.3. Training for the members of the Board of Directors and Judicial Board will follow the topics outlined in 5.3.2.1 of this policy for training for Executive Officers, Managers and Directors along with the responsibilities of Directors as per this policy.

5.6.4. 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. This suspension will be communicated by the EPS to the Governance Manager.

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

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

5.7.2. 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. In the case that 50% of the group's membership is less than 5 individuals but not a whole number, the group will be asked to round up to the nearest whole number of attendees.

5.7.3. 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.

5.7.4. 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.

5.7.5. If a club, service or independent student group does not complete their training prior to the beginning of the following 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



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(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 with the support of the EPS if necessary.

## 7. Advocacy

7.1. SSMU is committed to advocating for a holistic approach to addressing campus sexual violence and gendered violence that includes prevention, support and the active management of complaints, up to and including the provision of 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 and anti-gendered violence work.

7.2.1 This student-led taskforce shall meet a minimum of once per month, facilitated by the AVCs. Invitation to attend this taskforce should be extended to the following individuals:

- A representative from SACOMSS.
- A representative from the SSMU Mental Health Committee.
- A member of the Gender & Sexuality Advocacy Committee.
- Equity Commissioners from every student faculty association.
- A representative from the PGSS (Post-Graduate Students' Association).
- A representative from any other SSMU services, clubs or ISGs interested in attending. This should include representation from underrepresented communities who are often adversely impacted by gendered and sexual violence.
- Any SSMU members interested in attending.
- On an adhoc basis as requested by student representatives on the taskforce, representatives from McGill services can be invited, including OSVRSE, the Dean of Students Office etc.

7.2.2. It is the responsibility of the AVCs to work with the SSMU Communication team to assure that information regarding the taskforce is shared with the student body via communication channels including but not limited to the SSMU listserv and SSMU social media platforms.



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7.2.3. It is the responsibility of the Vice President Student Life along with the Student Life Assistant to communicate the existence of the taskforce to all SSMU services, clubs and ISGs.

7.2.4. The AVCs with support from the EPS as necessary will help to facilitate the meetings of this taskforce, providing attendees with any updates regarding the anti-gendered violence and anti-sexual violence work of the SSMU and providing attendees an opportunity to speak openly and provide feedback or commentary on the work that the SSMU is doing or has already completed.

7.2.5. The AVCs in conjunction with the EPS will work to bring the feedback of this taskforce to the relevant parties in the SSMU to enact change as guided by the taskforce.

7.2.6 The Taskforce and its activities are totally independent from this Policy and the complaint processes provided for in the Policy.

7.3. The mandate of this task force is:

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

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

7.3.3. 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 Quebec Law P-22.1., the GSVP policy and the Involvement Restriction Policy.

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

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

7.4.2. 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.

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



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7.4.4. Fighting transphobia and pushing for trans-inclusive policies within the SSMU. McGill University and beyond.

7.4.5. Recognizing that gendered and sexual violence have a unique impact on marginalized communities, including gender minorities.

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

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

7.4.8. 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.*

## 8. Response

8.1. A Disclosure does not have to result in a Complaint. As such, the EPS or 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.

8.2. A Complaint, as defined in Section 4.3 of this policy, is a verbal or 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 EPS or AVCs will follow the procedures defined in Section 19 of this policy, in addition to providing resources for support.

8.3. Complaints can be submitted in writing or verbally. In the case of a verbal complaint, the EPS or AVCs are responsible for documenting the complaint. Any verbal complaints should be recorded and stored securely to assure accuracy of the written complaint, unless expressly prohibited in writing by the Complainant.

### 8.4. Lead Investigator

8.4.1. The responsibilities of the Lead Investigator include being the central party communicating with parties of the disclosure, being present for all interviews related to the disclosure (or delegating this responsibility to another party), and overseeing the Alternate



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Resolution or Formal Investigation process including overseeing the writing of a final report and implementation of sanctions if necessary.

8.4.2. The Lead Investigator should be either the AVC or EPS or their designate, as the case may be, in accordance with Sections 8.5 to 8.7 of this Policy.

8.4.3. In the circumstance that the EPS cannot act as the Lead Investigator, an additional member of the Human Resources Department may take the role of the Lead Investigator at the discretion of the Human Resources Director. Examples of situations in which the Human Resources Director may take this step include:

- a. The EPS is a Complainant, Respondent, witness or additional party in the investigation.
- b. There is a conflict of interest between an investigative party and the EPS.
- c. The position of the EPS is currently unfilled.

8.4.4. There may also be circumstances in which the AVC is the designated Lead Investigator but cannot act in this role. If neither AVC can fulfill the role of Lead Investigator this responsibility will fall to the EPS.

8.4.5. In the case that the AVC is acting as Lead Investigator but the EPS cannot take a support role for the investigation, the Human Resources Director may assign a member of the Human Resources Department to take the Lead Investigator role or may themselves take the place of the EPS in supplying support to the AVC as needed during the investigative process.

### 8.5. Permanent Staff and Executive Officer Disclosures

8.5.1. Disclosures involving permanent employees or Executive Officers as Complainants or Respondents should be managed by the EPS as the Lead Investigator, with support from the AVCs as necessary. This includes subsequent alternate resolutions or formal investigations.

8.5.2. If a complaint from or regarding permanent employees or Executive Officers is received by the AVCs or other SSMU Employees, they should immediately forward the complaint content to the EPS, barring any apparent conflict of interest as described in Section 14.

### 8.6. Non-Permanent Staff/Student Disclosures

8.6.1. Disclosures received from SSMU members, regular part-time staff, individuals on SSMU property, or members of Clubs/Services/ISGs should be managed by an AVC as Lead Investigator with regular consultation from the EPS.



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### 8.7. External Third Party Investigator

8.7.1. At the discretion of the SSMU Human Resources Director or their delegate, an external third party investigator may be identified as the Lead Investigator at any point in the Alternate Resolution or Formal Investigation.

### 8.8 Internal Delegate of the Lead Investigator

8.8.1. At the discretion of the SSMU Human Resources Director or their delegate, an internal delegate for the prescribed Lead Investigator, as per Section 8.4, may be identified at any point in the Alternate Resolution or Formal Investigation.

### 8.9. Informing Parties of the Lead Investigator

8.9.1. The Lead Investigator will be identified to both the Complainant and Respondent in writing as early as possible upon the receipt of a complaint.

### 8.10. Change in Lead Investigator

8.10.1. At the joint discretion of the Equity & Policy Specialist and the SSMU Human Resources Director or their delegate the Lead Investigator for a disclosure can be changed between the AVCs or from an AVC to and EPS at any point of an Alternate Resolution or Formal Investigation as long as the investigation parties are properly informed in a timely manner.

8.10.2. Reasons for the Lead Investigator of a complaint to be changed may include but are not limited to:

- a. Permanent employee's or Executive Officers becoming involved in a complaint process, either as additional Complainants, Respondents, or witnesses.
- b. The AVC is unable to keep up with the workload of the investigation process.
- c. The AVC does not have sufficient hours to allot to the investigation process (including over the exam and summer period).
- d. A conflict of interest being identified by the complainant or any other investigative parties (witnesses, additional parties etc.)
- e. The involvement of legal entities in case proceedings.

8.10.3. In the case of a conflict of interest as defined in Section 14 of this policy, being uncovered between a party involved in the investigation and the AVC acting as the Lead Investigator, the Lead Investigator will be, as soon as reasonably possible, changed to the second AVC or the EPS as applicable.





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8.10.4 The AVC can also voluntarily give up their role as Lead Investigator and pass that role to the EPS if they feel that they do not have the time to comprehensively address the complaint, if the complaint management process becomes overwhelming for them or additional conflicts.

8.10.5. If there is a change in the Lead Investigator all parties of the case will be informed in writing as soon as reasonably possible.

8.10.6. Any change in Lead Investigator will only be done with consideration of the possible impacts that this change may have on the parties involved in a complaint.

8.11. 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 EPS and AVCs following consultation with the Human Resources Director and the General Manager, as appropriate.

8.12. The EPS and AVC will make their best effort to utilize Trauma-Informed Investigation Techniques while meeting the standards of procedural fairness as defined in Section 4.12 of this Policy.

8.13. The EPS and AVC shall ensure that investigations adhere to the principles of Procedural Fairness.

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

8.15. Alternate Resolutions and Formal Investigations shall be carried out by either the Equity and Policy Specialist, Anti-Violence Coordinator, an internal delegate of the Lead Investigator or an external third-party Investigator.

8.16. If there is a founded violation of the Policy, the GSVP Review Panel shall apply sanctions as defined in Section 24 of this Policy.

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

9.2. If a Complainant is employed by the SSMU, they may request up to three (3) working days off without penalty or loss of pay. They may also work with the Lead Investigator to request additional



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time off. The time off will be discussed and possibly arranged by the Lead Investigator in conjunction with the Human Resources Director, as the case permits.

9.3. The Lead Investigator will also assist the Disclosee in accessing relevant resources on and off campus that can provide other forms of accommodation as necessary.

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 Lead Investigator may decide to implement preventative Interim Measures, without the request of the Complainant.

9.5. Interim Measures/accommodations may include, but are not limited to, banning contact between the parties, temporary or partial space accommodations, employment scheduling changes etc.

9.6. Employee supervisors or other workplace parties will be informed of accommodations or interim measures by the Lead Investigator with the support of the Human Resources Director as necessary for implementation. Supervisors or other parties will not be informed of the reasoning for accommodations or interim measures unless consent is granted by both the Complainant and Respondent.

9.7. 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.

9.8. 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 Lead Investigator within five (5) business days of the notice advising the party of Interim Measures imposed.

## 10. Third-Party Disclosures

10.1. The Lead Investigator will provide the ability for individuals to submit third-party Disclosures in person, over email or through the general online Disclosure form. The general online Disclosure form will be available on the SSMU website and disseminated broadly to all those in the SSMU community. This form will allow the individual disclosing to specify how they would like the SSMU to respond to the information.

10.2. The SSMU shall not launch an investigation without the consent of the individual who discloses, unless they are obliged by law.



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10.3. The SSMU may be unable to proceed with an investigation involving 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.

10.3.1. In cases where the SSMU may be unable to proceed with an investigation, the EPS and AVCs will together consider whether there are any additional steps that can and should be taken.

10.3.2. Before any disclosure is dropped due to an inability to investigate, the SSMU Human Resources Director and General Manager will be consulted.

## 11. Procedural Fairness

11.1 To meet the requirements of procedural fairness in an investigation it is required that the Respondent have the opportunity to adequately respond to the allegations made against them. To assure that procedural fairness as defined in Section 4.12 of the present Policy is met, complaints made confidentially must be assessed on a case-by-case basis with adequate consideration from the EPS and AVCs to assure that procedural fairness is adequately considered at each step of the investigation.

### 11.2 Procedural Fairness and Third-Party Disclosures

11.2.1. It is required that the identity of a Third-Party Disclosee is known to the Lead Investigator if they wish to initiate an Alternate Resolution or Formal Investigation.

11.2.2. In the case of a Third-Party Disclosure it is also required that the identity of the individual who experienced the alleged act(s) of gendered or sexual violence is known to the Lead Investigator. This individual is also required to sign and uphold the standards of an SSMU confidentiality agreement.

11.2.3. Meeting the requirements of procedural fairness will often mean that the name of a Third-Party Disclosee and individual who experienced the alleged harm must also be shared with the Respondent if an Alternate Resolution or Formal Investigation is initiated.

11.2.3.1. Cases in which the name of the Third-Party Disclosee or individual who experienced the alleged harm would not need to be shared with the Respondent should only occur if the Respondent's ability to adequately respond to the allegations made against them are not impeded.



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## 11.3. Procedural Fairness and Self-Disclosures

11.3.1. It is required that the identity of a Self-Disclosee is known to the Lead Investigator to initiate an Alternate Resolution or Formal Investigation.

11.3.2. Meeting the requirement of procedural fairness will generally mean that the identity of a Self-Disclosee must be shared with the Respondent to allow them to adequately respond to the allegations made against them.

11.3.2.1. Exceptions in which the identity of the Self-Disclosee would not be shared with the Respondent should only occur at the discretion of the Lead Investigator with adequate consultation and consideration for the necessity of adherence to the principles of Procedural Fairness.

## 11.4. Procedural Fairness and Witnesses/Additional Parties

11.4.1. The Lead Investigator shall ensure that Respondents and Complainants be provided the opportunity to respond to the statements of witnesses with consideration for the necessity of adherence to the principles of Procedural Fairness.

11.4.2. The Lead Investigator shall ensure that any personal information identifying Witnesses or Additional Parties is not accessible to the Complainant or Respondent unless consent to be identified is provided in writing. This process of assuring confidentiality will be maintained by using a redaction process to anonymize documents.

## 12. Concurrent Complaints

12.1. 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.

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

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



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12.3. 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.

12.4. Should an individual feel that their experiences are covered by both the SSMU GSVP and the SSMU Equity Policy, they may contact the Equity & Policy Specialist in order to arrange for a meeting to discuss the options available.

## 13. Retaliation

13.1. Any reprisal, or expressed or implied threat of reprisal, for reporting incident(s), making a Disclosure, making a Complaint about gendered and/or sexual violence, or for playing any role in the Alternate Resolution or Formal Investigation of a complaint 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) or further disciplinary action.

## 14. Conflict of Interest

14.1. 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 Lead Investigator who will make other arrangements and inform the Human Resources Director as appropriate. The Lead Investigator should inform all parties of this obligation throughout the investigation.

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

14.3. In the event of the AVC or EPS having a conflict of interest, this must be disclosed in a timely manner to the Human Resources Director.

## 15. Respecting the Dignity of Disclosees and Complainants

15.1. 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.



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15.2. At any point the Complainant, and/or Respondent may contact the Lead Investigator to receive information, barring confidentiality requirements, about the case.

15.3. 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.

15.4 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.

## 16. Specific Exceptions

16.1. 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. This decision will be made by the Lead Investigator in conjunction with the HR Director or their designate with consideration for the inherent difficulty in disclosing instances of gendered and sexual violence and the importance of maintaining a safe SSMU Community.

## 17. Coercion and Power Relations in the SSMU Context

17.1. 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.

17.1.2 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.

17.2. Any employee with a Personal Relationship that may constitute a real or possible conflict of interest should follow the guidelines outlined in the SSMU Conflict of Interest Policy to make a disclosure to the appropriate bodies.

## 18. Confidentiality

18.1. 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.



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Personal information received by a Lead Investigator will be kept confidential subject to limitations outlined in this section.

18.2. 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.

18.3. To assure confidentiality, all parties involved in an investigation (Complainant, Respondent, witnesses, individual who experienced the alleged violence in a third-party disclosure etc.) will be required to sign a confidentiality agreement. Under this agreement they will undertake to keep all documents and other information relating to the Alternate or Formal investigation processes or subsequent results/sanctions strictly confidential throughout the process itself and at all times thereafter, in the limits permitted by law.

18.4. To protect the privacy of Witnesses and Additional Parties their personal information of witnesses will be redacted in all investigation documents (statements, reports etc.) if consent to be identified has not been supplied in writing.

18.5. This confidentiality requirement does not limit any party in the investigation's right to speak about their experiences, including case details and outcomes in an environment where they are seeking mental health support from a certified professional provided that they are held to confidentiality obligations pursuant to their code of ethics (for ex. psychologist, psychiatrist, treating physician, etc.) or contractual confidentiality obligations.

18.6. 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).



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

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

19.2. 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 or any other SSMU internal documentation.

19.3. Clubs, services and ISGs are in violation of this policy if they remove or sanction members or executives for offences applicable under this policy. As a result, any allegations of gendered or sexual violence made by members of clubs/services or ISGs must be brought to the AVCs for investigation.

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

## 20. Procedures

20.1. All Complaints of sexual or gendered violence shall be made to the AVC, EPS or their designate, dependant on the parties involved as outlined in Section 8.5. for determining the Lead Investigator for a disclosure.

20.1.1. If an employee that is not designated to act as a Lead Investigator as per this policy, i.e. an Officer, a separate member of the Human Resources Department or employee supervisor etc. receives a complaint of sexual or gendered violence within the scope of this policy, they will inform the disclosee of the resources available through the AVCs/EPS as soon as possible. This will include their respective contact information. If the disclosee provides consent, the details of the complaint will be forwarded to the appropriate Lead Investigator as outlined in this policy. Not informing an employee of the resources available or not referring them upon request may result in disciplinary action.

20.2. The Lead Investigator in the initial communications with a Complainant and Respondent, shall:

- a. Provide the parties with a copy of or an active hyperlink to the most recent version of the GSVP Policy and other relevant policies.
- b. Send the confidentiality form to be signed.
- c. Inform the parties of their rights and responsibilities in regard to an investigation.
- d. Inform all parties of available support resources for them both on- and off-campus.





- e. The opportunity to request any interim measures and any interim measures that are already in place.
- f. The name, position and email of the current Lead Investigator of the case

### 20.3. Filing a Complaint

20.3.1. Complaints made either in writing or verbally 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.

20.3.2. Upon receipt of a Complaint, the AVC, EPS or their designate will acknowledge receipt and conduct an initial review to determine:

- a. Whether the complaint is within the scope of the GSVP.
- b. Who is the ideal party to act as Lead Investigator of the case as outlined in Section 8.5 of the Policy.
- c. If a Formal Investigation and/or Alternate Resolution is possible.
- d. Whether immediate interim measures, as defined by the Policy, may be warranted.

20.3.3. If an SSMU Employee who is not determined to be the ideal individual to act as the Lead Investigator as outlined in Section 8.4 receives a complaint applicable under this policy then the complaint material will be forwarded to the applicable Lead Investigator, as per within two (2) business days of the receipt of the complaint.

20.3.4. Upon receiving a Complaint the mandated Lead Investigator of the complaint as defined in this policy will notify the Complainant in writing within two (2) business days of if the complaint falls under the jurisdiction of the policy.

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

20.3.6. If the Complaint does fall under the jurisdiction of the Policy, the Lead Investigator will work with the Complainant either in a meeting or over email to determine the following:

1. If there are any interim measures necessary to assure the Complainant's safety and comfort in the process of coming to a resolution of the complaint.
2. The ideal path towards resolution, either Alternate Resolution or Formal Investigation depending on the outcome sought by the Complainant.



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20.3.7. The Complainant will be informed of the identity of the Lead Investigator and proposed members of the GSVP Review Panel at the onset of the complaint when it is determined that the complaint is within the scope of this Policy. The Complainant will be provided the opportunity to identify any conflicts of interest immediately.

## 20.4. Verbal Complaints

20.4.1. In the case of verbal complaints, the AVC, EPS or their designate will write the formal written complaint from a recording of the complaint either sent directly from the Complainant or recorded in an initial meeting. Consent must always be obtained from the Complainant that the formal written complaint is accurate to their recollections and includes all information that the Complainant would like to share before the complaint is shared with the Respondent.

## 21. Alternate Resolution Process

21.1. An Alternate Resolution is initiated when a Complainant requests the Lead Investigator to pursue an Alternate Resolution process.

21.2. Prior to proceeding with an Alternate Resolution, the Lead Investigator will assess the situational needs of each party, with particular focus placed on the safety of the Complainant.

21.3. An Alternate Resolution process requires the consent of all participants. At any stage during the process, the Complainant or Respondent may indicate they would like to end the Alternate Resolution process and initiate a formal investigation process. The Complainant may also withdraw a complaint completely at any time.

21.4. The Alternate Resolution process should only involve the meeting of the Respondent and Complainant at the agreement of both parties. In this situation, the Lead Investigator 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.

21.4.1 Accommodations can include, but are not limited to:

- a. Providing separate rooms before the meeting;
- b. Participation via audio or video call
- c. Prepared written responses;
- d. The opportunity to have a support person present; and
- e. Other appropriate accommodations.



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21.5. The outcome of an alternative resolution process must be agreed upon by both/all parties in writing. This will be done by the signing of an [Alternate Resolution Agreement](#). In this agreement, a summary of the case and the terms of the alternate resolution must be clearly described. Should the terms of this resolution be violated by the Respondent or Complainant, either party may request another alternative resolution or request the commencement of a formal investigation.

21.5.1. Outcomes of an Alternate Resolution can include, but are not limited to:

- a. Apologies and/or statements of reflection;
  - b. Mandating anti-oppression and/or educational training for the Respondent;
  - c. Restorative and transformative justice processes;
  - d. Negotiations of accommodations at SSMU events or within SSMU spaces;
  - e. Any other forms of recourse or accountability measure which both parties agree to.
- This is provided that the Lead Investigator, with the support of the SSMU Human Resources Director is capable of enforcing the method of recourse.

21.5.2. 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.

21.5.3. If the Lead Investigator finds that the Respondent or Complainant is not fulfilling the terms of the Alternate Resolution Agreement, the Lead Investigator is responsible for informing the other parties that signed the Alternate Resolution Agreement in a prompt fashion. The Lead Investigator will provide the other parties with their opportunity to take further measures.

21.6. Following the completion of an Alternate Resolution, via the signing of an Alternate Resolution Agreement, the Lead Investigator will write a report, summarizing the Complaint, the actions taken to address the Complaint, the outcomes, and any other relevant information.

## 22. Formal Investigation Process

### 22.1. Notifying the Respondent

22.1.1. If a Formal Investigation is launched, via the request of a Complainant, both the Complainant and Respondent will be notified, in writing, by the Lead Investigator within two (2) business days from when consent to initiate the formal investigation is provided by the Complainant.



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22.1.2. Initial communication with the Respondent should follow the procedures outlined in Section 20.2. The Respondent must sign a confidentiality agreement before receiving the written complaint.

22.1.3. The Respondent must confirm receipt of the written complaint within two (2) business days.

## 22.2. Respondent Initial Response

22.2.1. After the Respondent confirms receipt of the complaint they will be provided, within two (2) business days, with two (2) options by the Lead Investigator:

1. The Respondent will be given an opportunity to meet with the Lead Investigator either in-person or online to allow the Lead Investigator to write an initial response statement to the complaint from a recorded verbal statement and response to questions.
2. The Respondent will be given the opportunity to submit their own initial response statement to the complaint.

The Respondent must either meet the Lead investigator for a meeting to provide a verbal statement or submit a written response to the complaint within (5) business days of the email outlining these options from the Lead Investigator except in extenuating circumstances as determined by the Lead Investigator.

22.2.2. For both of these options, the Lead Investigator will be allowed to ask/write follow-up and clarification questions to aid in their investigation as needed.

22.2.3. If the Respondent does not fulfill one of these two (2) options in the time constraints allotted the investigation will proceed in the absence of a response.

22.2.4 In the case of a verbal statement of response to the complaint the Lead Investigator will confirm the accuracy of the written response with the Respondent before sending a copy to the Complainant. The Respondent will have three (3) business days maximum to confirm the accuracy of the statement and provide edits to the statement as necessary.

## 22.3. Complainant Follow-up



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22.3.1. After the Respondent supplies a final version or their initial response statement, the Lead Investigator shall send this initial response to the Complainant, the Complainant will have five (5) business days to respond.

22.3.2. The Complainant may either submit their own written reply or submit a verbal statement either prerecorded or in a recorded meeting which will then be written up by the Lead Investigator.

22.3.3. If a Complainant supplies a follow-up statement verbally, the Lead Investigator will get confirmation of the accuracy of the written statement from the Complainant before it is sent to the Respondent.

### 22.4. Respondent Final Response

22.4.1. If a follow-up statement is received from the Complainant, the Respondent will be sent this response in written form. The Respondent will be given the opportunity to submit either a written reply or a verbal statement, which can be prerecorded or provided in a meeting. The opportunity to respond will only be provided if the Respondent has additional evidence or information that has not already been shared with the Lead Investigator. This submission must be done within five (5) business days.

### 22.5. Witnesses

22.5.1 Witnesses can be supplied by the Complainant or Respondent and should only be contacted by the Lead Investigator.

22.5.2 Witnesses should be informed that they are being called as a witness to an SSMU Gendered and Sexual Violence investigation and supplied a confidentiality agreement to be signed before they receive any identifying information regarding the investigation.

22.5.3 Witnesses may be requested for an interview and/or given the opportunity to respond to written questions.

22.5.4 Witnesses are supplied information related to the case based on the decisions of the Lead Investigator.

22.5.5 Lead Investigator shall put in all reasonable efforts to contact and get information from all witnesses identified by both the Complainant and Respondent.

### 22.6. Additional Parties



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22.6.1. Complainants and Respondents also have the right to identify individuals who may have additional information that is pertinent to the investigation but who did not directly witness the events in question. These individuals are, for the purposes of this Policy, designated by the term “Additional Parties”.

22.6.2. The Lead Investigator should afford the same rights to these Additional Parties as are given to Witnesses. The provisions of Section 22.5 also apply to them.

22.6.3. If Additional Parties are named by the Complainant or Respondent they should always be contacted as long as information they may hold is determined to be pertinent to the investigation, at the discretion of the Lead Investigator.

### 22.7. Preparation of the Investigative Report

22.7.1. After a final response is received or after the allotted business days have elapsed without a response at any stage of the investigation, the Lead Investigator will have an additional seven (7) business days to prepare a final investigative report.

22.7.2. An investigation conducted by a Lead Investigator or third party investigator (internal or external) should take no longer than fifty (50) business days from the day a Formal Investigation is opened. In exceptional circumstances, this deadline may be extended, however, the Complainant and the Respondent will be informed of this delay in writing and in a timely manner by the Lead Investigator.

22.7.3. In the preparation of the investigative report, the Lead Investigator will examine all of the information submitted by the parties as well as the written accounts of all interviews. All written statements that are pertinent to the investigation will be included in the appendices of the final investigative report.

22.7.4. The Lead Investigator will keep the GSVP Review Panel, Complainant and Respondent informed on the status of the investigation, if applicable.

22.7.5. In an investigation under this procedure, when producing an investigative report the Lead 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.

22.7.6. Importantly, it is not the place of the Lead Investigator to definitively conclude in the investigative report that an event did or did not occur or that a party is “guilty” of an act.



The Lead Investigator does not have to determine whether the evidence establishes beyond a reasonable doubt that the allegations are true. Instead, the Lead Investigator must use the standard of balance of probabilities based on the evidence to make a decision and decide if it is more probable than not that the allegations occurred. Whether or not this standard of proof has been met is influenced by the credibility of individuals who submitted evidence.

22.7.6.1. Factors to consider in assessing credibility when writing an investigative report can include:

- i. Demeanor (e.g. does the individual appear to be telling the truth and/or are they evasive and unwilling to answer questions?);
- ii. Memory (e.g. does the individual suffer from selective memory and/or do they appear to have a clear memory of the events?);
- iii. Plausibility (e.g. is their version of events plausible or probable?);
- iv. Internal consistency (e.g. does the individual's evidence change during their testimony?);
- v. External consistency (e.g. is the individual's testimony consistent with facts established by witnesses or through documentary evidence?);
- vii. Motivation (e.g. is the individual motivated to remember or recount events in a certain way?);
- vii. Ability to perceive (e.g. was the individual in a position to observe the event?)

It is important to note that no one factor is determinative; all must be considered carefully.

22.7.7. The personal information of witnesses and/or additional parties will be redacted in the final investigative report if consent to be identified has not been supplied in writing.

22.7.8. A report produced by the Lead Investigator will result in the appropriate next steps in the following circumstances:

- a. In the instance that the report does not substantiate the Complaint, the Lead Investigator 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 Lead Investigator will communicate this to the Complainant and Respondent who will each receive a confidential copy of the investigative report. The Lead Investigator will contact the members of the GSVP Committee to assign membership of the GSVP Review Panel to review the report and determine sanctions, if appropriate.



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22.7.9. A report will be provided to the Complainant and to the Respondent within five (5) business days of the completion of the report. A breach of confidentiality by any person with respect to a Complaint may also constitute Reprisal within the meaning of Section 13 of the Policy.

### 22.8. Investigative Reports from External Third-Party Investigators

22.8.1. As described in Section 8.5., 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 SSMU Human Resources Director. The Human Resources Director, along with the EPS as necessary, shall be tasked with informing and providing the mandate to the external third-party investigator.

22.8.2. A report produced by an external third-party investigator will be provided to the Equity and Policy Specialist or their designate as determined by the Human Resources Director, who will take the appropriate next steps in the following circumstances:

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

## 23. Review and Sanctions by the GSVP Committee

### 23.1. The GSVP Committee

23.1.1 The GSVP Committee will be made up of the following membership:

- i. 2 representatives from the Sexual Assault Centre of the McGill Students Society (SACOMSS).
- ii. 2 members of the SSMU Board of Directors (Non-Officers).





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- iii. The SSMU Human Resources Director or their delegate.
- iv. 2 to 4 members at large from the broader SSMU Membership.
- v. The Equity & Policy Specialist.
- vi. 2 Anti-Violence Coordinators.

23.1.2. The AVCs will conduct an application process at the start of the school year (September) to identify a minimum of 2 members at large for the GSVP Committee.

23.1.3. The AVCs, with consultation from the Equity & Policy Specialist as necessary will also identify two Board of Director members (non-officers) and two SACOMSS representatives to act on the committee.

## 23.2. GSVP Review Panel

23.2.1. The GSVP Review Panel is a subsection of the broader GSVP Committee identified to assess a case when the investigative report determines a complaint to be founded. This Panel's central role is to determine whether sanctions are warranted and if so which sanctions should be implemented.

23.2.2. A GSVP Review Panel will be made up of the following members:

- i. 1 representative from the Sexual Assault Centre of the McGill Students Society (SACOMSS).
- ii. 1 member of the SSMU Board of Directors (Non-Officer).
- iii. The SSMU Human Resources Director or their delegate.
- iv. 1 -2 members at large from the broader SSMU Membership.
- v. 1 Anti-Violence Coordinator (the Lead Investigator if relevant).
- vi. The Equity & Policy Specialist

23.2.3. The Lead Investigator of the case will serve as the Committees Chair, leading discussions, explaining the details of the case, presenting the investigative report and facilitating the anonymous vote of the committee's voting membership and collecting the reasoning for the decision to communicate to the investigation parties.

23.2.4. The Lead Investigator will be a non-voting party of the GSVP Review Panel.

23.2.5. The Equity & Policy Specialist, whether or not they are acting as the Lead Investigator, will also take a non-voting role in the Review Panel, due to their role in oversight of the investigation.

## 23.3. GSVP Review Panel Investigative Process



23.3.1 Upon completion of the investigative report and its dissemination to the Complainant and Respondent, the Lead Investigator will take steps to arrange a GSVP Review Panel meeting within three (3) to five (5) business days. The Lead Investigator will contact the Complainant and Respondent regarding the Panel's decision within two (2) business days of the Committee's meeting.

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

23.3.3. 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 two (2) business days of the receipt of the report and before the Committee makes a decision regarding sanctions.

23.3.4. When making their decisions regarding sanctions, the Committee must consider:

- a. Procedural Fairness as applicable in the context.
- b. The principle of progressive discipline or gradation in sanctions.
- c. The nature and severity of the incident.
- d. Any other relevant factors.

23.3.5. The GSVP Review Panel will be considered to have met quorum to make decisions and determine sanctions if necessary when a simple majority of the voting Panel membership is present.

23.3.6. The GSVP Review Panel will take an anonymous vote on determined sanctions which will have to receive a majority vote of the voting membership that is present to be implemented.

23.3.7. 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 present

23.3.8. 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 bodies.



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

23.3.10. A document with the signature of the Lead Investigator with the name of the Respondent and sanctions imposed will be communicated to all individuals required to enforce the decision. These individuals may also be required to sign a confidentiality form before receiving information on sanctions if they are not already covered under an agreement of confidentiality with the Society.

## 24. GSVP Sanctions

24.1. Due to the nature of the SSMU jurisdiction, the sanctions that can be imposed by the GSVP Review Panel may vary.

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

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

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

- a. Letter of behavioural expectations signed by the Respondent, Lead Investigator and other appropriate enforcement actors;
- b. Restrictions related to accessing the SSMU building, other leased spaces or SSMU events;
- c. Mandated anti-oppression, anti-sexual violence or otherwise recommended training coordinated by the AVCs in conjunction with the Equity & Policy Specialist as relevant.

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

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



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- c. Mandated anti-oppression, anti-sexual violence or otherwise recommended training coordinated by the AVCs in conjunction with the Equity & Policy Specialist as required and
- d. Restrictions related to accessing club, service, and ISG spaces, including events;
- e. Restriction from participation in a club, service, or ISG, including removal from executive positions.

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

- a. Letter of behavioural expectations signed by the Respondent, Lead Investigator and other appropriate enforcement actors;
- b. Restrictions related to accessing the SSMU building, other leased spaces or SSMU events;
- c. Mandated anti-oppression, anti-sexual violence or otherwise recommended training coordinated by the Equity & Policy Specialist with support from the AVCs as required;
- d. Verbal or formal written warnings or additional disciplinary action.
- e. Administrative leave or suspension without pay;
- f. Dismissal from their position at the SSMU.

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

- a. Letter of behavioural expectations signed by the Respondent, and other appropriate enforcement actors;
- b. Restrictions related to accessing the SSMU building, other leased spaces or SSMU events;
- c. Mandated anti-oppression, anti-sexual violence or otherwise recommended training coordinated by the AVCs in conjunction with the Equity & Policy Specialist as required
- d. Suspension of their duties, without pay; and

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

- a. Letter of behavioural expectations signed by the Respondent, Lead Investigator and other appropriate enforcement actors;



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- b. Restrictions related to accessing the SSMU building, other leased spaces or SSMU events;
- c. Mandated anti-oppression, anti-sexual violence or otherwise recommended training coordinated by the AVCs in conjunction with the Equity & Policy Specialist as required
- d. Dismissal from their position at the SSMU, without prejudice to the appropriate procedures provided for in the SSMU Constitution and/or other governing documents.

## 25. Enforcement

25.1. The designated individual(s) (Human Resources Director, AVCs and Equity & Policy Specialist) have the obligation to communicate the GSVP Review Panel's decision and/or sanctions to the appropriate group(s) and governing bodies, who will also maintain confidentiality in the steps that they take.

25.2. If the Complainant or Respondent has concerns regarding the sanctions enforced, they can contact the Lead Investigator to appeal the decision.

25.3. 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 Equity & Policy Specialist 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.

25.4. 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 Equity & Policy Specialist 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 expectation of the Board is to enforce the decision which was made by trained representatives.

25.5. 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 dismiss will be suspended and a Special General Assembly (GA) will be called. In this instance, the Equity & Policy Specialist 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.



## 26. Appeals

26.1. 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 in writing to the Lead Investigator by either the Complainant or the Respondent.
- b. The appeal must be made within five (5) business days of the final decision being communicated.
- c. The appeal must detail the grounds invoked 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 one or more of the following circumstances has occurred:
  - i. Where new evidence that was not available to a party at the time of the original hearing has been discovered; or
  - ii. Where failure to follow proper procedure (procedural error) or bias has occurred; or
  - iii. The Lead Investigator or GSVP Review Panel has misapplied any sections of the policy;

AND where the outcome of the case might have been substantially affected by any of the above circumstances.

26.2. 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 GSVP Review Panel 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 any investigative parties.
- c. The appeal raises new arguments that were not made, but could have been made during the investigation.
- d. The appeal points to a misapplication of policy but there is no evidence of this having substantially affected the outcome of the case.



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- e. 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.

26.3. The opportunity for appeal does not represent a reinvestigation of the case. Instead, the role of the GSVP Appeal Panel is to determine whether the standard of appeal outlined in Section 26.1. (d) has been met and where the outcome of the case might have been substantially affected as a result of this circumstance.

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

### 26.5. Make-up of the GSVP Appeal Panel

26.5.1. The GSVP Appeal Panel is a subcommittee of the GSVP Committee. This panel will be made up of the following parties:

- i. The second Anti-Violence Coordinator who did not serve on the initial GSVP Review Panel;
- ii. The second Board of Director (Non-Officer) who did not serve on the initial GSVP Review Panel;
- iii. The second SACOMMS representative who did not serve on the initial GSVP Review Panel;
- iv. A member at large who did not serve on the initial GSVP Review Panel
- v. A representative from the Human Resources Department who did not serve on the initial GSVP Review Panel

26.5.2. Both the Complainant and Respondent will be provided the opportunity to identify any conflicts of interest with the membership of the GSVP Appeal Committee.

26.5.3. In the case that an AVC was serving as Lead Investigator in the initial case then the second AVC will take the role of Chair of the GSVP Appeal Panel. If the second AVC cannot take this role for any reason then the position of Chair of the GSVP Appeal Committee will fall to the Equity & Policy Specialist.

26.5.4. If the Equity & Policy Specialist was not the Lead Investigator of the initial investigation then they will also serve on the GSVP Appeal Committee as a non-voting member.

26.5.5. In the case that the Equity & Policy Specialist was serving as Lead Investigator of the initial investigation then either the second AVC not serving on the initial GSVP Review Panel or



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an internal delegate will serve as the Chair of the GSVP Appeal Panel at the discretion of the Human Resources Director.

26.5.6. The Chair of the GSVP Appeal Committee will not be considered a voting member of the Committee. The role of the Chair will be to present the initial investigative report and notice of appeal, facilitate discussion and organize an anonymous vote of the voting members of the panel.

26.5.7. The GSVP Appeal Panel will be considered to have met quorum to make decisions and modify sanctions if necessary when a simple majority of their prescribed voting membership is in attendance.

26.6. The appeal will be heard by the GSVP Appeal Panel within seven (7) business days of the written submission of the appeal. The GSVP Appeal Panel will review the findings of the initial panel and consider the grounds for appeal, ultimately deciding the outcome.

26.7. 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. Refer the matter back to the GSVP Committee for re-investigation with new GSVP Review Panel members and a new GSVP Review Panel Chair;
- e. Refer the case to an external third-party investigator

26.8. 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 Chair of the GSVP Appeal Panel sends a written correspondence requesting them to do so.

26.9. The Chair of the GSVP Appeal Panel will facilitate the membership reviewing the motives for appeal, reviewing the initial investigation report of the Lead Investigator, reviewing the initial decision made by the GSVP Review Panel and determine whether the appeal meets the requirements. All decisions of the Appeal Panel are final.

26.10. The decision made by the Appeal Panel will be made by a simple majority anonymous vote. The written decision will include the reasons for the decision, any modifications to the decision made by the GSVP Review Panel and will be signed by all members of the Appeal Panel.

26.10. The Chair of the GSVP Appeal Committee will inform the Complainant and Respondent of the final decision within two (2) business days of the decision being made.





## Association étudiante de l'Université McGill

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

## Students' Society of McGill University

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26.12. Upon the Appeal decision, the AVCs, Equity & Policy Specialist and Human Resources Director will take appropriate steps to enforce any relevant sanctions.

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