

MCSS Equity Policy

1. Background/Objective

This policy has been created to solidify equity and social justice as a key principle of Macdonald Campus Students' Society (MCSS). Given the strong sense of community that exists at the Macdonald campus, ensuring that all members feel safe, accepted, and included in that community is of the utmost importance. This policy is one step towards fulfilling this goal and through the implementation of it, the MCSS shall work to make its operations, services, spaces, and event more accessible and inclusive to its members.

The Students' Society of McGill University (SSMU) and the Arts Undergraduate Society (AUS) have been leaders in North American student society, with regard to supporting equity for its members. As such, the policy was developed by working from the examples of the SSMU and AUS Policies, and then reshaping them to properly reflect the context of the Macdonald campus. The policy was developed over the 2013-2014 academic year by Senate Representative Cameron Butler, along with the help of many council members who provided detailed and valuable feedback on draft versions.

Along with the creation of this policy, the MCSS Constitution and Bylaws were changed to create the position of Equity Commissioner, as well as establish a standing Equity Committee, who is mandated to promote equity in the MCSS and uphold this policy.

2. Definitions

2.1 *Equity* is, in the context of this Policy, the respect of, and equality of opportunity, for all members of the Society.

2.2 *Diversity* is the existence of differences among members of a community based on gender identity, age, race, ethnic or national origin, religion, sexuality, mental and/or physical dis/abilities, language, size, health, or socioeconomic class.

2.3 *Oppression* is the exercise of power by a group of people over another group of people with specific consideration of cultural, historical, and living legacies.

2.4 *Privilege* is an exclusive benefit, right, advantage, or immunity maintained by a group of persons to the disadvantage of others, and is reflected in disproportionately greater access to resources and/or services and cultural representation.

2.5 *Marginalization* is the relegation of certain persons and social groups to positions of lesser agency, power, and participation within society.

2.6 *Disadvantage* is a circumstance or a situation that puts an individual or a group of people in an inferior or less favorable position compared to others, resulting in compromised access to resources or opportunities.

2.7 *Discrimination* is the differential treatment of an individual or group, typically to their disadvantage, whether it is prejudiced or unprejudiced.

2.8 *Harassment* is any behaviour, act, comment, or display that demeans, belittles, and/or causes personal, psychological, or social harm to an individual or group, including an act or acts of intimidation or threat.

2.9 *Microaggressions* are everyday interactions, behaviours, and statements that enforce systemic oppression and marginalization of disadvantaged groups, which can be done with or without harmful intent.

2.9 *Complaint* is a formal written declaration of a violation of the Equity Policy to the MCSS Equity Commissioner.

2.10 *Claimant* is the person or group who has experienced the alleged incident(s).

2.11 *Respondent* is the party against whom a Complaint is brought.

2.12 *Incident* is the instance of alleged violation of the MCSS Equity Policy by the Respondent addressed in the Complaint.

2.13 *Support person* is a person whom the Claimant or the Respondent selects to assist them throughout the Resolution process. The support person's role is not to present or respond on behalf of either the Respondent or Claimant; rather, they may take notes and give advice to the party they are supporting.

2.14 *Translator* is a person whom the Claimant or the Respondent can request the aid of for translating documents and notes during the process. The Equity Commissioner will make reasonable efforts to find a translator if it is requested.

2.14 *Mediation* is the initiation of a proactive dialogue between all parties concerned in an equity issue, to be facilitated by the Equity Commissioner.

2.15 *Private space* is a mutually agreed upon location where Mediation can take place that allows for the respect of confidentiality.

2.16 *Investigation* is a formal Resolution process involving research and collection of supporting evidence to make recommendations on how to handle a Complaint.

2.17 *Conflict of interest* is a situation in which a person's interests may affect their ability to make a fair decision, such as the presence of pre-existing social relationships or the possibility of advancement.

2.18 *Intersectionality* is a theory that reflects how different forms of oppression operate on individuals who experience multiple forms of marginalization, such as the way racism and sexism are experienced by women of colour.

3. Policy Statement

3.1 The MCSS has a responsibility, as a leader, representative, and Service provider to a diverse membership, to conduct itself by the highest standards of respect, fairness, integrity, safety, and equitable treatment for all persons.

3.2 Respect requires full consideration, and upholding, of personal and professional integrity, dignity, academic freedom, diversity, personal and social property, and safety. By adopting this policy, the MCSS strives to create a community that strives to achieve progressive social standards of equitable treatment, one that is a safer space for all of our members where discourse and marginalized ideas can flourish in a culture of respect.

3.3 To support this responsibility as well as our mission of Service, Representation, and Leadership, the MCSS will promote a functional anti-oppressive environment. We acknowledge that a functional anti-oppressive environment is achieved through:

3.3.1 Recognition that systematic processes and cultural biases disadvantage certain groups of people on the basis of irrelevant personal characteristics;

3.3.2 Proactive steps to challenge and acknowledge the current and historical processes and biases that affect the safety and well being of these disadvantaged groups, while also recognizing that the severity of harm differs between groups and contexts;

3.3.3 Acknowledgment that certain socially privileged groups knowingly or unconsciously benefit from this process and do not have the same experience of disrespect and exclusion as those in disadvantaged groups, and that members within disadvantaged groups can experience multiple forms of oppression within those groups;

3.3.4 Proactive steps to challenge the actions, attitudes, and assumptions that result from this social privilege.

3.4 The MCSS understands that groups historically and culturally disadvantaged on the basis of irrelevant personal characteristics include, but are not limited to, women, trans* and gender non-conforming persons, indigenous persons, Métis, people of color, visible minorities, ethnic minorities, queer people, people with disabilities, people whose language is not that of dominant usage, persons without citizenship status, immigrants, refugees, people who do not conform to dominant size norms, or people from a disadvantaged socioeconomic status. This does not prevent any program or activity whose purpose is to

improve the conditions of a specific disadvantaged individual or group from conducting business that maintains a specific focus on that individual or group.

3.5 The MCSS condemns harassment or discrimination of disadvantaged groups on the basis of, but not limited to, gender identity, age, race, ethnic or national origin, religion, sexuality, mental or physical dis/abilities, language, size, health, or socioeconomic class. The MCSS regards harassment or discrimination on the basis of these considerations as serious offences. This does not prevent any program or activity whose purpose is to improve the conditions of a specific disadvantaged individual or group from conducting business that maintains a specific focus on that individual or group.

3.6 The MCSS will actively support projects and policies that aim to end discrimination or to promote accessibility and inclusiveness in the McGill community. In accordance with this, the MCSS and its affiliated Clubs, business operations, and services will not affiliate or collaborate with organizations known to promote or engage in the previously mentioned discrimination or harassment.

4. Scope

4.1 This Policy shall apply to:

4.1.1 Staff, elected and appointed representatives, Clubs, business operations, and services of the Macdonald Campus Students' Society.

4.1.2 All activities and events hosted, funded, and promoted by the Society and MCSS-affiliated Clubs, business operations, and services.

4.1.3 Written or graphic material, which is published, distributed, endorsed, or funded by the Society.

4.1.4 Activities, events, and promotions held in the spaces granted to the Student Society, as outlined in Appendix E and F of the Memorandum of Agreement with McGill University.

4.2 Neither this Policy in general, nor its definitions in particular, are to be applied in such a way as to detract from the right of members to engage in open discussion of potentially controversial matters. No individual student or student group should have the effect of limiting dialogue on legitimate topics provided that such discussion is conducted in a respectful, non-coercive, collegial manner that conforms to the Policy on discrimination and harassment set out in Section 3 of this Policy.

4.3 If the Equity Complaint involves physical or sexual assault, both of which are criminal offences, or if the subject matter of an Equity Complaint involves persons or bodies outside the jurisdiction of the MCSS, including, but not limited to, McGill Administrative units, faculty members, libraries, the Student's Society of McGill University (SSMU), the Post-

Graduate Students' Society (PGSS), and Student Services, this Policy and the procedures therein are not the appropriate venue for resolution. For issues of harassment and discrimination, the Claimant may also be referred to the Quebec Human Rights Commission. The Equity Commissioner may serve as a resource in referring the Claimant to the appropriate channels and must not impede any individual from accessing the court system.

5. Limitations

5.1 Nothing in this Policy precludes either party from exercising any recourse available external of the MCSS.

6. Accountability

6.1 All staff, elected and appointed representatives, and members of the Equity Committee are accountable for the implementation of this Policy. MCSS Council is ultimately accountable for all aspects of the organization. To this end, the Council direction, policies, vision and planning must integrate principles of anti-oppression and diversity. The Council is responsible for ensuring that all MCSS Executives and Committees integrate, demonstrate, and communicate this commitment in their annual work plans. Council is responsible for working with the Executive to ensure the development, implementation, and evaluation of all aspects of the agency against these principles.

6.2 In order to best prepare the MCSS Council and Equity Committee for the implementation of this Policy, the Equity Commissioner shall organize anti-oppression and equity training for all members of the aforementioned bodies before the end of September.

7. Confidentiality

7.1 Confidentiality is an extremely serious issue and thus must be respected at all times. Significant personal harm and damage to reputation can come to a party through inappropriate breaches of confidentiality, including harm created by innuendo and gossip. Trust in confidentiality also encourages people to come forward with their Complaint. At the same time, those involved in a Complaint have a right to be given enough information so that they are able to respond and to defend their interests.

7.2 All Equity Officers, the Faculty Advisor, the Respondent, the Claimant, Support people, and any other individuals involved in the Complaints process must sign non-disclosure agreements prior to their involvement in either the informal or formal process. Refusal to sign the agreement means exclusion from the investigation, but does not prevent any investigation or action from being taken.

7.3 Confidentiality is different from anonymity. An individual Claimant that seeks informal or formal resolution must be prepared to be identified to the Respondent. Under this Policy, everyone involved in a Complaint has a responsibility to ensure confidentiality in all their verbal, written and taped communication, formal and informal, in order to respect the right to fair process for the Claimant and Respondent.

7.4 Personal information connected to a Complaint will only be shared in connection with administering this Policy, investigating, and processing the Complaint, determining appropriate remedies or sanctions, or for a consistent or related purpose. As well, information may have to be shared, if required by law or if taken by the Claimant or Respondent to external recourse.

7.5 When the resolution is discussed in MCSS Council, as per Section 13.4, a confidential session will be declared, and all names and identifying features of the Claimant and Respondent will be removed from the minutes.

7.6 Following the completion of the complaints process, a document summarizing the reasoning for the decision and action taken will be produced and made public. The document will maintain confidentiality of those involved in the process and the Equity Commissioner will seek approval from all parties on the content of that document prior to its release.

8. Unsubstantiated Complaints, Bad Faith, and Retaliation

8.1 If there is not enough evidence to support an allegation of the incident(s), the Equity Officers cannot recommend any remedies.

8.2 In the event that the Complaint was made in bad faith, made deliberately and maliciously filed knowing it had absolutely no basis, the Claimant will be subject to the same possible remedies as available to the Respondent, outlined in Section 13.5. The person unjustly accused of an Equity Policy violation will be given the benefit of any necessary remedies, including, but not limited, to a public statement from the Equity Officers.

8.3 Anyone who retaliates in any way against a person who has been involved in an Equity Complaint will be subject to the same possible remedies outlined above.

9. Documentation: Equity Log

9.1 Any formal or informal recommendation and/or action shall be documented in writing and provided to the Claimant and to the Respondent.

9.2 The Equity Log will be a Confidential Document and include all process documentation, including the submitted complaint, notes of the Equity Committee deliberations, mediation/investigation, recommendations, and resolution.

9.3 The Equity Commissioner and Equity Committee shall be the only individuals who may access the Equity Log.

10. Conflict of Interest

10.1 Upon receiving an Equity Complaint, Equity Officers must declare a conflict of interest should there be one.

10.2 Any Equity Officer who declares a conflict of interest regarding an Equity Complaint must abstain from all stages of conflict resolution, including formal and informal resolution.

10.3 Should the Equity Commissioner declare a conflict of interest, the remaining members of the Equity Committee shall select a member to act in their stead in regards to facilitating the complaint process.

10.4 Failure of an Equity Officer to declare a conflict of interest regarding an Equity Complaint will result in review or suspension from the Equity Committee, at the discretion of the other members of the Equity Committee based on the seriousness of the violation.

11. Complaints Submission Process

11.1 The Claimant shall make a written record of the incident, including dates, times, locations and a detailed account of the incident. The Claimant will forward the written record of the incident as follows:

11.1.1 To the Equity Commissioner, unless it is a Complaint against one or more of the Equity Officers, the Executive, or a Council Member.

11.1.1.1 For such a Complaint, the Equity Commissioner shall begin an Investigation and respond to the Complaint within 10 working days and complete the process within 20 working days, unless an extension is needed.

11.1.2 To another non-implicated member of the Equity Committee, if it is a Complaint against one or more of the Equity Officers, the Executive, or a Council Member.

11.1.2.1 For such a Complaint, the non-implicated member of the Equity Committee will forward the written record of the incident to the Equity Officers who are not implicated in the Complaint.

11.1.2.2 The Equity Officers who are not implicated in the Complaint shall begin an Investigation and respond to the Complaint within 10 working days and complete the process within 20 working days, unless an extension is needed.

11.2 The Respondent will be made aware of the allegations against them and has the right to respond to the Complaint in writing.

11.3 A Complaint can be submitted confidentially.

11.4 All Complaints submitted will be investigated, provided the Claimant is willing to assist the Equity Officers in a capacity that will not put their personal safety or the safety of any other individual or group at risk.

11.4.1 Equity Officers shall be empowered to seek any information that is not explicitly confidential.

11.4.2 After the submission of an Equity Complaint, the Equity Officers must outline, either in writing or in person, the limits of the Policy to any implicated parties.

11.4.3 Any individual who does not wish to participate in the investigation process is not obligated to do so; however, this does not prevent remedies recommended by the Committee from being ratified by Council.

11.4.4 Complaints will be investigated primarily by the Equity Commissioner in consultation with the Equity Committee; in certain cases, the MCSS Equity Committee, or members of the MCSS Executive Committee will be consulted for further investigation and procedural matters.

11.4.5 The MCSS Council, Executive, and Equity Officers have a responsibility to ensure Policy violations are addressed effectively and efficiently. Every effort must be made by the Equity Officers to comply with the timelines described in this procedure, but failure to do so does not void the process. Claimants should be aware that *there is a six month time limit* for filing a Complaint at MCSS, unless it is determined that the delay was incurred in good faith and no substantial prejudice will result to any person as a result of the delay.

11.4.6 Throughout this process, the Claimant and the Respondent have the right to be accompanied at any and all times by a support person. The support person is someone who the Claimant or the Respondent chooses. They will give advice and support to the individual. The support person's role is not to present or respond on behalf of either the Respondent or Claimant; rather, they may take notes and give advice to the party they are supporting. Any interviewing or questioning may also be temporarily stopped in order to allow a support person and her party to discuss an issue or

question privately. The support person may not have a conflict of interest with, or be in a position of power over, the other party involved.

12. Informal Resolution of Concerns and/or Complaints: Mediation

12.1 If an Equity Officer or a qualified person from outside the organization (subject to the approval of the Equity Officers) agrees to act as a mediator, that person will begin to help the parties settle the Complaint within 10 working days of the Complaint's submission and complete the Mediation within 20 working days, unless an extension is needed. The mediator should not be involved in investigating the Complaint, and should not be asked to represent MCSS at any stage of any proceedings related to the Complaint. The Mediation will take place in a private space.

12.2 In this step of the process, the Claimant will describe specifically what unwelcome behaviours, statements, or materials are making them uncomfortable. The Claimant may seek assistance and/or coaching from someone they trust in order to best prepare themselves when speaking with the Respondent. If either party would like a support person at any point in the informal stage of the process, the support person will be an internal peer. The Claimant, Respondent, and Equity Officers will work together towards a mediated resolution to the Complaint. Respondent is given an opportunity to stop the behaviour and offer reparation(s) to the Claimant prior to the initiation of the formal resolution process. The Claimant has the right to go directly to the formal resolution process.

12.3 Either party has the right to refuse Mediation, without reprisal.

12.4 If either implicated party feels as though the informal resolution process has not produced a resolution, then a formal Investigation shall be initiated.

13. Formal Resolution Process: Investigation

13.1 The investigators will investigate the Complaint thoroughly. They will interview the Claimant, the Respondent, and any witnesses. A detailed record shall be kept of interview minutes and sent to both the interview subject and the investigators for confirmation of accuracy. All staff and volunteers have a responsibility to cooperate in the investigation. Both the Claimant and the Respondent have the right to be accompanied by a support person with whom they feel comfortable during any interviews or meetings.

13.1.1 An investigation will involve: obtaining all pertinent information from the Claimant, informing the Respondent of the details of the Complaint and obtaining their response, interviewing any witnesses, providing the Claimant and the Respondent with enough information about the allegations and responses of the other party or of witnesses to allow them to respond, deciding whether, on a balance of probabilities, an Equity Policy Violation has occurred, and recommending appropriate remedies.

13.1.2 Once an investigation begins, all parties will be informed that they must not speak with anyone, even those also involved in the Complaint, about the Complaint. To preserve the integrity of the Complaint process, everyone involved is required to cooperate with the investigation and maintain the confidential nature of the Complaint. All parties involved must sign a non-disclosure agreement. Refusal to sign means not being involved in process.

13.1.3 Before a final report is given, the investigator will give copies of a draft report to the Claimant and Respondent, so they can comment on the accuracy and completeness of the facts. The draft report shall not be shared with anyone other than support persons, if any are involved. Within a week of completing the investigation, the Equity Officers will submit the final report to the MCSS Accounts Administrator for addition to the Equity Log. The Claimant and Respondent will also be provided with a copy of the final report.

13.1.4 If the Complaint is about a club, business operation, service, Executive, or Council Member, Council will be provided with a summary of every substantiated Complaint without names or identifiers.

13.2 Recommendations for resolution made by the Equity Officers, along with the reasoning for it, are brought to Council in a confidential session to be voted on. The recommendations will be considered binding unless two-thirds of MCSS Council votes against them.

13.3 Depending on the nature and severity of the harassment, the remedies for Policy violation may include, but are not limited to:

13.3.1 Letter(s) of apology.

13.3.2 Suspension of the Respondent from their position within the MCSS and its affiliated Clubs, business operation, services, or Independent Student Group.

13.3.3 Suspension of financial support by the MCSS for Clubs, business operations, services, or Independent Student Groups that violate this Policy.

13.3.4 Dismissal of the Respondent from their position within the MCSS.

13.3.5 Denied access to MCSS events, activities, and spaces, but not essential services.

13.4 In the case of more serious violations, the Complaint may be referred to the administrative powers of the University, or to an external legal source.

13.5 Within 30 days of delivery of the report, the Claimant and the Respondent will be informed in writing of any decision taken on the report.

14. Appeals Process

14.1 Once a declaration of resolution has been made, if either the Claimant or Respondent is unsatisfied with the result of an investigation, they have the right to file an appeal to the appropriate committee within 14 days of the declaration. Due to the confidential nature of the complaints process, appeals cannot be done via open student society meeting, but instead must be done through the following process:

14.1.1 An Appeals Committee will be formed and will comprise of four (4) members of MCSS Council, two (2) of whom are members of the Executive. This Committee shall be chosen by MCSS Council and cannot include the Council members who sat on the Equity Committee that dealt with Complaint.

14.1.2 The Appeals Committee will operate under the same parameters as the Equity Officers, which includes the signing of non-disclosure agreements and gaining access to all complaint files, but they must make specific reference to the report in acquiring information.

14.1.3 The Appeals Committee has 14 days to review all documentation related to the Complaint, as well as conduct any additional investigation necessary.

14.1.4 Following their investigation, the Appeals Committee will compile their findings and present their recommendation to Council

14.1.4.1 If the Appeals Committee recommends upholding the remedy, the recommendation must be approved by a simple majority.

14.1.4.2 If the Appeals Committee recommends changing the remedy, the recommendation must be approved by a 2/3rd majority.

14.2 The decision of Council on the appeal is final and cannot be appealed by an open student society meeting.

14.3 Within 14 days of delivery of the report, the Claimant and the Respondent will be informed in writing of the decision taken with the appeal.