Science Undergraduate Society Equity Policy Bylaws

Revision History: March 24th, 2014

BACKGROUND

THESE BYLAWS SERVE AS THE TERMS OF REFERENCE FOR THE SUS'S EQUITY COMMITTEE AND PROVIDE A FRAMEWORK FOR HANDLING EQUITY COMPLAINTS

SUS Equity Committee Policy Bylaws

Article 1: Background

The Science Undergraduate Society (SUS) has a commitment to accessibility, inclusivity, and fair treatment for all members, however this is currently not solidified within the constitution or bylaws. The following equity policy aims to define the role of equity within the SUS and support the formation of a standing committee to address all equity concerns.

The following motion was passed in September 2013 to support the formation of an ad hoc equity policy committee.

> **Resolution to Support the Creation of an SUS Equity Policy and an Ad Hoc Equity Policy Committee**
>
> ***Whereas,*** the SUS has a commitment to promote the welfare and interests of all its members
>
> ***Whereas,*** social equity is an integral method of promoting student welfare
>
> ***Whereas,*** the SUS does not currently have an equity policy
>
> ***Whereas,*** an equity policy shall be an important framework expounding the SUS's commitment to equity, inclusion, and non-discrimination, and explaining how any complaints concerning issues of equity shall be handled
>
> ***Whereas,*** a resolution passed by SUS council supporting the creation of an equity policy provides the affirmation necessary for undertaking such a task.
>
> ***Resolved,*** that SUS General Council support the creation of an SUS Equity Policy
>
> ***Resolved,*** that an Ad Hoc Equity Policy Committee be created as part of the social welfare mandate of the SUS
>
> ***Resolved,*** that an Ad Hoc Equity Policy Committee will explore the process of hiring practices as it relates to equity in the SUS
>
> ***Resolved,*** that an Ad Hoc Equity Policy Committee's membership will include the SUS VP External and four members at large selected through an application process conducted by the SUS VP External
>
> ***Resolved,*** that an Ad Hoc Equity Policy Committee hold a consultation process that is open to all SUS members

> ***Resolved,*** that an Ad Hoc Equity Policy Committee be charged to with the writing of the SUS Equity Policy for discussion and possible adoption at a SUS General Council in Winter 2014.
>
> Moved by:
> Emily Boytinck, SUS VP External
> Shannon Herrick, SUS Executive Administrator
> Bryan Zimmerman, SUS VP Communication
> Danielle Toccalino, SUS President

The passage of this resolution demonstrated the affirmation necessary to move forward with the creation of the policy. An ad hoc equity policy committee was formed, comprising the SUS VP External, Emily Boytinck; one SUS councilor, Sarah Southey (Science Representative to SSMU); and four members-at-large: Monika Girnius, Anvita Kulkarni, Andrew Su, and Naïm Afeich. The committee received advice from Justin Fletcher, the president of the Arts Undergraduate Society and creator of the AUS Equity Policy, Justin Koh, the SSMU equity commissioner, and the Social Equity and Diversity Education Office.

The following policy is the culmination on the work of the ad hoc equity policy committee over the Fall 2013 and Winter 2014 academic semesters. The SUS hopes this policy will ensure the best possible experience for SUS members during and beyond their experience at McGill.

Article 2: Definitions

2.1 *Claimant*: The person or group who has experienced the alleged incident(s).
2.2 *Complaint*: a formal written declaration of a violation of the Equity Policy to the Equity Committee.
2.3 *Conflict of Interest*: 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.
2.4 *Disadvantage*: a circumstance or a situation that puts an individual or a group of people in an inferior or less favourable position compared to others, resulting in compromised access to resources or opportunities.
2.5 *Discrimination*: the differential treatment of an individual or group, typically to their disadvantage, whether it is prejudiced or unprejudiced.
2.6 *Diversity*: the existence of differences among members of a community based on gender identity, gender expression, age, race, ethnic or national origin, religion, sexuality, sexual orientation, mental and/or physical abilities, language, size, or social class.
2.7 *Equity*: in the context of this Policy, Equity refers to the respect of and equality of opportunity.
2.8 *Harassment*: 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 *Incident*: the instance of alleged violation of the Equity Policy by the Respondent addressed in the Complaint.
2.10 *Investigation*: a formal Resolution process involving research and collection of supporting evidence to make recommendations on how to resolve a Complaint.
2.11 *Investigators*: persons who will investigate the complaint. The investigators are members of the Equity Committee. If the complaint is against one or more members of the Equity Committee, these last shall not be investigators.
2.12 *Marginalization*: the relegation of certain persons and social groups to positions of lesser agency, power, and participation within society.
2.13 *Mediation*: the initiation of a proactive dialogue between all parties concerned in an equity issue, to be facilitated by at least one member of the Equity Committee.
2.14 *Oppression*: means the exercise of power by a group of people over another group of people with specific consideration of cultural, historical, and living legacies.
2.15 *Private space*: a mutually agreed upon location where Mediation can take place that allows for the respect of confidentiality.
2.16 *Privilege*: an exclusive benefit, right, advantage, or immunity maintained by a group of persons to the disadvantage of others.
2.17 *Respondent* means the party against whom a Complaint is brought.
2.18 *Support person*: 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.

Article 3: Policy Statement

3.1 The SUS has a responsibility as a leader, representative, and service provider to undergraduate students enrolled in the Faculty of Science, 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 of human beings and upholding a high commitment to human dignity. By adopting this policy, the SUS strives to create a community that exceeds social standards of equitable treatment, creating a safer space for all of our members where collegial debate and marginalized ideas and voices can ensue within a respectful atmosphere.
3.3 To support this responsibility as well as the SUS's commitment to representation and services, the SUS will promote a functionally anti-oppressive environment. We acknowledge that a functionally anti-oppressive environment is achieved through:

3.3.1 Recognition that systematic processes and cultural biases disadvantage certain groups of people;
3.3.2 Proactive steps to challenge and acknowledge the current and historical processes and biases that affect the safety and wellbeing of these disadvantaged groups;
3.3.3 Acknowledgment that certain groups of socially privileged people knowingly or unconsciously benefit from this process and do not have the same experience of disrespect and exclusion as those in disadvantaged groups;
3.3.4 Proactive steps to challenge the actions, attitudes, and assumptions that result from social privilege.

3.4 The SUS understands that historically and culturally disadvantaged groups and persons are subject to systematic marginalization and oppression, based on ascribed or asserted characteristics related to personal aspects including, but not limited to, gender identity, gender expression, age, race, ethnic or national origin, religion, sexuality, sexual orientation, mental and/or physical abilities, language, size, or social class.
3.5 The SUS condemns harassment or discrimination of disadvantaged groups on the basis of, but not limited to, gender identity, gender expression, age, race, ethnic or national origin, religion, sexuality, sexual orientation, mental and/or physical abilities, language, size, or social class. The SUS regards harassment or discrimination on the basis of these considerations as serious offences that undermine its constitutional commitment to respect. Condemnation of harassment or discrimination does not prevent any program or activity whose purpose is to improve the conditions of a specific disadvantaged individual or group.

Article 4: Scope

4.1 This Policy shall apply to:

4.1.1 Members of the Executive Committee, elected representatives, stipended staff members, departmental associations, and internal groups of the Science Undergraduate Society of McGill University.

4.1.1.1 Internal groups of the SUS include SUS publications, SUS committees, MSURJ, Medical Direction and groups affiliated with the SUS's departmental associations.

4.1.2 All activities and events hosted, funded, and promoted by the Society and SUS-affiliated departmental associations and internal groups.

4.1.2.1 The SUS shall ensure that all endeavours of external groups that receive SUS funding are in accordance with the SUS Equity Policy.

4.1.3 Written or graphic material, which is published, distributed, endorsed or funded by the Science Undergraduate Society, an SUS departmental association, or an SUS-affiliated internal group.

4.1.4 Activities, events, and promotions held in the spaces that the SUS manages, including but not limited to the SUS Office, Burnside basement and SUS departmental lounges.

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 SUS, including, but not limited to, McGill Administrative units, faculty members, courses offered by the University, libraries, the Students' Society of McGill University (SSMU), 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 Committee may serve as a resource in referring the Claimant to the appropriate channels.

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

Article 5: SUS Equity Committee

5.1 This policy shall establish an SUS Equity Committee, which shall be a Standing Committee of SUS Council.
5.2 The membership of the SUS Equity Committee shall consist of the following individuals:
- 5.2.1 Two (2) Equity Commissioners
  - 5.2.1.1 The Equity Commissioners shall be chosen through an application and interview process conducted at the end of the Winter semester. The interviewing committee shall consist of the incoming SUS VP External and the Equity Commissioners from the previous year.
- 5.2.2 A minimum of two (2) Members-at-large
  - 5.2.2.1 The Members-at-large shall be chosen through an application and interview process conducted at the beginning of the Fall semester. The interviewing committee shall consist of the SUS VP External and the Equity Commissioners.
  - 5.2.2.2 The number of members-at-large shall be determined at the discretion of the interviewing committee, as defined in Article 5.2.2.1.
- 5.2.3 The SUS VP External shall oversee the operation and functions of the SUS Equity Committee.

5.3 SUS Council must approve all Equity Committee members by a majority vote.
5.4 The Mandate of the SUS Equity Committee shall be:
- 5.4.1 To foster a culture of equity within the Science Undergraduate Society.
- 5.4.2 To serve as the mediating body for all Equity Complaints that fall under the Scope as outlined in Section 4 of these bylaws.
- 5.4.3 To promote engagement with the principles associated with equity among SUS members.
- 5.4.4 To promote safer spaces within all components that fall under the Scope as outlined in Section 4 of these bylaws.
  - 5.4.4.1 This shall include, but not be limited to:
    - 5.4.4.1.1 Equity Committee members attending SUS-affiliated events, including student orientation activities, at the discretion of the Equity Committee at no expense to the Committee members.
      - 5.4.4.1.1.1 In the event of one or more Equity Committee member is attending an SUS-affiliated event in their capacity as Equity Committee, a report shall be prepared and presented to Council during Equity Committee reports within the month.
- 5.4.5 To host social and educational events centered around the principles of equity.
- 5.4.6 To serve as a resource for internal groups and individual members of the Science Undergraduate Society on how they can promote the principles of equity within their associations and activities.

5.4.7 To give equity training to the SUS executives before the end of September, with training and timing up to the discretion of the SUS Equity Committee.
5.4.8 To give equity training to the SUS orientation coordinators before the end of May, with training and timing up to the discretion of the SUS Equity Committee.

Article 6: Accountability

6.1 All staff, volunteers, elected representatives and appointed representatives are accountable for the implementation of this Policy. SUS 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 SUS Executives and Committees integrate, demonstrate, and communicate this commitment in their annual work plans. The Council is responsible for working with the Executive to ensure the development, implementation, and evaluation of all aspects of the agency against these principles.

6.1.1 In order to ensure accountability, SUS executives must be trained for approximately one hour by the Equity Commissioners before the end of September.
6.1.2 In order to ensure accountability, SUS orientation coordinators must be trained for approximately one hour by the Equity Commissioners before the end of May.

Article 7: Confidentiality

7.1 Confidentiality must be respected at all times during the resolutions processes, either Mediation or Investigation. Trust in confidentiality also encourages individuals to come forward with their Complaint. However, those implicated in a Complaint have the right to be given enough information so that they are able to respond and defend their interests.
7.2 Confidentiality is different from anonymity. An individual Claimant who seeks informal or formal resolution must be prepared to be identified to the Respondent.
7.3 Everyone involved in a Complaint will be asked to sign a confidentiality agreement that outlines their responsibility to ensure confidentiality in all their verbal, written and taped communication, formal and informal, to respect the right to fair process for the Claimant and Respondent.
7.4 Any electronic documents shared between the Equity Committee, Claimant and Respondent will be password-protected.
7.5 Personal information connected to a Complaint will only be shared in connection with those responsible for administering this Policy, investigating and processing the Complaint, determining appropriate remedies or sanctions, or for a consistent and related purpose.
7.6 When the resolution is discussed in SUS Council, as per Article 7.7, a confidential session will be declared, and all names and identifying features of the Claimant and Respondent will be removed from the report.

Article 8: Complaints

8.1 All Complaints shall be submitted in writing, in either English or in French, to an Equity Commissioner, as defined in Article 3.2 of this Policy, or in the case that the Complaint is against an Equity Commissioner, to the Speaker of SUS Council.
8.2 The following guidelines shall be followed concerning the handling of Equity Complaints:

8.2.1 The Equity Committee must outline in writing to the Claimant the options they have to seek to resolution to the incident.
8.2.2 The Equity Committee must outline in writing to all implicated parties the Scope and the limits of the Policy.
8.2.3 Any individual who does not wish to participate in the resolution process is not obligated to. However, this does not prevent the ratification of recommended remedies by Council that could affect such an individual, such as dismissal from a position within the SUS.
8.2.4 Complaints must be filed within six (6) months in which the incident occurs, with one exception noted in 8.2.4.1.

8.2.4.2 While Claimants must follow the time procedures stipulated in 8.2.4, they shall have the right to cite evidence that occurred outside of this timeframe.

8.2.5 Throughout this process, the Claimant and the Respondent have the right to be accompanied at any and all times by a support person, who may take notes and give advice to the party they are supporting. Any interviewing or questioning may also be temporarily stopped to allow a support person and their party to discuss an issue or question privately. The support person may not be a supervisor of either the Claimant or the Respondent.
8.2.6 Regardless of any prior or ongoing measures the Claimant takes to resolve the conflict outside of the framework outlined in Article 8, all Claimants shall have the right to seek Mediation or an Investigation in concert with the Equity Committee.

8.2.6.1 The informal resolution process shall be Mediation (Article 9).
8.2.6.2 The formal resolution process shall be an Investigation (Article 10).

Article 9: Informal Resolution: Mediation

9.1 If an Equity Committee member or a qualified person from outside the organization (subject to the approval of the Equity Committee) agrees to act as a mediator, that person will begin to help the parties settle the Complaint within ten (10) working days of the Complaint's submission and complete the Mediation within twenty (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 SUS at any stage of any proceedings related to the Complaint. The Mediation will take place in a private space.

9.1.1 The mediator must comply with the confidentiality procedure illustrated in Article 7.

9.2 Either party has the right to refuse Mediation, without reprisal.
9.3 If either implicated party feels as though the informal resolution process has not produced a resolution, then a formal Investigation shall be initiated.

Article 10: Formal Resolution: Investigation

10.1 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:

10.1.1 To the Equity Committee, unless it is a Complaint against one or more of the Equity Committee, the Executive, or a Council Member.

10.1.1.1 For such a Complaint, the Equity Committee shall begin an Investigation and respond to the Complaint within ten (10) working days and complete the process within twenty (20) working days, unless an extension is needed, in which case the claimant will be notified.

10.1.2 To the SUS President, if it is a Complaint against one or more of the Equity Committee, the Executive, or a Council Member.

10.1.2.1 For such a Complaint, the SUS President will forward the written record of the incident to the members of the Equity Committee who are not implicated in the Complaint.

10.1.2.2 The Equity Committee members who are not implicated in the Complaint shall begin an Investigation and respond to the Complaint within working days and complete the process within twenty (20) working days, unless an extension is needed.

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

10.3 The Equity Committee will investigate the Complaint thoroughly. They will interview the Claimant, the Respondent, and any witnesses who agree to participate in the Investigation.

10.3.1 A detailed record shall be kept of interview minutes and sent to both the interview subject and the Equity Committee for confirmation of accuracy.

10.3.2 Once an Investigation begins, all parties will be informed that they must not speak with anyone, even those also involved in the incident addressed in the Complaint. To preserve the integrity of the Investigation process, everyone involved is required to cooperate with the Investigation and maintain the confidential nature of the Complaint.

10.3.3 All parties involved in the Investigation process must sign a confidentiality agreement.

10.3.4 All witnesses must agree to the confidentiality procedure outlined in Article 7.

10.4 Before a final report is given, the Equity Committee 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 the support persons, if any are involved. Within a week of completing the Investigation, the Equity Committee will submit the final report to the SUS VP External for addition to the Equity Log. The Claimant and Respondent will also be provided with a copy of the final report.

10.5 Should an Equity Policy violation be found, depending on the nature and severity of the incident(s), the remedies for Policy violation may include, but are not limited to:

10.5.1 Letter(s) of apology;

10.5.2 Suspension or dismissal of the Respondent from their position within the SUS and its affiliated internal groups;
10.5.3 Suspension of financial support by the SUS for internal groups that violate this Policy.

10.6 SUS Council will be provided with a summary of every substantiated Complaint after the Equity Committee make a recommendation. SUS Council will decide what action to take in light of recommendations of the investigating Equity Committee.

10.6.1 Recommendations for resolution made by the Equity Committee shall be considered binding unless one-half of SUS Council vote against them.

10.7 Within ten (10) working days of delivery of the report, the Claimant and the Respondent will be informed in writing of any decision taken.

Article 11: Formal Resolution: Timeline

11.1 The Equity Committee must forward the complaint filed by the Claimant to the Respondent within two days from which the complaint was filed.
11.2 The Respondent must file a response to the Complaint within ten (10) days of the filing of the Complaint by the Claimant.
11.3 If the Respondent fails to file a response within ten (10) days of the filing of the Complaint they may file a response within an additional ten (10) days, but must provide reasons for the delay which will be reviewed and evaluated by the Equity Committee. The Equity Committee in turn may reject or accept the response on the basis of the provided reasons.
11.4 Ten (10) days following the filing of the complaint by the Claimant the Equity Committee may interview the Claimant and his/her witnesses. The Equity Committee have ten (10) days to do so.
11.5 Ten (10) days following the filing of the complaint by the Claimant the Equity Committee may interview the Respondent and the Respondent's witnesses, provided that the Respondent has provided a response.
11.6 Thirty (30) days following the filing of the complaint by the Claimant, the Equity Committee must provide all material gathered during the interview process to both the Claimant and the Respondent. Additionally, the Equity Committee must provide the Claimant with the response filed by the Respondent. The Respondent and the Claimant shall have ten (10) days to respond to this material and file their responses with the Equity Committee.
11.7 Thirty (30) days following the filing of the Complaint by the Claimant, the Equity Committee shall begin the review of all the material (complaint, interview, responses etc.) and draft a report containing, but not limited to, facts, reasons and recommendations regarding the complaint. The Equity Committee shall do so within thirty (30) days of the start of this process. Accordingly, the Report must be issued within sixty (60) days of the filing of the complaint by the Claimant.

Article 12: Appeals Process

12.1 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.

12.2 This Committee will comprise of: the President and two (2) committee members not involved with the original Complaint who have been designated prior to the Complaint.
12.3 The Appeals Committee will operate under the same parameters as the Equity Committee, but they must make specific reference to the report in acquiring information.
12.4 Once a declaration of resolution has been made, the Claimant has twenty (20) days to file an appeal.

Article 13: Unsubstantiated Complaints

13.1 If the Equity Committee deems that there is insufficient evidence to support an allegation of the incident(s), they cannot recommend any remedies.
13.2 In the event that the Complaint was made in bad faith, that is, made deliberately and filed maliciously with the knowledge it had absolutely no basis, the Claimant will be subject to the same possible remedies as outlined in Article 10.5. 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 Committee, should the unjustly accused individual desire such a remedy.
13.3 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 in Article 10.5, at the discretion of the SUS President.

Article 14: Conflicts of Interest

14.1 Upon receiving an Equity Complaint, the Equity Committee must declare a conflict of interest should there be one.
14.2 Any Equity Committee member who declares a conflict of interest regarding an Equity Complaint must abstain from all stages of conflict resolution, comprising both formal and informal resolution.
14.3 Failure of an Equity Committee member 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, depending on the seriousness of the violation.

Article 15: Documentation – Equity Log

15.1 Any formal or informal recommendation and/or action shall be documented in writing and provided to the Claimant and to the Respondent.
15.2 The Equity Log will be a Confidential Document that is password-protected, to be maintained by the SUS VP External.
15.3 The VP External and the Equity Committee shall be the only individuals who may access the Equity Log.