



SCIENCE UNDERGRADUATE SOCIETY

Science Undergraduate Society OF MCGILL UNIVERSITY
INVOLVEMENT RESTRICTION POLICY

Adopted: November 26th, 2018

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Article 1: Definitions

- 1.1. The Science Undergraduate Society of McGill University (hereafter “SUS”) is the registered name of the not-for-profit corporation representing the science undergraduate students at McGill University.
- 1.2. The General Council of the SUS (“GC”) is the governing board of the Science Undergraduate Society of McGill University which is composed of SUS Executive Council, the three Science representatives to SSMU, the one Science Senator, and one representative from each of 19 departments under SUS, as defined by the SUS Constitution.
- 1.3. The SUS context shall refer to any situation where there is a clear connection to the SUS or the involvement of its members. The SUS context is not restricted to McGill campus or SUS spaces.
- 1.4. Improper conduct of an individual includes any action that endangers the well-being, physical or mental, of individual(s) in the SUS context.
- 1.5. The plaintiff(s) shall be the individual(s) affected, either directly or indirectly, by the alleged improper conduct.
- 1.6. The respondent shall be the individual who allegedly engaged in improper conduct.
- 1.7. The Involvement Restriction Committee is the standing committee from which an Investigation Committee may be formed.
- 1.8. The two Equity Commissioner will be selected by a two-thirds majority vote of the elected SUS Council members.
- 1.9. An Investigation Committee is an ad-hoc committee which manages a given involvement restriction request.
- 1.10. Involvement Restriction refers to a limitation placed on an individual’s involvement in the SUS. This can include, but is not limited to: participating in, staffing, or organizing events, as well as leading, being a member of, or representing the SUS or its groups.
- 1.11. Involvement restriction shall not be applied in a discriminatory manner and decisions cannot be based on personal characteristics such as race, gender, sex, religion, sexual orientation, disability, etc. as defined in Section 2, Article 10 of the McGill Charter of Student Rights.

Article 2: Purpose

- 2.1. The purpose of the policy is to:
 - 2.1.1. Protect the plaintiff(s) from further physical or mental harm.
 - 2.1.2. Ensure that SUS events and groups are safer spaces for all students.
 - 2.1.3. Restrict the access of persons who are more likely to inflict physical, mental, or emotional harm on the plaintiff(s), or other students, to events and groups that are within the SUS context, as deemed necessary by the committee.

Article 3: Scope of Committee

- 3.1. Involvement restriction is not a punishment. The committee shall not
 - 3.1.1. Make judgements as to whether the respondent is “innocent” or “guilty”.
 - 3.1.2. Make decisions with the intention of punishing or holding the respondent accountable for their actions.

- 3.1.3. Make decisions that do not serve the policy's purpose as described in article 2.
- 3.2. The Investigation Committee does not require absolute proof in order to make a decision.

Article 4: Restriction Investigation Request

- 4.1. Improper conduct of an individual includes any action that endangers the well-being, physical or mental, of an individual or individuals in the SUS context.
- 4.2. A plaintiff may request the restriction of an individual who has demonstrated improper conduct in the SUS context by completing the SUS Complaint Form, or by contacting an Equity Commissioner or a member of the Executive Council.
- 4.3. The investigation request shall be approved by at least one (1) SUS Equity Commissioner.
- 4.4. The Equity Commissioner shall seek the approval of at least one (1) member of the Executive Council.
- 4.5. A restriction request can only be rejected by a unanimous vote of the Executive Council and the Equity Commissioner(s).
- 4.6. In the case of an involvement restriction request in which the plaintiff(s) and/or the respondent are members of the Executive Council, the approval or rejection of the request shall be handled by the SUS Accountability Committee.
- 4.7. The Executive Council shall continue the maintenance of the restriction list and enforcement of any restriction terms.

Article 5: Formation of the Committee

- 5.1. An interim Involvement Restriction Committee shall be formed in May by appointed Equity Commissioner(s) and be comprised of the following:
 - 5.1.1. At least one (1) SUS Equity Commissioner;
 - 5.1.2. Between one (1) and three (3) members of the Executive Council;
 - 5.1.3. Regular Members of the SUS appointed at the discretion of the Equity Commissioner(s) to ensure the committee has a total membership of four (4) members.
- 5.2. Investigations into involvement restriction requests made during the summer shall be conducted by the preliminary Involvement Restriction Committee.
 - 5.2.1. The preliminary Involvement Restriction Committee shall follow all regular investigation procedures outlined in article 6.
- 5.3. At the first SUS GC meeting, a standing Involvement Restriction Committee shall be formed and composed of:
 - 5.3.1. The preliminary Involvement Restriction Committee as per article 5.1;
 - 5.3.2. Four (4) to five (5) Regular Members of the SUS selected by the Equity Commissioner(s) and ratified by GC.
- 5.4. All members of the committee are expected to sign a non-disclosure agreement at the start of their term, the breach of which shall be grounds for immediate removal from the committee.
- 5.5. All members of the committee shall receive active listening training, disclosure training, and any other training deemed appropriate by the Equity Commissioner(s).
- 5.6. Vacancies on the Involvement Restriction Committee shall be filled at the discretion of the

Equity Commissioner(s), such that the composition defined in article 5.3 is maintained.

Article 6: Investigation and Outcome

- 6.1. The Investigation Committee shall be comprised of no more than six (6) and no less than four (4) members of the Involvement Restriction Committee.
 - 6.1.1. Once the investigation process has begun, additional members may not be added to the Investigation Committee.
 - 6.1.2. In the event that quorum as per article 6.1 cannot be met due to vacancies, the committee may define an ad-hoc quorum subject to ratification by the Executive Council.
- 6.2. The Investigation Committee shall be chaired by an SUS Equity Commissioner.
- 6.3. Upon receipt of the incident description by the Chair and prior to the start of the investigation, the Investigation Committee members, including the Chair, shall evaluate any pre-existing biases.
 - 6.3.1. No member of the Investigation Committee may have played any role in or witnessed the incident.
 - 6.3.2. All members of the Investigation Committee must declare any personal relationship with any of the parties involved.
 - 6.3.3. Any member of the Investigation Committee may step down from the committee for the duration of the investigation by informing the Chair.
 - 6.3.4. At any point during the investigation, the Chair may ask an Investigation Committee member to step down for the duration of the investigation due to bias.
 - 6.3.5. At any point during the investigation, an Executive on the committee may ask the Chair to step down from the Investigation Committee due to bias for the duration of the ongoing investigation, subject to ratification by a two-thirds (2/3) majority of the Executive Council.
 - 6.3.6. Should the Chair decide to step down, or be asked to step down as per article 6.3.5, their duties shall be assumed by:
 - 6.3.6.1. An Equity Commissioner who is already a member of the Investigation Committee and not currently acting as Chair; or
 - 6.3.6.2. In the event that a new quorum is defined per article 6.1.2, a member of the Investigation Committee shall become Chair, subject to ratification by a two-thirds (2/3) majority vote of the Executive Council.
 - 6.3.7. Knowingly possessing a bias but remaining on the committee shall be grounds for immediate removal from the Investigation Committee and potentially from the Involvement Restriction Committee.
 - 6.3.8. In the event that an Investigation Committee cannot be formed because too many Involvement Restriction Committee members have a pre-existing bias, additional Involvement Restriction Committee members shall be chosen within one (1) week and then trained at the discretion of the Equity Commissioner(s).
 - 6.3.8.1. The Investigation Committee shall be composed of the Equity Commissioner(s) and two (2) to four (4) members of the Involvement Restriction Committee, provided that quorum as defined in article 6.1 is met.
 - 6.3.8.2. In the event that both Equity Commissioners have a pre-existing bias, the

Executive Council shall take on the responsibility of recruiting new Involvement Restriction Committee members.

- 6.3.8.3. In the event that all members of the Executive Council have a pre-existing bias, this responsibility shall fall to GC
- 6.4. During the investigation process, the respondent shall be subject to a precautionary probation period.
 - 6.4.1. The probationary period shall begin following the approval of the involvement restriction request and last up to four (4) weeks or following the ratification of the decision of the Investigation Committee by the Executive Council.
 - 6.4.2. During the probationary period, the respondent may not participate or staff in any SUS events, or participate in SUS groups as deemed appropriate by the Chair of the Investigation Committee.
 - 6.4.3. If a restricted individual has registered and paid for an event prior to the probationary period, they may be refunded and unregistered from said event.
- 6.5. The respondent shall be notified in writing by the Chair of the Investigation Committee twenty-four (24) hours before the start of the probationary period.
 - 6.5.1. The notice of investigation shall describe the nature of the alleged misconduct without disclosing the identities of the plaintiff(s) or any of the persons involved.
 - 6.5.1.1. The plaintiff(s) shall be given the opportunity to review this initial disclosure to ensure they are comfortable with its contents. Once both the plaintiff(s) and Chair have given their consent as to the content of this notice, it shall be sent to the respondent along with the most recent version of this policy.
 - 6.5.2. A list of support networks at McGill, as well as a list of mental health and well-being resources, shall be sent to the respondent along with the notice of investigation.
 - 6.5.3. The respondent is entitled to be informed about relevant procedural aspects of the investigation and changes to the composition of the Investigation Committee, so long as that information does not jeopardize the safety and privacy of the plaintiff(s) and committee members.
- 6.6. The Investigation Committee shall interview the respondent. Failure for the individual to cooperate may factor into the decision-making process of the Investigation Committee.
 - 6.6.1. A written statement may be accepted in place of, or as a supplement to an interview.
 - 6.6.1.1. When the Chair of the Investigation Committee requests an interview with the respondent, they must also make the respondent aware of the option to submit a written statement.
 - 6.6.1.2. If the respondent elects to submit a written statement, the Investigation Committee shall provide a list of questions that the respondent should answer in their statement. The respondent may also include in the statement any other information they feel relevant to the investigation.
 - 6.6.1.3. The respondent's choice to submit a written statement instead of attending an in-person interview may not factor into the decision-making process of the Investigation Committee.
- 6.7. The Investigation Committee shall be an impartial body.
 - 6.7.1. The respondent and the plaintiff(s) may raise concerns on the composition of the Investigation Committee to the Chair, who shall investigate the concerns and take the appropriate actions.

- 6.7.2. Should the concerns be aimed towards the Chair, an Executive on the Investigation Committee shall investigate the concerns and take the appropriate action(s).
- 6.8. The Investigation Committee should interview the plaintiff(s).
 - 6.8.1. A written statement as per article 6.6.1 may be accepted in place of or as a supplement to an interview.
 - 6.8.2. The plaintiff(s) shall be interviewed before the respondent, or their written report must be received before interviewing the respondent (or before sending the respondent their questions, if the respondent is submitting a written report).
- 6.9. The Investigation Committee shall interview any individual who voluntarily comes forward with information on the incident.
 - 6.9.1. Individuals who step forward may not learn any further details about the ongoing investigation and may only provide their account of events or other relevant information.
 - 6.9.2. A written statement as per article 6.6.1 may be accepted in place of or as a supplement to an interview.
- 6.10. The Investigation Committee may not discuss any details pertaining to the individual or incident in question with people outside of the Investigation Committee and the Executive Council, unless otherwise specified within this policy.
 - 6.10.1. Access to the minutes recorded during the investigation shall be restricted to the members of the Investigation Committee and the Executive Council.
 - 6.10.2. Any breach of confidentiality is grounds for removal from the Investigation Committee and potentially from the Involvement Restriction Committee.
- 6.11. When a two-thirds (2/3) majority decision is reached among the members of the Investigation Committee, a report with the decision is presented by the Chair to the Executive Council for approval by a two-thirds (2/3) majority vote.
 - 6.11.1. If the decision is not approved by the Executive Council, the investigation process is extended until the following Executive Council meeting.
 - 6.11.1.1. In this situation, the probationary period may be extended by one (1) week at the discretion of the Chair of the Investigation Committee.
- 6.12. Within 24 hours of the Executive Council's approval, the Chair of the Investigation Committee shall inform the respondent, in writing, of the decision, the reasons for the decision, the terms of restriction, if any, and the positions who have been informed. The respondent shall be informed of any subsequent changes to the decision. The decision is effective immediately after notification.
 - 6.12.1. The Investigation Committee may offer recommendations, which may include but are not limited to:
 - 6.12.1.1. Attending workshops, training, or other learning opportunities regarding substance abuse, consent, discrimination, inappropriate behaviour, bullying, and harassment.
 - 6.12.1.2. Making an active effort to change their behaviour at other events and in their personal life.
 - 6.12.2. If a restriction has been placed on the respondent, they shall be informed of their right to an appeal to a new Investigation Committee.
- 6.13. Upon approval from the Executive Council, the Chair of the Investigation Committee shall inform the plaintiff(s), in writing, of the decision and the terms of the restriction, if any,

within 24 hours. The plaintiff(s) shall be informed of any subsequent changes to the decision

Article 7: Terms of Restriction

- 7.1. The length and other terms of an individual's restriction are recommended by the Investigation Committee and approved by the Executive Council, as per article 6.11.
 - 7.1.1. The terms of restriction shall be recommended according to a list of best practices which shall be maintained and updated by the Equity Commissioner(s).
 - 7.1.2. The terms of restriction may include a review by the Involvement Restriction Committee at a point more than six (6) months in the future, as per article 8.
- 7.2. In the case that the terms of restriction are breached:
 - 7.2.1. The terms of restriction may be updated by the Investigation Committee pending the approval of a simple majority vote of the Executive Council.
 - 7.2.2. The number of informed individuals may be increased to ensure that the safety of the plaintiff(s) and other students is maintained. The new list of informed individuals shall be proposed by the Chair of the Investigation Committee and approved by a simple majority vote of the Executive Council. The respondent shall be informed of all new positions which have been informed about the terms of their involvement restriction.
 - 7.2.3. In the event of repeated breaches of the terms of restriction, the Chair of the Investigation Committee and an Executive on the Investigation Committee shall meet with the respondent in person to ensure the terms are understood and followed.
 - 7.2.4. Should the breaches continue, the Chair and the Executive Council reserve the right to involve McGill Security or event security.
- 7.3. If a restricted individual registers for an event without abiding by the terms of their restriction, the individual shall be unregistered and, if they have already paid for the event, may be refunded at the discretion of the event's organizers.

Article 8: Review

- 8.1. If the Investigation Committee deems it appropriate, they may set a review to be carried out after a specified period of restriction.
- 8.2. This review will be used to assess if the respondent has made conscious and meaningful steps to improve upon recommendations made by the Involvement Restriction Committee.
- 8.3. The review process may be impacted by:
 - 8.3.1. Respect of restriction terms;
 - 8.3.2. Behavior in the SUS context;
 - 8.3.3. Number and nature of additional complaints;
 - 8.3.4. Other factors deemed appropriate by the Investigation Committee, which may include the recommendations listed in article 6.12.1.
- 8.4. At the end of the review, the Investigation Committee will reach a new decision which shall be ratified with a two-thirds (2/3) majority.
- 8.5. Excluding the following, all review proceedings shall abide by the investigation procedures outlined in article 6.
 - 8.5.1. If the review takes place during a different academic year, it is acceptable but not required to have a different Investigation Committee

- 8.5.1.1. If possible, a minimum of one (1) member of the related Investigation Committee shall take part in the review process.
- 8.5.2. The review process shall not include a probationary period, other than the terms set out in the pre-existing involvement restriction.
- 8.6. The Investigation Committee must notify the Plaintiff if a review is taking place.
- 8.6.1. If the Plaintiff wishes to voice concerns with the review upon being notified, the Investigation Committee will consider said concerns in the review process.

Article 9: Involvement Restriction of Non-SUS Members

- 9.1. A plaintiff may request the restriction of a respondent who is not a Regular SUS Member.
- 9.2. Where possible, this request shall be managed by an Investigation Committee as per article 6.
- 9.3. If necessary, the restriction of a non-SUS Member may be managed by the Executive Council and decided upon by a simple majority decision of the Executive Council. This may include, but is not limited to:
 - 9.3.1. The restriction of alumni;
 - 9.3.2. The restriction of non-McGill students;
 - 9.3.3. The restriction of McGill students who are not undergraduates.

Article 10: Maintenance of the Restriction List

- 10.1. A list of all currently restricted individuals is maintained by the Equity Commissioner(s), under the supervision of the President and shared with the Executive Council.
- 10.2. The Committee shall take all necessary steps to limit any possible defamation of the respondent, in particular by restricting the list of individuals informed of the restriction to only relevant positions.

Article 11: Appeal

- 11.1. A respondent in an involvement restriction case may appeal the Investigation Committee's decision within twenty (20) academic days of the notification thereof as per article 6.12.
- 11.2. An involvement restriction appeal may be submitted to the Equity Commissioner(s) or the President. The grounds for appeal must be specified.
- 11.3. The Appeal Committee shall be chaired by the Equity Commissioner(s).
 - 11.3.1. Should the Equity Commissioner(s) have bias, the Appeal Committee shall be chaired by the SUS President.
 - 11.3.2. Should the Chair step down or be removed, a replacement shall be appointed as per article 6.3.6.
- 11.4. The members of the Appeal Committee shall be selected by the Chair among the members of the Involvement Restriction Committee who were not on the case's original Investigation Committee.
- 11.5. Only the Equity Commissioner(s) may sit on both a case's Investigation and Appeal Committees.
- 11.6. The Appeal Committee shall consist of:

- 11.6.1. The Chair;
- 11.6.2. At least one (1) member of the Executive Council;
- 11.6.3. Two (2) to four (4) members of the Involvement Restriction Committee.
- 11.7. The Appeal Committee members shall evaluate any pre-existing biases as per article 6.3.
- 11.8. Quorum for the Appeal Committee shall be four (4) members, or as defined per article 6.1.
- 11.9. The Appeal Committee shall review all minutes and written statements from the Investigation.
 - 11.9.1. The Appeal Committee may conduct follow-up interviews or ask for additional written statements from the parties involved in the original investigation.
- 11.10. The Appeal Committee may accept or reject the appeal. The terms of restriction
- 11.11. may only be modified if the appeal is accepted.
 - 11.11.1. Additional restrictions may not be imposed on a respondent's terms following a rejected appeal.
- 11.12. The decision of the Appeal Committee shall be final and binding, and no further appeal shall be considered.
- 11.13. The Appeal Committee shall inform the individual in writing of its decision and the reasons for the decision within twenty-four (24) hours from the end of the deliberation.

Article 12: Statute of Limitations

- 12.1. Any request for Involvement Restriction for an incident that took place outside the SUS context, including incidents which occurred outside of an individual's enrollment at McGill, may not be addressed.

Article 13: Reference to Channels within the McGill Administration

- 13.1. In addition to the Involvement Restriction Policy, if either party elects to go through an official McGill channel, the Investigation Committee will refer the case to the appropriate McGill Administration Policies, including but not limited to: the Code of Student Conduct, the Policy against Sexual Harassment, or the Policy against Sexual Violence.
- 13.2. The SUS Involvement Restriction Policy shall not impede official McGill channels and will work with the McGill Administration, if necessary, for the best resolution for all parties.

Article 14: Superseding Clause

- 14.1. This document completely supersedes any anterior versions of the Involvement Restriction Policy covered in SUS Equity Policy By-Laws, excluding individuals who were blacklisted or restricted at the time of these amendments.
 - 14.1.1. A respondent whose case was originally conducted according to an older version of this policy may choose to have further proceedings, such as a review or appeal, be conducted in accordance with either the older policy, or this version.

Article 15: Amendments

- 15.1. Amendments to this policy shall be approved by a simple majority vote of the SUS Executive Council.
- 15.2. Amendments to this policy shall be ratified by a simple majority vote of the GC of the SUS.

Article 16: Interpretation

- 16.1. In the case of a conflict between this policy and the following documents, the following documents prevail in the order in which they are listed:
 - 16.1.1. The Quebec Companies Act;
 - 16.1.2. The SUS Constitution;
 - 16.1.3. SUS Bylaws.