

Summary of Investigation

August 4, 2020

Timeline

- *June 02, 2020:* DSU President signs contract to hire Kelly McMillan of Nijhawan McMillan Petrunia Barristers
- *June 04, 2020:* Investigator begins their inquiry
- *June 25, 2020:* Deadline for the investigator to finish their inquiry
- *June 26, 2020:* Investigator submits their report at end-of-day
- *June 29, 2020:* DSU President petitions the Judicial Board to produce advisory opinions based on the investigator's report and their own findings
- *July 20, 2020:* Date of closed Judicial Board hearing
- *July 29, 2020:* Judicial Board submits their advisory opinions to petitioner (President) and respondent (VPSL)
- *July 30, 2020:* Extraordinary meeting of Council called
- *July 31, 2020:* VPSL's suspension lapses, they retake office

Conclusions

The third-party investigator, Kelly McMillan, concluded "it is more likely than not that:

1. The Complainant is not Olivia Paige MacDonald, Dalhousie student;
 - a. The investigator found that, "the DalCard provided by the Complainant [was] falsified."
2. The Respondent did not drug or sexually assault the Complainant at a party referred to as "JadFest" that took place on the weekend of March 6, 2020;
 - a. Findings 2 & 3 were based on witness interviews and review of hundreds of photographs, emails, and online communications.
3. The incidents described in the Change.Org petition, subsequent updates, and related online comments did not occur as alleged;
4. The statements published by Jad Ghiz on May 2, 2020, May 14, 2020, and May 19, 2020, breached the Respondent's duty of loyalty to the DSU, as required by DSU Bylaws (s. 4.4(a)), Code of Conduct (s. 1.2 and 3.6.2), and Statement of Office (s. 1-2).
 - a. The investigator also stated that, despite the breach, they, "[did not find] that [the VPSL] acted in dishonesty or bad faith."

[The investigator was not] able to identify the Complainant or confirm their status as an active member of the DSU, based on the evidence available.”

Scope

The investigation’s scope required the investigator to produce the above listed conclusions, however “for greater clarity, the following issues fell outside the scope of [the] investigation mandate and [were] not addressed in this report:

5. Potential allegations of sexualized violence contained in comments on online platforms such as Facebook, Instagram, Change.Org, and Reddit, other than the Complainant’s allegation in the Petition;
6. Potential allegations of violations or irregularities in respect of the 2020 DSU election or any candidate’s campaign, including whether any of the Respondent’s conduct violated the DSU’s campaign or election rules;
7. Potential misuse or misappropriation of Dalhousie University property, such as email accounts;
8. Potential violations of policies, codes, or regulations of Dalhousie University. [The investigator] was, however, encouraged to consider Dalhousie University policies, including the “Purple Folder” and relevant definitions, to inform [the] investigation and analysis.”

It is also important to note that the investigation was not mandated to produce recommendations, but was mandated to include:

1. “Conducting interviews with the Complainant (if available and willing to participate), the Respondent, and any other witnesses;
2. Gathering relevant documentary evidence;
3. Preparing a confidential written report of findings, including findings as to whether or not the Respondent has breached any bylaw, code, or policy of the DSU and reasons for the finding;
4. Submitting the confidential investigation report to legal counsel for the DSU; and
5. Employing anti-oppressive and harm-reduction frameworks, including an intersectional, survivor-centric, and trauma-informed approach to the investigation”