

## **INVOLVEMENT RESTRICTION POLICY**

**Adopted on: \*\*\*, 2019**

**Last update in force as of: N/A**

## 1. POLICY STATEMENT

The Students' Society of McGill University (hereinafter the "**SSMU**") is a student association responsible for overall campus life and activities at McGill University. Arts Undergraduate Society (AUS) of McGill University, Engineering Undergraduate Society (EUS) of McGill University, Management Undergraduate Society (MUS) of McGill University, Science Undergraduate Society (SUS) of McGill University, and other signatory faculty associations recognized under the *Act respecting the Accreditation and Financing of Students' Associations* (hereinafter collectively the "**Student Association(s)**") are responsible for faculty life and activities within their respective faculties at McGill University.

In consideration of the foregoing, the SSMU and the Student Associations want to take the necessary means to ensure that their environment is safe for their staff, members, visitors (i.e., those not employed or represented by the Student Association(s) or SSMU, including but not limited to McGill employees, graduate students, alumni, and individuals not participating in other bodies or activities at the University) and students ("**Persons**") and that their events for which the participating Persons need to register ("**Events**") are safe. Some Student Associations have already adopted an involvement restriction policy and apply it to its members. However, the SSMU and the Student Associations want to widen and standardize the process and application of the restrictions applied in virtue of these individual involvement restriction policies to Events held by either the SSMU or any Student Association(s). This Policy therefore supersedes preceding Faculty Association Involvement Restriction Policies, excluding any individuals restricted during the amendment period, and will from now on be applicable as per the terms of this Policy and for all Events.

Consequently, the SSMU and the Student Associations want to adopt a uniform policy to provide the Persons with an environment where everyone is treated with respect, dignity and fairness and where all forms of discrimination, violence (including sexual violence), psychological, sexual or other forms of harassment, disrespect, dignity violation and lack of fairness is prohibited and to provide a way to share the information gathered by the application of an involvement restriction policy to efficiently apply a Ban across all Events.

## 2. OBJECTIVE AND SCOPE OF APPLICATION

This Policy applies to all Persons, including members of the SSMU and of the Student Associations community to varying degrees depending on their status within the SSMU and the Student Associations' respective communities.

For further clarification, this Policy also applies to:

- (a) Undergraduate students;
- (b) SSMU's and the Student Associations' employees, both full time, part-time and casual;
- (c) SSMU's and the Student Associations' volunteers;
- (d) SSMU's and the Student Associations' officers, also referred to as executives;
- (e) SSMU's and the Student Associations' General Manager (if applicable);

- (f) SSMU's and the Student Associations' Legislative Council (if applicable);
- (g) SSMU's and the Student Associations' Judicial Board (if applicable);
- (h) SSMU's and the Student Associations' Board of Directors;
- (i) Executives and/or members of all SSMU's and Student Associations' affiliated clubs, independent student groups and services;
- (j) Graduate students at McGill attending Events held by the SSMU or Student Associations;
- (k) Any visitor on premises owned, leased, or rented by the SSMU or Student Associations;
- (l) Any visitor using SSMU's services or participating in a SSMU or Student Association club, service, or independent student group.

which are all, collectively, to be considered Persons as per this Policy.

This Policy applies to all behaviour adopted by a Person in SSMU and the Student Associations Environment, during any and all types of Events.

The SSMU and the Student Associations adopt this Policy to make it clear that all forms of discrimination, violence, harassment and improper conduct, as defined in section 3 below, will not be tolerated by the SSMU and the Student Associations, in order to, for example and without limiting the generality of the foregoing:

- (a) Maintain an environment that is safe and free of discrimination, physical, verbal, sexual or other forms of violence and harassment and any improper conduct;
- (b) Ensure acceptable behavior within the SSMU's and Student Associations' Environment;
- (c) Establish a mechanism for receiving complaints and a procedure for handling complaints;
- (d) Provide appropriate support to the victims of discrimination, violence, harassment or other improper conduct;
- (e) Enable SSMU or a Student Association to restrict a Person from participating in Events (hereinafter the "**Ban**");
- (f) Provide guidelines for the circumstances under which a Person can be subject to a Ban; and,
- (g) Set out the parameters under which confidential information in regards to a Person who has been subject to a Ban by the SSMU or a Student Association pursuant to this Policy can be provided to a central Governing Committee (as defined below) and communicated by the Governing Committee to the SSMU and Student Associations in order to implement the Ban for all subsequent Events.

It is each Person's responsibility to understand all terms outlined in the definitions section of this Policy and to act in accordance with its terms and conditions. SSMU and the Student Associations encourage all Persons to seek clarifications from the SSMU and the Student Associations if necessary.

It is an essential condition to the participation in various Events that all Persons abide by this Policy.

### **3. DEFINITIONS**

#### **3.1 SSMU and Student Associations Environment**

**"SSMU and Student Associations Environment"** is defined not only as the SSMU's and the Student Associations' regular offices, but also all McGill University premises and all off-campus premises where Events take place and are organized, directly or indirectly, by either the SSMU or the Student Association(s).

#### **3.2 Governing Committee**

**"Governing Committee"** is defined as an impartial committee formed by one representative of each signatory Student Association's Faculty Committee (as defined below) and one representative of the SSMU. The Chair of the Governing Committee shall be the member appointed by the SSMU, as specified in section 5.1.. The Governing Committee is responsible for the administration and application of this Policy and the management of the Restriction Lists and Bans, as defined below.

#### **3.3 Discrimination**

**"Discrimination"** is defined as any distinction, exclusion, or preference based on any of the prohibited grounds of Discrimination set forth by the applicable human rights legislation that has the effect of negating or impairing a Person's right to full and equal recognition and exercise of their human rights and freedoms. Prohibited grounds of Discrimination may include, without limitation, race, ancestry, place of origin, colour, ethnic or national origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, pregnancy, age (except as provided by law), religion, political convictions, language, record of offences, marital status, family status, civil status, social condition, disability, handicap or the use of any means to palliate a handicap, or any other applicable ground identified in the applicable human rights legislation, including the *Quebec Charter of Human Rights and Freedoms*.

#### **3.4 Harassment**

**"Harassment"** means engaging in a course of vexatious comment, conduct or gestures that are known or ought to be reasonably known to be unwelcomed. It includes objectionable or unwelcome conduct, comment, bullying or action by a Person and that the Person knows or ought reasonably to know will or would cause offence, intimidation or humiliation to another Person or adversely affect the Person's health and safety.

Harassment can manifest itself through repeated conduct, behavior, verbal comments, actions or gestures (of a psychological, sexual or physical nature) that:

- (a) are hostile or unwanted;

- (b) adversely affect or undermine the Person's dignity and psychological or physical integrity; or
- (c) create a harmful environment for the Person.

However, a single serious offence or conduct may also constitute psychological or sexual Harassment if it causes such harm and has a continuing harmful effect on the Person.

Examples of Harassment may include, without limitation:

- (a) Unwelcome remarks, jokes, nicknames, innuendo, or taunting, including those about race, gender, disability, sexual orientation, religious beliefs, age, or any other prohibited grounds of Discrimination;
- (b) Written or verbal abuse or threats ;
- (c) Racial or ethnic slurs;
- (d) Posters, notices or bulletins which may cause offence, encourage Discrimination or create a hostile work environment;
- (e) Use of terminology that reinforces offensive stereotypes;
- (f) Condescension, paternalism, or patronizing behavior that undermines self-respect;
- (g) Abuse of a certain authority that threatens or put into questions a Person's position or performance or that interferes or negatively influences the Person's progression. This includes abuses of power, including intimidation, threats, blackmail and coercion;
- (h) Targeting a Person to humiliate and torment them because they belong to a visible minority; and
- (i) Physically intimidating or isolating an individual.

It should be noted that sexual Harassment, which is a particular form of "Harassment", is threatening, in addition to being insulting and degrading like other forms of Harassment.

Examples of sexual Harassment may also include, without limitation:

- (a) Unwelcome remarks, jokes, innuendoes, or taunting about a Person's body or attire in connection with their gender;
- (b) Practical jokes of a sexual nature which causes discomfort or embarrassment;
- (c) Displaying pornographic pictures, posters, graffiti or other offensive material;
- (d) Unwelcome questions or comments about a Person's sexual preferences;
- (e) Leering (suggestive staring) or other obscene or suggestive gestures;
- (f) Persistent unwanted sexual flirtations, advances, or propositions;

- (g) Comment or conduct against a Person because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome;
- (h) Unwelcome physical contact including touching, kissing, patting and/or pinching;
- (i) Persistent unwelcome contact or attention following the end of a consensual relationship;

### **3.5 Violence**

“**Violence**” generally means:

- (a) an attempt or the exercise of physical force by a Person against another Person that causes or could cause physical injury. This includes, but is not limited to, physical acts such as punching, hitting, kicking, pushing, damaging property or throwing objects;
- (b) a statement or behaviour that it is reasonable for a Person to interpret as a threat to exercise physical force against a Person, that could cause physical injury; and
- (c) bringing a weapon of any kind or possessing a weapon of any kind while being in the SSMU or the Student Association Environment, or threatening to bring a weapon to the SSMU or the Student Association Environment.

Violence includes threatened, attempted or actual conduct of a Person that causes (or is likely to cause) physical or psychological injury or harm and includes domestic violence, intimate partner violence or sexual violence when conducted in the SSMU and Student Associations Environment.

Examples of Violence include, but are not limited to:

- (a) Threats of physical harm;
- (b) Psychological attacks;
- (c) Harassment;
- (d) Intimidation;
- (e) Fighting;
- (f) Assault;
- (g) Sexual assault or abuse;
- (h) Forcible confinement;
- (i) Possession of a dangerous weapon;
- (j) Destruction of property; and
- (k) Robbery.

The above definition of Violence shall include gendered Violence which is defined in the SSMU *Gendered and Sexual Violence Policy* and means any act of physical, verbal, or emotional aggression which implicates, targets, or de-legitimizes a Person's gender presentation or identity; or an act reinforcing gender inequalities resulting in physical, sexual, emotional, or economic harm. This includes misogynistic, queerphobic, racist, and transphobic violence. Gendered Violence is often implicit, and the gendered dynamics which enable it may not always be hypervisible.

Gendered Violence manifests as singular acts or as continued micro-instances of violence. The above definition of Violence shall also include sexual violence which is defined in the SSMU *Gendered and Sexual Violence Policy*.

### **3.6 Improper Conduct**

**“Improper Conduct”** generally means any inappropriate conduct that has an impact on SSMU's and the Student Associations' affairs and activities.

## **4. COMMITMENT TO A SSMU AND STUDENT ASSOCIATION ENVIRONMENT FREE OF DISCRIMINATION, VIOLENCE, HARASSMENT AND IMPROPER CONDUCT.**

These above defined types of behaviours are unacceptable in the SSMU and the Student Associations Environment.

Hence, SSMU and the Student Associations apply a zero tolerance Policy to all forms of Discrimination, Violence, Harassment or Improper Conduct which are strictly prohibited, whether they are perpetrated against or by any Person, representative, client, provider, visitor and any other individual attending SSMU and the Student Associations environment.

To this end, the SSMU and the Student Associations undertake to implement all reasonable measures to prevent, address, and intervene in any situation of Discrimination, Workplace Violence, Harassment or Improper Conduct that is reported to them, ensuring, to the extent practicable, that confidentiality is preserved.

If a complaint is submitted to the SSMU or the Student Associations regarding a potential incident of Discrimination, Violence, Harassment or Improper Conduct, the Student Association Faculty Committee will investigate the incident in a fair, timely and confidential manner, in accordance with the investigation procedures set out below.

Thus, depending on the severity of the conduct, any Person who engages in Discrimination, Violence, Harassment or Improper Conduct may be subject to such a Ban or other appropriate measures as may be recommended by the Committee of the SSMU or Student Association that received the complaint.

## **5. PROCEDURE - HANDLING OF DISCRIMINATION, VIOLENCE, HARASSMENT OR IMPROPER CONDUCT COMPLAINTS**

### **5.1 Faculty Committee**

Each Student Association shall form an involvement restriction committee as per the terms of this Policy (hereinafter each referred to as the **“Faculty Committee”**). Members of the Faculty Committees required under this Policy to conduct investigations into complaints relating to incidents occurring at Events hosted by their Student Association shall be named by the Equity

Commissioner[s] of each Faculty Association. The mandate of the members the Faculty Committees shall be for a term of one academic year. It is understood that only one given member of the Faculty Committees, namely its representative to the Governing Committee, shall be required to maintain the results of investigations up-to-date, confidential, and in a secure location until such time as the names related to these results can be added to the Governing Committee's Restriction List (as defined herein below). Complaints pertaining to SSMU Events shall be handled by the GSVP Committee as set out in the *SSMU Gendered and Sexual Violence Policy*, and one (1) Anti-Violence Coordinator shall serve as the SSMU representative to the Governing Committee.

The purpose of the Faculty Committees and GSVP Committee is to manage the application of this Policy, including to receive a complaint filed by a Person, to assess whether this complaint falls under this Policy, to investigate a complaint, to make recommendations to the Governing Committee and, upon registration for events, to the relevant Student Association, in regards to the Person's involvement within the SSMU and Student Associations Environment.

Each Faculty Committee, and the GSVP Committee, shall be an impartial body and shall not conduct its activities or render its decisions in a biased manner. The faculty committee shall make its decisions and recommendations with an intersectional approach and an understanding that personal characteristics such as race, gender, sex, religion, sexual orientation, disability, etc. the whole as defined in Section 2 of Article 10 of the *McGill Charter of Student Rights* and as per the definition of Discrimination contained herein, differently affect a person's lived experiences.

Each individual in a Faculty Committee, the GSVP Committee and the Governing Committee shall receive at the minimum training on the following:

- (a) Active listening;
- (b) Consent;
- (c) Responding to disclosures;
- (d) Equity and Intersectionality.

The Faculty Committees, the GSVP Committee, and Governing Committee shall take terms and measures to protect the confidentiality of the complaint process and to protect the personal information of a Person subject to a Ban, including, but not limited to:

- (a) The creation of a list of individuals having access to the personal information of the Person subject to a Ban and scope of the Ban. This list shall contain as few individuals as possible;
- (b) The signature of a confidentiality undertaking by the individuals having access to the list of Persons subject to a Ban;
- (c) The use of a secured server or electronic files protected by a password, which will be provided by SSMU;

In addition, the members of each Faculty Committee, of the GSVP Committee, and of the Governing Committee shall sign a confidentiality agreement at the beginning of their term. A violation of the obligations contained in the confidentiality agreement will constitute grounds for



immediate removal from the Faculty Committee, GSVP Committee, or the Governing Committee, and other positions in the Student Association and SSMU.

## 5.2 Lodging a Complaint

If a Person believes they have experienced any form of Discrimination, Violence, Harassment or Improper Conduct under this Policy (hereinafter the “**Complainant**”), they or a third party privy to the incident are encouraged to submit a complaint in person or in writing to the Faculty Committee in order to request said complaint be resolved and that the Person who has allegedly adopted this type of behaviour be subject to a Ban (hereinafter the “**Respondent**”). This complaint shall be submitted to the chair of the Faculty Committee using the form provided by the Student Association on their webpage. In the case of the SSMU, the complaint should be submitted to the Anti-Violence Coordinators (avc@ssmu.ca).

For further clarification, a third party is deemed privy to an incident if they have been told about it or witnessed it. A complaint submitted by a third party will only be investigated if the Faculty Committee to which the complaint was submitted receives the express verbal or written consent of both the third party and the individual who experienced Discrimination, Violence, Harassment, or Improper Conduct.

Where a representative of the Faculty Committee or GSVP Committee is the Person responsible for the alleged Discrimination, Violence, Harassment or Improper Conduct, it is encouraged for the Complainant or a third party to immediately notify the chair of the Governing Committee. In such case, a member of the Governing Committee shall then be temporarily appointed as replacement for the conflicted member of the relevant Faculty Committee conducting the investigation.

Faculty Committees, the GSVP Committee, and the Governing Committee are the only entities that can receive and manage complaints for the purpose of a Ban. This does not prevent Complainants from seeking additional support as needed, including through student-focused and survivor-centric resources such as SACOMSS or O-SVRSE, nor does it prevent them from seeking simultaneous or additional recourse against a Respondent, including through OSVRSE, the McGill Special Investigator (Sexual Violence) or reporting processes as set out by the SSMU or Student Association(s).

Faculty Committees, the GSVP Committee, and the Governing Committee can receive and manage complaints regarding incidents that took place at any point in the past, without limitations.

Complainants and third parties should include in their complaints: details of the allegations in support of the complaint, including the dates, times, a description of the incident, the identity of the Respondent and their relationship to SSMU or the relevant Student Association, the names of witnesses, etc. The statement should be as detailed as possible. If a complaint is submitted verbally, it is the responsibility of the Faculty Committee or GSVP Committee member receiving the information to record it and to confirm with the Complainant or third party that they have accurately recorded the incident.

### 5.3 Receipt and Analysis of the Complaint

After the complaint is lodged, the Faculty Committee or GSVP Committee will, within one (1) week of receiving the complaint, examine the complaint and decide whether or not the situation reported falls within the scope of this Policy.

If the complaint does not fall within the scope of this Policy, the Faculty Committee or GSVP Committee will within twenty-four (24) hours inform the Person accordingly and, if applicable, may advise the Person in a non-directional manner of:

- (a) the availability of services, counsel and other forms of support provided by external groups, the SSMU, or the relevant Student Association; and
- (b) the existence of other avenues of recourse such as those established by McGill University's Policy Against Sexual Violence, the SSMU's Gendered and Sexual Violence Policy, and the applicable human rights including the Quebec Charter of Human Rights and Freedoms.

If, on the other hand, the complaint falls within the scope of this Policy, the Faculty Committee or GSVP Committee will, within twenty-four (24) hours, advise the Complainant of:

- (a) the availability of services, counsel and other forms of support provided by SSMU or the relevant Student Association, if any and if it deems it appropriate;
- (b) their right to withdraw their complaint at any time; and
- (c) the existence of other avenues of recourse such as those established by McGill University's Policy Against Sexual Violence, the SSMU's Gendered and Sexual Violence Policy, and the applicable human rights including the Quebec *Charter of Human Rights and Freedoms*.

Following the receipt of a complaint, the Faculty Committee or GSVP Committee will, as part of the one-week period of analysing whether it is applicable to this Policy, ensure that all other factual elements (events, witnesses, dates, documents, etc.) which may corroborate the complaint are collected and compiled in writing. This one-week period can be extended if unforeseen circumstances arise limiting the ability of the Faculty Committee, GSVP Committee or any involved party to evaluate the complaint.

If the complaint is deemed to fall within the scope of this Policy, an investigation will then be conducted with the Complainant and the Respondent, as well as any other person who may provide relevant information (including campus security), over a period not exceeding four (4) weeks.

### 5.4 Investigation

The Faculty Committee or GSVP review panel, as defined in the *SSMU Gendered and Sexual Violence Policy*, shall conduct an investigation on its own or determine, given the nature of the allegations and the Persons involved, that the investigation should be entrusted to an external independent third party that is not a member of the SSMU or the relevant Student Association (collectively, the "**Investigator**"). A Complainant has the option of requesting an external

independent third party directly, and all costs related to a third party investigation will be paid for by the SSMU or the relevant Student Association.

At the beginning of the investigation process, the Investigator shall inform the Respondent of the content of the complaint and that an investigation process has begun. During the investigation process, the Investigator shall ensure that the Respondent will have the opportunity to respond to the allegations contained in the complaint and the Respondent has the obligation to collaborate to the investigation.

At any time during the investigation, the Complainant may also resort to avenues of recourse or complaint procedures available outside the procedure provided for by this Policy. This Policy is not intended to discourage or prevent a Person from exercising any other rights or remedies that may be available to them, including remedies available underimplemented by the *McGill University's Policy Against Sexual Violence*, the *SSMU's Gendered and Sexual Violence Policy*, direct reporting to law enforcement, and statutory remedies under the applicable human rights laws including, without limitation, the *Quebec Charter of Human Rights and Freedoms*.

Throughout the investigation procedure, the Investigator will take all measures deemed appropriate to ensure that SSMU or the relevant Student Association has the necessary information to make its deliberation, but will prioritise the needs of the Complainant and other interviewees in a trauma-informed manner, including but not limited to the postponement of interviews when necessary and the ability to submit testimonials in writing. At any time after a complaint is filed, the Investigator may, if necessary to ensure a healthy SSMU and Student Association Environment, impose interim temporary measures.

For example, if there is a possibility the Complainant may have been harassed by a Person, appropriate action will be taken in that regard. The Investigator may, amongst other things:

- (a) Prohibit the Respondent from communicating with the Complainant during the investigation process;

During the investigation process, the respondent shall be subject to a precautionary probationary period. The probationary period shall begin following the approval of the involvement restriction request and last up to four (4) weeks of following the ratification of the decision by the Investigation Committee by the Executive Council. During this probationary period, the respondent may not participate or staff in any events associated with the investigating Faculty Association, or participate in the investigating Faculty Association groups as deemed appropriate by the Chair of the Investigation Committee. 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.

With respect to acts of Violence, the Investigator may, in addition and where appropriate request that the Respondent be removed from the SSMU or the Student Association Environment by security or law enforcement.

With respect to acts of Violence, the Investigator may, in addition and where appropriate request that the Respondent be removed from the SSMU or the Student Association Environment by security or law enforcement.

All physical and sexual assaults, incidents or threats of Violence involving a Person or occurring at SSMU or the Student Association Environment may be reported to law enforcement, as appropriate.

Once the investigation has been completed, the Complainant and Respondent will be informed of the results of the investigation and if any measure is recommended by the Faculty Committee or GSVP Committee.

## **5.5 Investigation Outcome**

If the Investigator comes to the conclusion that there has been no violation of this Policy, the Investigator, or his or her designate, will inform the Complainant and the Respondent in writing and will close the file.

If, however, the Investigator believes, with a fifty-one (51) percent chance, there has been a violation of this Policy, the Investigator, or their designate, shall notify the Respondent of the result and of any corrective action taken. The Investigator, or their designate, will inform, in writing, the decision, the reasons for the decision, the terms of restriction and the positions that have been informed. Any subsequent changes to the decision will be communicated to the Respondent. The Respondent shall be informed of their right to an appeal to a new Investigation Committee. The Investigation Committee may offer recommendations, which may include but are not limited to:

- (a) Attending workshops, trainings, or other learning opportunities regarding substance abuse, consent, discrimination, inappropriate behaviour, bullying, and harrasment.
- (b) Making an active effort to change their behaviour at other events and in their personal life.

Upon approval from the Executive Council, the Chair of the Investigation Committee shall inform the Complainant(s), in writing, of the decision and the terms of the restriction within twenty-four (24) hours. Any subsequent changes to the decision will be communicated to the Complainant(s).

The Investigator will then submit the findings of the case and the actions taken to the chair of the Faculty Committee or GSVP Committee for permanent filing.

## **5.6 Consequences**

Depending on the situation and/or if the Respondent is likely to endanger the Complainant or other Persons, the Investigator will advise the Governing Committee that the Respondent shall be subject to a Ban. The terms of the Ban recommended shall be determined by the Investigator in regards to the circumstances of the incident and the other information available due to the investigation. The terms of the Ban shall include details regarding the restrictions, period of time in which the Ban is applied, the type of Events or roles that will be restricted and that any violation of the terms of the Ban may be subject to further measures.

In order to achieve the objective of this Policy and especially to ensure and maintain an environment that is safe and free of Discrimination, Violence, Harassment and Improper Conduct, the Ban may apply to all Events (as defined above and including on and off-campus activities).

## **6. CONFIDENTIALITY**

The SSMU and the Student Associations understand that it is difficult to make a complaint alleging discriminatory or harassing behavior. A Person who files a complaint must be assured that the official investigation will be conducted in a climate of dignity and discretion. During the investigation, the parties concerned may also be accompanied by a person of their choice.

The SSMU and the Student Associations also recognize the concerned parties' interest in maintaining the confidentiality of the information provided. As a result, information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of Discrimination, Violence, Harassment or Improper Conduct, including identifying information about any Person involved, will not be disclosed by members of the Investigation Committee unless disclosure is necessary to protect a Person, to investigate the complaint or incident, to take corrective action, including a Ban, or otherwise as required by law.

When a complaint has been lodged, any concerned third parties, are bound by a duty of confidentiality throughout the investigation and at all times thereafter and are strictly prohibited from disclosing the details of the complain to anyone, except to the Investigator, the Complainant or the Respondent.

Anyone, including the Complainant, the Respondent or a witness, who violates the confidentiality of a complaint, will be in breach of this Policy which may result in disciplinary action, such as a Ban.

## **7. RESTRICTION LIST**

Governing Committee shall maintain a confidential Restriction List containing a list of all the Persons subject to a Ban. This Restriction List includes the name of the Person subject to the Ban, personal information that allows the identification of the Person and the terms of the Ban, without specifying the reason for the application of said Ban. It is the responsibility of the Governing Committee to maintain this Restriction List up-to-date, confidential and in a secure location.

The type of information collected by in the Restriction List depends on a number of factors and context. The Faculty Committee and the Governing Committee collect only the information it deems necessary for conducting their mandates and to achieve specific purposes.

The Governing Committee shall make available the Restriction List to a limited number of persons necessary in charge of registration at an Event, to control the admissibility of the students to Events.

The number of individuals having access to the Restriction List shall be restricted to what is necessary in order to implement the Ban in the SSMU or the relevant Student Association Environment. It is understood and agreed that the Restriction List may also be disclosed to any other Person if necessary to efficiently fulfil the SSMU's or the Student Associations' mandates or activities.

## **8. TRANSFER OF THE RESTRICTION LIST**

In order to implement the Ban for the Events, the Faculty Committee or GSVP Committee discloses the name and student identification number of Persons subject to a Ban, as well as the scope of the Ban itself, to the Governing Committee in order for it to maintain the Restriction list. The Governing Committee is the entity responsible for the management of the Restriction List. Prior to disclosing the Restriction List containing the personal information of the Persons subject to a Ban, the Faculty Committee must ascertain that it has the formal written consent of every Person on the Restriction List. The said consent document shall be completed with the consent form made available by each Student Association detailing (i) the type of information disclosed, (ii) the purpose of the disclosure (i.e. to apply the Ban to Events), and (iii) the length of time during which the consent is valid.

## **9. APPEAL**

A respondent in an involvement restriction case may appeal the Investigation Committee's decision within twenty (20) academic days of the notification stipulated in article 5.5.

The appeal process will be submitted to the Equity Commissioner(s) or the President of the investigating Faculty Association. The grounds for appeal must be specified. The Appeal Committee shall be chaired by the Equity Commissioner(s). Should the Equity Commissioner(s) have bias, the Appeal Committee shall be chaired by the President of the investigating Faculty Association. Should the Chair step down or be removed, a replacement shall be appointed. 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. Only the Equity Commissioner(s) may sit on both a case's Investigation and Appeal Committees.

The Appeal Committee shall consist of:

- (a) The Chair;
- (b) At least one (1) member of the Executive Council;
- (c) Two (2) to four (4) members of the Involvement Restriction Committee.

The Appeal Committee shall review all minutes and written statements from the Investigation. The Appeal Committee may conduct follow up interviews or ask for additional written statements from the parties involved in the original investigation. The Appeal Committee may accept or reject the appeal. The terms of the restriction may only be modified if the appeal is accepted. Additional restrictions may not be imposed on a respondent's terms following a rejected appeal. The decision of the Appeal Committee shall be final and binding, and no further appeal shall be considered. 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.

## **10. GOVERNING COMMITTEE**

The Governing Committee is responsible for the overview, administration and application of this Policy and the management of the Restriction List and Bans. As specified in Section 7, the Governing Committee shall make available the Restriction List to a limited number of persons necessary in charge of registration at an Event, to control the admissibility of the students to Events.

## **11. ACCESS TO THE RESTRICTION LIST AND APPLICATION OF THE BANS**

The Governing Committee shall establish an internal mechanism for identifying the Persons that will have access to the Restriction List and the application of the Bans for each Event. It is understood that the number of persons having access to the Master shall be as restricted as possible to what is necessary for the application of this Policy.

## **12. PROTECTION OF INFORMATION**

The Faculty Committee, the GSVP Committee, the Governing Committee, the SSMU and the Student Associations wish to ensure adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of the Persons for the transfer of their personal information contained in the Restriction List. As such, they undertake not to use the information contained in the Restriction List for purposes not relevant to the object for which such information has been collected. The Faculty Committees and the Governing Committee further undertake not to communicate personal information contained in the Restriction List outside the terms and conditions provided in this Policy.

It is understood and agreed that the Restriction List may also be disclosed to any other Person, if necessary, to ensure the fulfilment of the SSMU's or the Student Associations' mandate to provide a safe Environment.

## **13. AMENDMENTS**

Amendments to this policy shall be approved by a simple majority vote of the Governing Committee. Amendments to this policy shall be ratified by a simple majority of the General Council, Legislative Councils, Board of Directors in all of the respective Faculty Associations.