

Equity Policy By-Laws

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BACKGROUND

These bylaws serve as the terms of reference for the AUS's Equity Committee and provide a framework for handling equity complaints.

AUS Equity Policy Bylaws

For the Background to the Policy, please see Appendix A.

For the definitions used in developing the Policy, please see Appendix B.

For a flowchart of Complaint, Mediation, and Investigation procedures, please see Appendix C.

Article 1: Policy Statement

- 1.1 The AUS has a responsibility as representative service provider to undergraduate students enrolled in the Faculty of Arts, a diverse membership, to conduct itself by the highest standards of respect, fairness, integrity, safety, and equitable treatment for all persons.
- 1.2 Respect requires full consideration of human beings and upholding a high commitment to human dignity. By adopting this policy, the AUS 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 flourish within a respectful atmosphere.
- 1.3 To support this responsibility as well as the AUS's commitment to representation and services, the AUS will promote a functionally anti-oppressive environment. We acknowledge that a functionally anti-oppressive environment is achieved through:
 - 1.3.1 Recognition that systematic processes and cultural biases disadvantage certain groups of people;
 - 1.3.2 Proactive steps to challenge and acknowledge the current and historical processes and biases that affect the safety and wellbeing of these disadvantaged groups;
 - 1.3.3 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;
 - 1.3.4 Proactive steps to challenge the actions, attitudes, and assumptions that result from social privilege.
- 1.4 The AUS 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, age, race, ethnic or national origin, religion, sexuality, sexual orientation, mental and/or physical abilities, language, size, or social class.
- 1.5 The AUS condemns harassment or discrimination of disadvantaged groups on the basis of, but not limited to, gender identity, age, race, ethnic or national origin, religion, sexuality, sexual orientation, mental and/or physical abilities, language, size, or social class. The AUS 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 2: Scope

2.1 This Policy shall apply to:

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

2.1.1.1 Internal groups of the AUS include AUS publications, AUS committees, affiliates of the Fine Arts Council, and groups affiliated with the AUS's departmental associations.

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

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

2.1.3 Written or graphic material, which is published, distributed, endorsed or funded by the Arts Undergraduate Society, an AUS departmental association, or an AUS-affiliated internal group.

2.1.4 Activities, events, and promotions held in the spaces that the AUS manages, including but not limited to, Arts Lounge (Leacock B-12); AUS SNAX; and the AUS tables in the Leacock Lobby.

2.2 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 1 of this Policy.

2.3 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 AUS, 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 Commissioners may serve as a resource in referring the Claimant to the appropriate channels.

Article 3: Mandate and Composition of the AUS Equity Committee

3.1 This policy shall establish an AUS Equity Committee, which shall be a Standing Committee of AUS Council, as per Article 10.3 of the AUS Constitution.

3.2 The membership of the AUS Equity Committee shall consist of the following individuals:

3.2.1 Two (2) Equity Commissioners

3.2.1.1 The Equity Commissioners shall be chosen through an application and interview process conducted in the Winter semester. The interviewing committee shall consist of the outgoing AUS President and the Equity Commissioners from the previous year.

- 3.2.2 A minimum of two (2) Members-at-large
 - 3.2.2.1 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 Equity Commissioners.
 - 3.2.2.2 The number of members-at-large shall be determined at the discretion of the interviewing committee, as defined in Article 3.2.3.1.
 - 3.2.2.3 A minimum of two (2) Members-at-large shall serve as Equity Committee Members.
- 3.2.3 The AUS President
 - 3.2.3.1 The AUS President shall oversee the operation and functions of AUS Equity Committee.
 - 3.2.3.2 The AUS President shall not serve as an Equity Committee Member.
- 3.3 AUS Council must approve all Equity Committee Members by a majority vote.
- 3.4 The Mandate of the AUS Equity Committee shall be:
 - 3.4.1 To foster a culture of equity within the Arts Undergraduate Society.
 - 3.4.2 To serve as the mediating body for all Equity Complaints that fall under the Scope as outlined in Section 2 of these bylaws.
 - 3.4.3 To promote engagement with the principles associated with equity among AUS members.
 - 3.4.4 To promote safer spaces within all components that fall under the Scope as outlined in Section 2 of these bylaws.
 - 3.4.4.1 This shall include, but not be limited to:
 - 3.4.4.1.1 Equity Committee attending AUS-affiliated events, including student orientation activities, at the discretion of the Equity Committee at no expense to the Equity Committee.
 - 3.4.4.1.1.1 In the event of one or more Equity Committee Members is attending an AUS- affiliated event in their capacity as Equity Committee Member, a report shall be prepared and presented to Council during Equity Committee reports within the month.
 - 3.4.4.1.2 Liaising with the Vice-President Social in the hiring process of one student coordinator for orientation activities for the purposes of ensuring adherence to the Equity Policy during said activities.
 - 3.4.5 To host social and educational events centered around the principles of equity.
 - 3.4.6 To serve as a resource for internal groups and individual members of the Arts Undergraduate Society on how they can promote the principles of equity within their associations and activities.
 - 3.4.7 To give equity training to the AUS executives before the end of September, with training and timing up to the discretion of the AUS Equity Committee.

Article 4: Accountability

4.1 All elected executives, hired staff, and the members of the Equity Committee (as defined in Article 3 of these bylaws) are accountable for upholding this Policy. According to Article 6.1(b) of the AUS Constitution, AUS Legislative Council is "...empowered to make all decisions and take action on behalf of the AUS in accordance with and subject to the constraints imposed by the General Assembly," and thus is accountable for all aspects of the organization. To this end, AUS Council's direction, policies, vision and planning must adhere to and integrate the principles of equity as outlined in Section 1 of this Policy. The Council is responsible for ensuring that all AUS Executives and Standing Committees integrate, demonstrate, and communicate this commitment in their annual work plans.

- 4.1.1 In order to ensure accountability, AUS Executives, Senators, and departmental executives must be trained on the topics of equity and inclusivity before the end of the second week of October.
- 4.1.2 AUS executives, including both departmental and Faculty executives, must be trained on the topics of consent, how to be an active bystander, and responding to disclosures before the end of September. The AUS Equity Committee is to collaborate with the appropriate groups on campus to create and facilitate this training.

Article 5: Handling Equity Complaints Submissions

5.1 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 AUS Council.

5.2 The following guidelines shall be followed concerning the handling of Equity Complaints:

- 5.2.1 The Equity Commissioners must outline in writing to the Claimant the options they have to seek to resolution to the incident.
- 5.2.2 The Equity Commissioners must outline in writing to all implicated parties the Scope and the limits of the Policy.
- 5.2.3 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 AUS.
- 5.2.4 Complaints must be filed within the same academic year in which the incident occurs, with one exception noted in 5.2.4.1.
 - 5.2.4.1 "Should the incident occur during the Summer semester, the Complaint must be filed by the end of the Fall semester within the same year at the latest."
 - 5.2.4.2 While Claimants must follow the time procedures stipulated in 5.2.4, they shall have the right to cite evidence that occurred outside of this timeframe.
- 5.2.5 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.

5.2.6 Regardless of any prior or ongoing measures the Claimant takes to resolve the conflict outside of the framework outlined in Article 5, all Claimants shall have the right to seek Mediation or an Investigation in concert with the Equity Commissioners.

5.2.6.1 The informal resolution process shall be Mediation (Article 6).

5.2.6.2 The formal resolution process shall be an Investigation (Article 7).

Article 6: Informal Resolution of Concerns and/or Complaints: Mediation

- 6.1 If an Equity Commissioner or a qualified person from outside the organization (subject to the approval of the Equity Commissioners) agrees to act as a mediator, that person will begin to help the parties settle the Complaint within 10 working days of the Complaint's submission and complete the Mediation within 20 working days, unless an extension is needed. The mediator should not be involved in investigating the Complaint, and should not be asked to represent AUS at any stage of any proceedings related to the Complaint. The Mediation will take place in a private space.
- 6.2 Either party has the right to refuse Mediation, without reprisal.
- 6.3 If either implicated party feels as though the informal resolution process has not produced a resolution, then a formal Investigation shall be initiated.

Article 7: Formal Resolution Process: Investigation

- 7.1 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:
- 7.1.1 To the Equity Commissioners, unless it is a Complaint against one or more of the Equity Commissioners, the Executive, or a Council Member.
- 7.1.1.1 For such a Complaint, the Equity Commissioner shall begin an Investigation and respond to the Complaint within 10 working days and complete the process within 20 working days, unless an extension is needed.
- 7.1.2 To the Speaker of AUS Council, if it is a Complaint against one or more of the Equity Commissioners, the Executive, or a Council Member.
- 7.1.2.1 For such a Complaint, the Speaker of AUS Council will forward the written record of the incident to the Equity Commissioners who are not implicated in the Complaint.
- 7.1.2.2 The Equity Commissioners who are not implicated in the Complaint shall begin an Investigation and respond to the Complaint within 10 working days and complete the process within 20 working days, unless an extension is needed.
- 7.2 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 Commissioners.
- 7.3 The Equity Commissioners will investigate the Complaint thoroughly. They will interview the Claimant, the Respondent, and any witnesses who agree to participate in the Investigation.
- 7.3.1 A detailed record shall be kept of interview minutes and sent to both the interview subject and the investigators for confirmation of accuracy.
- 7.3.2 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.

- 7.3.3 All parties involved in the Investigation process must sign a confidentiality agreement.
- 7.4 Before a final report is given, the Equity Commissioners 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 Commissioners will submit the final report to the AUS VP President for addition to the Equity Log. The Claimant and Respondent will also be provided with a copy of the final report.
- 7.5 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:
- 7.5.1 letter(s) of apology;
 - 7.5.2 suspension or dismissal of the Respondent from their position within the AUS and its affiliated internal groups;
 - 7.5.3 suspension of financial support by the AUS for internal groups that violate this Policy.
- 7.6 AUS Council will be provided with a summary of every substantiated Complaint after the Equity Commissioners make a recommendation. AUS Council will decide what action to take in light of recommendations of the investigating Equity Commissioners.
- 7.6.1 Recommendations for resolution made by the Equity Commissioners shall be considered binding unless two-thirds of AUS Council vote against them.
 - 7.6.2 If the recommendations of the Equity Commissioners are overturned by AUS Council, AUS Council must provide a detailed explanation of their decision.
- 7.7 Within 10 working days of delivery of the report, the Claimant and the Respondent will be informed in writing of any decision taken.

Article 8: Appeals Process

- 8.1 Based on Article 18.4 of the AUS Constitution, if either the Claimant or Respondent believes that a procedural error occurred during the Investigation, they have the right to appeal to the Judicial Board of the Students' Society of McGill University.

Article 9: Unsubstantiated Complaints, Bad Faith, and Retaliation

- 9.1 If the Equity Commissioners deem that there is not enough evidence to support an allegation of the incident(s), they cannot recommend any remedies.
- 9.2 In the event that the Complaint was made in bad faith, that is, made deliberately and filed maliciously knowing it had absolutely no basis, the Claimant will be subject to the same possible remedies as outlined in Article 7.5. 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 Commissioners, should the unjustly accused individual desire such a remedy.
- 9.3 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 7.5 at the discretion of the Ombudsperson of the AUS.

Article 10: Confidentiality

- 10.1 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.
- 10.2 Confidentiality is different from anonymity. An individual Claimant who seeks informal or formal resolution must be prepared to be identified to the Respondent.
- 10.3 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.
- 10.4 Any electronic documents shared between the Equity Commissioners, Claimant and Respondent will be password-protected.
- 10.5 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.
- 10.6 When the resolution is discussed in AUS 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 11: Conflicts of Interest

- 11.1 Upon receiving an Equity Complaint, Equity Commissioners must declare a conflict of interest should there be one.
- 11.2 Any Equity Commissioner who declares a conflict of interest regarding an Equity Complaint must abstain from all stages of conflict resolution, including formal and informal resolution.
- 11.3 Failure of an Equity Commissionersto declare a conflict of interest regarding an Equity Complaint will result in review or suspension from the Equity Committee, at the discretion of the other members of the Equity Committee based on the seriousness of the violation.

Article 12: Documentation – Equity Log

- 12.1 Any formal or informal recommendation and/or action shall be documented in writing and provided to the Claimant and to the Respondent.
- 12.2 The Equity Log will be a Confidential Document that is password-protected on the AUS computer system, to be maintained by the AUS VP President.
- 12.3 The VP President and the Equity Committee shall be the only individuals who may access the Equity Log.

Article 13: Limitations

- 13.1 Nothing in this Policy precludes either party from exercising any recourse available external of the AUS.

APPENDIX A: BACKGROUND OF AUS EQUITY

This policy has been drafted to enshrine and to solidify the AUS's commitments to equity in a comprehensive manner, in accordance with the AUS Constitution. The mission of the AUS according to the AUS Constitution is as follows:

2.1 The AUS exists to:

- 2.1.1 Represent all McGill students in the Faculty of Arts and to promote their welfare and interests.
- 2.1.2 Provide activities and services to enhance the educational, cultural, environmental and social conditions of its members.

Upholding principles of equity will increase the AUS's representational capabilities and ensure accessibility of all its events and services. The first explicit reference to equity in an AUS document is in the constitution of AUS Environment Council (AUsec) Bylaws. The standing committee of AUS Council is mandated to "Incorporate the principles of sustainability, ecological integrity, economic prosperity and social equity-into all endeavors of the Arts Undergraduate Society."

In April 2012, a referendum question amended the Constitution of the AUS to include the principles of equity and respect in its mandate:

Article 26 - Definition

26.1 The events, activities, and spaces operated by the AUS – may include but are not limited to the AUS Lounge, Ferrier Building Computer Labs, Arts Orientation Week and Arts Frosh, Bar des Arts, Nuit Blanche, AUS General Assemblies, and Arts Graduation Ball - shall be constituted herein as 'AUS services'.

Article 27 – Respect

27.1 AUS services shall operate with the concept of 'Safe Space', prohibiting the use of racist, sexist, and other oppressive signage.

27.1.1 It shall be left to the discretion of the AUS Executive and AUS Executive Assistant to determine what constitutes oppressive signage.

27.2 AUS services shall be venues for respectful dialogue and oppose intimidating solicitation and violence.

27.3 In the event of an equity complaint with regards to an AUS service, the complaint shall be addressed by the Ombudsperson of the AUS and a Report may be commissioned by the AUS Council to rectify the complaints.

Though these amendments improve the AUS's ability to represent AUS members and to deliver accessible services, equity is left undefined. Furthermore, they remain focused on signage without discussing the role of groups internal to the AUS, including departmental associations and committees. Also, they leave equity considerations in the hands of one individual: the Ombudsperson of the AUS.

To address the above concerns with Article 26 and 27 of the constitution, and in order to provide a thorough definition for equity, the following resolution was adopted at the meeting of the AUS Council, October 17, 2012:

Resolution to Support the Creation of an AUS Equity Policy and an Ad Hoc Equity Policy Committee

Whereas, the AUS has a commitment to social sustainability.

Whereas, social equity falls under the umbrella of social sustainability,

Whereas, the AUS currently does not have an equity policy,

Whereas, an equity policy shall be an important framework expounding the AUS'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 AUS Council supporting the creation of an equity policy provides the affirmation necessary for undertaking such a task.

Resolved, that AUS Legislative Council supports the creation of an AUS Equity Policy.

Resolved, that an Ad Hoc Equity Policy Committee be created as part of the social sustainability mandate of the AUS

Resolved, that an Ad Hoc Equity Policy Committee will explore the process of hiring practices as it relates to equity in the AUS

Resolved, that the Ad Hoc Equity Policy Committee's membership include the AUS VP Internal, two (2) AUS Councillors to be selected by the AUS VP Internal, and two members-at-large to be selected through an application process conducted by the AUS VP Internal.

Resolved, that the Ad Hoc Equity Policy Committee hold a consultation process that is open to all AUS members.

Resolved, that the Ad Hoc Equity Policy Committee be charged with the writing of the AUS Equity Policy for discussion and possible adoption at the November 28 or January 16 AUS Legislative Council.

Resolved, that the Ad Hoc Equity Policy Committee shall satisfy the AUS Councillors' committee participation requirement.

The passage of this resolution demonstrated the affirmation necessary to move forward with the creation of the Policy. After the passage of the resolution, the Ad Hoc Equity Policy Committee was formed, comprising the AUS VP Internal, Justin Fletcher; two councillors, Claire Stewart-Kanigan (Arts Representative to SSMU) and Thy Anne Chu Quang (AGELF); and two members-at-large, Claire Michela and Gabrielle Jacobs. The SSMU Equity Commissioner Justin Koh served as an advisory member to the Committee. An Equity Open Forum event was held on Tuesday, November 13, 2012, and a survey was released to the AUS membership the same week to ensure that the creation of the Policy was a consultative and transparent process.

The Committee discussed the following questions and considerations while drafting the policy:

What role should the newly formed Equity Committee play within the AUS, and how can the Equity Committee take more proactive rather than reactive measures concerning equity?

Within the AUS governing infrastructure, how can we guarantee confidentiality and protection from conflicts of interests to ensure that resolutions are fair to the Claimant and Respondent?

How can the SSMU's resolutions processes, including mediation, investigation and appeals of Equity Complaints, be adapted to the governing structures of the AUS?

The following AUS Policy is the culmination of the work of the Ad Hoc Equity Policy Committee throughout the Fall 2012 and Winter 2013 terms. The Policy is based off the SSMU Equity Policy, which can be found on the SSMU Website. The policy was discussed and ratified at AUS Council on March 20. The AUS hopes this Policy will effect lasting change on AUS members beyond their experience at McGill.

APPENDIX B: DEFINITIONS USED IN DEVELOPING THE POLICY

Equity: in the context of this Policy, Equity refers to the respect of and equality of opportunity for all members of the Association.

Diversity: the existence of differences among members of a community based on gender identity, age, race, ethnic or national origin, religion, sexuality, sexual orientation, mental and/or physical abilities, language, size, or social class.

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

Privilege: an exclusive benefit, right, advantage, or immunity maintained by a group of persons to the disadvantage of others.

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

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

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

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.

Complaint: a formal written declaration of a violation of the Equity Policy to the AUS Equity Commissioners.

Incident: the instance of alleged violation of the AUS Equity Policy by the Respondent addressed in the Complaint.

Claimant: the person or group who has experienced the alleged incident(s).

Respondent: the party against whom a Complaint is brought.

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.

Mediation: the initiation of a proactive dialogue between all parties concerned in an equity

issue, to be facilitated by at least one of the Equity Commissioners.

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

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

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.

APPENDIX C: FLOWCHART OF COMPLAINT, MEDIATION, AND INVESTIGATION PROCEDURES

