

ARTS UNDERGRADUATE SOCIETY OF MCGILL UNIVERSITY

INVOLVEMENT RESTRICTION POLICY

Article 1: Definitions and Terminology

- 1.1 The Arts Undergraduate Society of McGill University, hereafter referred to “AUS”, is the registered name of the non-profit organization representing and serving all undergraduate students in the Faculty of Arts and the Faculty of Arts and Science at McGill University.
- 1.2 The Secretary Generals of the AUS, hereafter referred to as the Sec-Gen Team, is the impartial third-party body specializing in accountability, equity, employment, and involvement of the Arts Undergraduate Society of McGill University which is composed of the Secretary General and Deputy Secretary General as defined by the AUS Constitution and By-Laws.
- 1.3 The AUS context shall refer to any situation where there is a clear connection to the AUS or its members.
 - 1.3.1 The AUS context is not limited to AUS spaces or McGill campuses.
- 1.4 Improper conduct of an individual includes, but is not limited to, any action that endangers the physical, mental, and/or emotional well-being, of individual(s) in the AUS context.
- 1.5 The complainant shall be the individual(s) affected, either directly or indirectly, by the alleged improper conduct.
 - 1.5.1 The terms “complainant”, “survivor” or similar terms may be used interchangeably at the discretion of the party per situation.
- 1.6 The respondent shall be the individual who allegedly engaged in improper conduct.
 - 1.6.1 The terms “respondent”, “accused” or similar terms may be used interchangeably at the discretion of the party per situation.
- 1.7 The Involvement Restriction Committee is the standing committee from which an Investigation Committee may be formed.
- 1.8 An Investigation Committee is an ad-hoc committee which manages a given involvement Restriction request.
- 1.9 Involvement Restriction refers to a limitation placed on an individual’s involvement within the AUS. This may include, but is not limited to: participating in, attending, staffing, or organizing events, holding positions of leadership or being a member of, or representing the AUS and/or its affiliations.
- 1.10 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.
 - 1.10.1 Involvement restriction shall also not be applied with a pre-existing bias or with purposeful, conscious intent of harm.

1.10.2. Similarly, involvement restriction must also not be withheld for reasons pertaining to an individual's personal characteristics and/or with pre-existing bias.

Article 2: Purpose

- 2.1 The purpose of the policy is to:
 - 2.1.1 Ensure and maintain the creation of a safe environment for all AUS members within all AUS spaces, including AUS events and groups.
 - 2.1.2 Protect the complainant(s) from further harm, physical, mental, or emotional, with an understanding that the different levels of violence certain marginalized groups face and we want to use our privilege to protect them
 - 2.1.3 Restrict the access of individuals who are likely to endanger the complainant or other students, in AUS spaces and groups, during AUS and/or AUS-involved events, and other instances within the AUS context, as deemed necessary by the committee.
 - 2.1.3.1 Restriction of access may extend to the McGill context and therefore affect access to other faculty and university-affiliated events and campus spaces, 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 Determine judgements as to whether the respondent is "innocent" or "guilty".
 - 3.1.2 Make decisions with the intention of punishing the respondent.
 - 3.1.3 Make decisions that do not serve to uphold 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 As previously stated in Article 1, improper conduct of an individual includes, but is not limited to, any action that endangers the physical, mental, or emotional, well-being of an individual or group in the AUS context.
- 4.2 A complainant may request the restriction of an individual who has demonstrated improper conduct in the AUS context by filing a formal complaint with the AUS Equity Team, or by contacting a member of the AUS Executive Committee.
 - 4.2.1 In the case a complainant requests restriction through a member of the AUS Executive Committee, hereafter referred to as the Executive, is responsible for informing an Equity Commissioner of the complaint. The Executive is responsible for informing the complainant of the investigative process and reinforcing the clause of non-disclosure held by the Equity Commissioners.
- 4.3 The investigation request shall be approved by at least one (1) AUS Equity Commissioner.

- 4.3.1 The investigation request shall be approved in a timely manner.
- 4.4 The Equity Commissioner shall inform the President of the approval of the investigation request.
 - 4.4.1 The notice of approval shall be sent within twenty-four (24) hours of the initial approval of the investigation request as stated in 4.3.1.
- 4.5 A restriction request can only be rejected by a unanimous vote of the Executive Committee and the Equity Commissioners.
- 4.6 In the case of an involvement restriction request in which the complainant and/or the respondent are members of the Executive Committee or Equity Team, the approval or rejection of the request shall be handled by the Sec-Gen Team.

Article 5: The Involvement Restriction Committee

5.1 The Involvement Restriction Committee shall be formed between May 1 and May 31. It will comprise of:

- 5.1.1 All AUS Equity Commissioners;
- 5.1.2 All members of the Executive Committee.
- 5.2 Investigations into involvement restriction requests made during the summer shall be conducted by the Involvement Restriction Committee.
 - 5.2.1 The Involvement Restriction Committee shall be overseen during the summer by the President.
 - 5.2.1.1 If the President is not available, a stand-in will be elected among available members of the Involvement Restriction Committee.
 - 5.2.1 The Involvement Restriction Committee shall follow all regular investigation procedures outlined in article 6.
- 5.3 At the first AUS Legislative Council meeting, the Involvement Restriction Committee shall be ratified at Council.
 - 5.3.1 If (a) member(s) is/are failed to be ratified, immediate action will be taken to find replacement permanent Committee members by the next AUS Legislative Council. This will be completed at the discretion of the Equity Team.
 - 5.3.1 The ratified members will continue to act and serve on the Involvement Restriction Committee.
- 5.4 All members of the committee shall sign a non-disclosure agreement (NDA) at the start of their term. A breach of the NDA will be grounds for immediate removal from the committee and other necessary disciplinary actions as specified within the agreement.
- 5.5 All members of the committee shall receive equity training, including but not limited to active listening training, disclosure training, mental health training, and any other training deemed appropriate by the Equity Team.
- 5.6 The Executive Committee shall continue the regular updating and appropriate maintenance of the restriction list and enforcement of any restriction terms.

Article 6: The Investigation Committee

- 6.1 The Investigation Committee shall be comprised of six (6) members of the Involvement Restriction Committee, with one of the members being an Equity Commissioner.
 - 6.1.1 The Investigation Committee may only have up to one Equity Commissioner.
 - 6.1.2 Once the investigation process has begun, additional members may not be added to the Investigation Committee.
 - 6.1.3 In the case that quorum, as per article 6.1, cannot be met due to vacancies in the Involvement Restriction Committee and/or a surplus of members rendered ineligible to handle the investigation due to a pre-existing bias, the committee may define an ad-hoc quorum subject to ratification by the Executive Committee.
 - 6.1.4 The Investigation Committee may change according to each case, as factors defining eligibility to handle a case as stated in Article 6.2.
 - 6.1.5 The Investigation Committee must be formed within twenty-four (24) hours of the initial approval of the investigation request.
- 6.2 Upon approval of the investigation request and prior to the start of the investigation, the Involvement Restriction Committee members, shall evaluate any pre-existing biases. It is each member's responsibility to declare in all truthfulness any pre-existing biases, with failure to do so as grounds for removal from the Investigation Committee and other necessary disciplinary actions as deemed appropriate by the Sec-Gen Team and the Executive Committee.
 - 6.2.1 No member of the Investigation Committee may have been directly involved in a role or have witnessed the incident.
 - 6.2.2 All members of the Investigation Committee must declare any personal relationship with any of the parties involved.
 - 6.2.2.1 The extent of personal relationship is to the discretion of the member. A purposeful failure to evaluate the extent is grounds for removal from the Investigation Committee and other necessary disciplinary actions as deemed appropriate by the Sec-Gen Team and the Executive Team.
 - 6.2.3 Any member of the Investigation Committee may step down from the committee for the duration of the investigation.
 - 6.2.4 At any point during the investigation, a member of the Investigation Committee may ask another member to step down for the duration of the investigation due to bias, subject to ratification by a ½ vote by the Involvement Restriction Committee.
 - 6.2.5 Should a member of the Investigation Committee step down, they shall be replaced by another member of the Involvement Restriction Committee not yet involved in the Investigation Committee.
 - 6.2.6 Should there be no more eligible Involvement Restriction Members to fill the vacant role(s), the committee may define an ad-hoc quorum subject to ratification by the Executive Committee just as defined in 6.1.3.
- 6.3 Knowingly possessing a bias but remaining on the committee shall be grounds for immediate removal from the Involvement Restriction Committee and other necessary disciplinary actions as deemed appropriate by the Sec-Gen Team.

- 6.4. Members of the Involvement Restriction Committee may decline a role on the Investigation Committee aside from pre-existing bias with valid reason, submitted to the Secretary General(s) and/or Equity Commissioner(s).
- 6.5 In the event that an Investigation Committee cannot be formed due to a surplus of Involvement Restriction Committee members possessing a pre-existing bias, temporary additional Involvement Restriction Committee members shall be chosen within and ratified within one (1) week by the Executive Committee and then trained at the discretion of the Equity Commissioner(s) within one (1) week of their hiring.
- 6.5.1 The temporary additional members must sign an NDA and are subject to the same responsibility and expectations as the regular standing members, as defined by this Policy and the AUS Constitution.
- 6.6 In the case that all Equity Commissioners possess a pre-existing bias, the Executive Committee shall recruit new Involvement Restriction Committee members, first turning towards recruitment of new members from the AUS Legislative Council.
- 6.6.1 If suitable members of the Involvement Restriction Committee cannot be found within members of the AUS Legislative Council, the Executive committee may recruit among general members of the AUS.
- 6.7 In the event that all members of the Executive committee have a pre-existing bias, the investigation request must be declined.
- 6.7.1 The complainant may have the option of bringing their concern to a McGill channel.
- 6.8 Any members of the Investigation Restriction Committee must sign a disclaimer attesting their non-involvement with the case they possess a pre-existing bias in.

Article 7: Investigation Procedure and Outcome

- 7.1 During the investigation process, the respondent shall be subject to a probation period with suspension from all involvement and activities in the AUS and/or interfaculty context, pending investigation, effective immediately upon approval of the investigation request.
- 7.1.1 The probationary period shall begin following the approval of the investigation request and last up to 30 days or following the ratification of the decision of the Investigation Committee by the Executive Committee.
- 7.1.2 During the probationary period, the respondent may not participate or staff in any AUS events, sit on any EUS affiliated teams, or participate in any AUS groups as deemed appropriate by the Investigation Committee.
- 7.1.3 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. If an individual is an active member of an AUS team or group, their membership must be suspended immediately and, to the team/group's discretion, be replaced for the time being.
- 7.2 The respondent shall be notified in writing by the Investigation Committee twenty-four (24) hours before the start of the probationary period.
- 7.2.1 The notice of investigation shall describe the nature of the alleged misconduct, without disclosing the identities of the complainant or any of the persons involved, and issue a warning that shall the respondent choose to pursue their

own investigation into or seek action upon involved parties, including but not limited to the complainant, affiliates of the respondent, the Involvement Restriction Committee, and the Investigation Committee, they may face consequences and furthermore, the Investigation Committee reserves the right to factor in the complainant's choice to pursue their own investigation or seek action into the decision-making process.

7.2.1.1 The complainant shall be given the opportunity to review this initial disclosure to ensure they are comfortable with its contents. Once both the complainant(s) and the Investigation Committee 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.

7.2.2 A list of support networks and resources at McGill, including but not limited to mental health and well-being resources, shall be sent to the respondent with the notice of investigation.

7.2.3 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 compromise or come at the expense of the safety and privacy of the complainant and committee members.

7.3 The Investigation Committee shall interview the complainant. The interview must be conducted within (5) business days.

7.3.1 A written statement may be accepted in place of, or as a supplement to, an interview.

7.3.1.1 When the Investigation Committee requests an interview with the complainant, they must also make the complainant aware of the option to submit a written statement.

7.3.1.2 If the complainant elects to submit a written statement, the Investigation Committee shall provide a list of questions that the complainant should answer in their statement. The complainant may also include in the statement any other information they feel relevant to the investigation. Failure to respond to any question provided may factor into the decision-making process of the Investigation Committee. The written statement must be submitted to the Investigation Committee within five (5) business days after the issuing of the list of questions.

7.3.1.3 The complainant'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.

7.4 The Investigation Committee shall interview the respondent. Failure for the respondent to cooperate may factor into the decision-making process of the Investigation Committee. The respondent must be contacted for an interview within forty-eight (48) hours of completion of the interview with the complainant. The interview with the respondent must be conducted within five (5) business days of contact.

7.4.1 A written statement as per 7.3.1 may be accepted in place of or as a supplement to an interview.

- 7.4.2 The complainant 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 has chosen to submit a written report.
- 7.5 The Investigation Committee shall be an impartial body.
 - 7.5.1 The Investigation Committee must disclose each member who is sitting on the Committee for the case in question to all parties involved.
 - 7.5.2 The respondent and the complainant may raise concerns on the composition of the Investigation Committee to the Sec-Gen Team, who shall investigate the concerns and take the appropriate actions.
 - 7.5.2.1 Pending the Sec-Gen Team's investigation, the Investigation Committee will halt activities and will resume again upon completion of the Sec-Gen Team's investigation.
- 7.6 The Investigation Committee shall interview any individual who voluntarily comes forward with information on the incident.
 - 7.6.1 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.
- 7.7 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 Committee, unless otherwise specified within this policy.
 - 7.7.1 The Investigation Committee may not discuss any details pertaining to the investigation with members of the Involvement Restriction Committee previously rendered ineligible due to pre-existing bias.
 - 7.7.2 Access to the minutes recorded during the investigation shall be restricted to the members of the Investigation Committee and the Executive Committee.
 - 7.7.3 Any breach of confidentiality is grounds for removal from the Investigation Committee and the Involvement Restriction Committee as well as other necessary disciplinary actions as deemed appropriate by the Sec-Gen Team and the Executive Committee.
- 7.8 The Investigation Committee must reach a decision within seven (7) days of completion of all interviews with necessary stakeholders in the incident.
 - 7.8.1 The Investigation Committee may call for an extension but must inform the complainant and respondent of the time extension.
- 7.9 When a two-thirds (2/3) majority decision is reached among the members of the Investigation Committee, if there are remaining members of the Involvement Restriction who were considered eligible to handle the case, a report with the decision must also be presented to the other eligible members of the Involvement Restriction Committee for approval.
 - 7.9.1 Approval of the decision must result in an overall two-thirds (2/3) majority vote including the votes of all eligible members of the Involvement Restriction Committee.

- 7.9.2 Ineligible members, as determined above in Article 6, may not vote and may not be present when the report is presented.
- 7.9.3 If there are no eligible members, the report does not need to be presented but must still be accessible within the archives after the investigation is concluded.
- 7.10 Within twenty-four (24) hours of majority decision, 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.
 - 7.10.1 The Investigation Committee may offer recommendations, which may include but are not limited to: attending workshops, training, or other learning opportunities regarding substance abuse, consent, discrimination, inappropriate behaviour, bullying, and harassment, making an active effort to change their behaviour at other events and in their personal life.
 - 7.10.2 The respondent shall be informed of any subsequent changes to the decision.
 - 7.10.3 If a restriction has been placed on the respondent, they shall be informed of their right to an appeal to a new Investigation Committee.
- 7.11 Within twenty-four (24) hours of majority decision, the Investigation Committee shall inform the complainant, in writing, of the decision and the terms of the restriction, if any.
 - 7.11.1 The complainant shall be informed of any subsequent changes to the decision.
- 7.12 If a two-thirds (2/3) majority decision cannot be reached – in other words, there is an equally-split vote – the investigation is considered inconclusive.
 - 7.12.1 The complainant and the respondent must be informed. They may then request for the case to be:
 - 7.12.1.1 Brought to the Sec-Gen Team OR
 - 7.12.1.2 Brought to a confidential AUS Legislative Council, which will then be subject to the proper policies and procedures regarding the conduct of a confidential closed Council as per the AUS By-Laws OR
 - 7.12.1.3 Brought to an official McGill administration channel.

Article 8: Terms of Restriction

- 8.1 The length and other terms of an individual's restriction are determined by the Investigation Committee and further approved by the remaining eligible members of the Involvement Restriction Committee, if necessary.
 - 8.1.1 Terms of restriction may include, but are not limited to: restricted access to participating in or staffing AUS events, holding positions within the AUS and its groups, posting on public AUS-affiliated social media platforms.

8.1.2 Terms of restriction may also be subject to previous existing agreements, waivers, and contracts, including but not limited to the interfaculty Memorandum of Understanding with McGill University for Orientation Week.

8.2 In the case that the terms of restriction are breached:

8.2.1 The terms of restriction may be updated by the Investigation Committee pending the approval of a simple majority vote of the Executive Committee.

8.2.2 The number of informed individuals may be increased to ensure that the safety of the complainant and other students is maintained. The new list of informed individuals shall be created by the Investigation Committee for that case and approved by a simple majority vote of the Executive Committee. The respondent shall be informed of all new positions which have been informed about the terms of their involvement restriction.

8.2.3 In the event of repeated breaches of the terms of restriction, the Investigation Committee shall meet with the respondent in person to ensure the terms are understood and followed.

8.2.4 In the even the breaches continue, the Involvement Restriction Committee and the Executive Committee reserves the right to involve McGill Security, event security, and McGill administration.

8.3 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 9: Involvement Restriction Regarding Non-AUS Members

9.1 A complainant may submit an investigation request into the restriction of a respondent who is not a Regular or Associate member of the AUS.

9.2 If possible, this request shall be managed by an Investigation Committee as per article 6.

9.3 If necessary, the restriction of a non-AUS Member may be managed by the Executive Committee and decided upon by a simple majority decision of the Executive Committee.

This may include, but is not limited to:

9.3.1 The restriction of alumni;

9.3.2 The restriction of McGill students who are not undergraduates.

9.4 The AUS reserves the right to decline investigation of a non-AUS member.

9.4.1 The AUS may instead contact the proper faculty of the non-AUS member and McGill University administration to handle the investigation, with the permission of the complainant.

Article 10: Maintenance of the Restriction List

10.1 A list of all currently restricted individuals is maintained by the Vice President of Social Affairs, under the supervision of the President and shared with the Executive Committee and Equity Commissioners.

10.2 The Involvement Restriction 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 fourteen (14) academic days of the notification.
- 11.2 An involvement restriction appeal may be submitted to the other Equity Commissioners who did not sit on the Investigation Committee for the respondent's case. The grounds for appeal must be specified.
- 11.3 The Sec-Gen Team shall investigate the appeal within forty-eight (48) hours of approval of appeal investigation request.
 - 11.3.1 If eligible, the remaining Equity Commissioners may be consulted for the appeal. If they did not sit on the Investigation Committee due to pre-existing bias, they may not be consulted.
- 11.4 The Sec-Gen Team shall review all documents related to the investigation, including but not limited to, minutes and written statements from the investigation.
 - 11.4.1 The Sec-Gen Team may conduct follow-up interviews or ask for additional written statements from the parties involved in the original investigation.
- 11.5 The Sec-Gen Team may accept or reject the appeal. The terms of restriction may only be modified if the appeal is accepted.
 - 11.9.1 Additional restrictions may not be imposed on a respondent's terms following a rejected appeal.
- 11.6 The decision of the Sec-Gen Team shall be final. No further appeal shall be considered.
- 11.7 Upon reaching a decision, the Sec-Gen Team shall inform the respondent in writing of its decision and the reasons for the decision within twenty-four (24) hours.
- 11.8 Upon reaching a decision, the Sec-Gen Team shall inform the complainant in writing of its decision, the updated terms of restriction, and the reasons for the decision within twenty-four (24) hours.

Article 12: Statute of Limitations

- 12.1 Any request for Involvement Restriction for an incident that took place outside the AUS context or without AUS-affiliation, including incidents which occurred outside of an individual's enrollment at McGill University, may not be addressed.

Article 13: With the McGill Administration

- 13.1 In addition to the AUS Involvement Restriction Policy, if either party elects to go through an official McGill resource, the Investigation Committee shall refer the case to the appropriate McGill Administration Policies and/or offices, including but not limited to: the Code of Student Conduct, the Office of the Dean of Students, the Policy against Sexual Harassment, or the Policy against Sexual Violence, McGill Security, or any faculty procedures.
- 13.2 The AUS Involvement Restriction Policy shall not impede official McGill policies and procedures and will cooperate fully with the McGill Administration, if necessary, for the best resolution for stakeholders.

Article 14: Superseding Clause

14.1 This document completely supersedes any previous versions of the Involvement Restriction Policy or similar, including but not limited to what has been known as the Blacklisting Policy.

14.1.1 Individuals who have been restricted access from previous policies will have their restrictions continued and carried over with this current Involvement Restriction Policy. Their restrictions shall not change.

Article 15: Amendments

15.1 Amendments to this policy shall be approved by a simple majority vote of the AUS Legislative Council.

15.2 Amendments to this policy shall be ratified by a simple majority vote of the Executive Team.

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 AUS Constitution;

16.1.3 The AUS Memorandum of Agreement;

16.1.4 AUS By-Laws.

Disclaimer if they pursue their own investigation.

The Involvement Restriction Policy is an additional step the AUS is taking to ensure the organization's accountability and the proper steps are taken as outlined by the law. In no way does AUS deny allegations by previous complainants in cases brought before or after the formation of the IRP.

The AUS recognizes the different levels of violence that marginalized groups may experience and hopes to use its privilege to further support them.