

STAGE 1 COMPLAINT

Fill out a complaint form

File with support

Email mobilization@asfa.ca

Form sent to Investigative Committee (IC)

File by yourself

Email investigativecommittee@asfa.ca

**STAGE2 begins*

STAGE 2 INVESTIGATION

Investigation begins

IC meets with complainant and their representative. Complainant provides input on what actions they would like to see taken.

IC contacts respondent to meet with them.
**Investigation will proceed whether or not the respondent cooperates.*

IC investigates claims and issues decision.
**STAGE3 begins*

STAGE 3 DECISION

Parties are informed of IC decision

Decision is accepted

**Recommended sanction is approved by relevant authority, if needed.*

Decision is implemented

Decision is contested

Reviewed application is brought to Judicial Committee.

Judicial Committee dismisses the request for review.

Judicial Committee accepts the request for review.

Process returns to STAGE2

**THE ARTS AND SCIENCE FEDERATION OF ASSOCIATIONS' POLICY AGAINST DISCRIMINATION,
HARASSMENT AND VIOLENCE**

**Written by the ASFA Task Force
to eliminate racial and sexual harassment and violence**

**Adopted October 8th, 2018
Amended May 24th, 2020**

Purpose: this policy aims to eliminate all forms of discrimination, harassment, and violence within the ASFA community and to hold members of the ASFA accountable for their actions.

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Section 1 SCOPE

- 1.1. This policy applies to all Students, Employees, Executives, Representatives or Councilors of ASFA and of its Member Associations.
- 1.2. **Cautionary remark:** The ASFA is not equipped or trained to provide adequate direct support to survivors or victims of Discrimination, Harassment, and Violence. This policy is not an adequate replacement for sustained survivors support. If you or anyone you know has been impacted by Discrimination, Harassment or Violence, we encourage you to seek help from the Concordia's Sexual Assault Resources Center, the Concordia's Center for Gender Advocacy or other relevant support networks.

Section 2 OBJECTIVES

- 2.1. The aim of this Policy is to combat and prevent Discrimination, Harassment and Violence within the ASFA Community, particularly racism, sexism, ableism, transmisia, homomisia and sexual violence, to hold perpetrators of this behaviour accountable and to work towards a culture on campus that encourages respectful and non-harmful behaviour.
- 2.2. This policy aims to allow the Members of the ASFA Community to be held accountable for their actions, and to allow the ASFA to take responsibility for the environment and cultures that the ASFA fosters.
- 2.3. The ASFA shall take reasonable action to prevent Harassment, Discrimination and Violence and to ensure that members of the ASFA and Concordia Community, can learn, work, and be involved in campus life free of civil rights violations and violence in all its forms.

Section 3 DEFINITIONS

- 3.1. *Complainant:* A member of the Concordia community who considers that they suffer prohibited Harassment, Discrimination or Violence as defined by the Policy, or who has witnessed such actions, by one or a group of Students,

Employees, Executives or Councilors of ASFA or of its Member Associations.

3.2. *Councilor*: A member of *the* ASFA’s board of directors as defined in section 5 of the General By-Laws of the ASFA.

3.3. *Discrimination*: Any action, behavior, or decision based on prohibited ground (such as pregnancy, age (except as provided by law), historically marginalized race, colour, gender identity, sexual orientation, civil status, religion, political conviction, language, ethnic or national origin, social condition, a disability or the use of any means to palliate a disability) which results in the exclusion or preference of an individual or group within the ASFA Community.

3.4. *Employee*: An Employee of the ASFA or of one of its Member Associations, including volunteers.

3.5. *Executive*: A member of the executive body of the ASFA or of the executive body of one of its Member Associations.

3.6. *Harassment*: Harassment includes *psychological harassment* which includes but is not limited to unwanted physical or verbal behaviour, which offends or humiliates and that persists over time. Serious one-time incidents can also be considered harassment if it has a significant and lasting impact on the Complainant. Harassment also includes *sexual harassment*, which refers to any unwanted sexual communication or attention that is offensive, intimidating, or humiliating, including in the context of a same-sex interaction. Harassment can take verbal, written, physical and/or visual forms.

Harassment based on prohibited ground of Discrimination (listed at s. 3.3) is considered as discriminatory harassment. Special attention will be paid to reports of *discriminatory harassment* centered around power imbalances, specifically against marginalized individuals, which can take the form of sexism, transmisia, homomisia, ableism, racism and classism.

- i. Homomisia refers to a strong dislike of homosexuals and homosexuality. More broadly, it is the systematic oppression, discrimination, or exclusion of same sex individuals. It is commonly referred to as homophobia.
- ii. Ableism refers to discrimination, prejudice, or exclusion against individuals with disabilities. More broadly, it is the systematic oppression, discrimination, or exclusion directed against disabled people based on the belief that ‘normal ability’ is superior.
- iii. Transmisia refers to a strong dislike for trans people and gender diversity. More broadly, it is the systemized discrimination or antagonism/opposition of transgender/nonbinary/genderqueer/agender persons. It is commonly referred to as transphobia.
- iv. Classism refers to prejudice, discrimination, or exclusion between people of different social or economic classes.

More broadly, it is the systematic oppression of subordinate groups by the dominant class group(s) which reinforces notions of superiority between different classes.

Note: “Misia” in the above terms refers to hate, hatred, disgust, or revulsion of something.

- 3.7. *Investigative Committee*: A committee of the ASFA which has been mandated to process complaints of Harassment, Discrimination and Violence.
- 3.8. *Judicial Committee*: The committee of the ASFA defined in section 6 of the ASFA Bylaws.
- 3.9. *Member of the ASFA Community*: Students, Employees, Executives or Councilors of ASFA and of its Member Associations.
- 3.10. *Member of the Concordia Community*:
- i. Members of the ASFA Community;
 - ii. Any other students or Employees of the Concordia University.
- 3.11. *Minorities and Marginalized Individuals*: Gender minorities, sexual minorities, religious *minorities*, racialized minorities, people with disabilities, BIPOC (Black, Indigenous and people of colour) and other similar groups.
- 3.12. *Mobilization Committee*: An ASFA standing committee chaired by the ASFA mobilization coordinator to promote safe and equitable student engagement.
- 3.13. *Mobilization Coordinator*: The ASFA executive who is responsible for overseeing all advocacy related affairs of the federation.
- 3.14. *Policy*: The Arts and Science Federation of Association’s Policy against Discrimination, Harassment and Violence.
- 3.15. *Racial Violence*: Any violence, physical or psychological, against racialized persons, including self-identified racialized persons carried out through the targeting of that person's assumed or self-identified race, or through the targeting of marginalized racial groups that person may belong to or be assumed to belong to. This violence may take many forms.

3.16. *Respondent*: A Student, Employee, Executive or Councilor of ASFA or of its Member Associations or a group of these individuals against which allegations of Harassment, Discrimination or Violence have been made by a Complainant.

3.17. *SARC*: Concordia's Sexual Assault Resources Center.

3.18. *Sexual Violence*: Any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This includes, but is not limited to sexual assault, sexual harassment, stealthing, stalking, indecent exposure, voyeurism, forced exposure degrading sexual imagery, distribution of sexual images or video of a Member without their consent, and cyber harassment or cyber-stalking of a sexual nature or related to a Member's sexual orientation, gender identity or presentation, including same-sex Sexual Violence.

3.19. *The ASFA Task Force*: The ASFA Task Force to Eliminate Racial and Sexual Harassment and Violence, created to implement concrete steps to prevent and sanction racism, sexism, and other forms of prohibited Discrimination, Harassment or Violence within the ASFA Community.

3.20. *Violence*: The *intentional* use of physical force or power, threatened or actual, that either results in or has a high likelihood of resulting in injury, psychological harm, deprivation or death.

Section 4. RESPONSIBILITIES AND DUTIES

4.1. All Employees, Executives, Representatives or Councilors of ASFA and of its Member Associations have a responsibility to familiarize themselves with this Policy, to respect it, to apply it when necessary, and to uphold it within the ASFA community. They shall sign a commitment form to that effect.

4.2. All Employees, Executives, Representatives or Councilors of ASFA and of its Member Associations are required to inform possible Complainants of the formal complaint processes in a way that supports survivor/victim autonomy.

4.3. Failure to take reasonable action to inform potential Complainants of the complaint processes, their rights under these processes, and potential outcomes of these processes may result in disciplinary action.

4.4. Survivors/victims of Discrimination, Harassment or Violence have options when deciding where and how to file a formal report or complaint. Reporting options are not mutually exclusive. Complainants are welcome to pursue multiple avenues against the Respondent externally, including through the criminal justice system and human rights tribunal.

Section 5. THE INVESTIGATIVE COMMITTEE

5.1. Composition and eligibility criteria

5.1.1. The Investigative Committee shall consist of:

- i. Two ASFA Councilors preferably with prior knowledge about sexual and racial violence and human rights;
- ii. One or both of the co-chairs from the ASFA Task Force;
- iii. A legal consultant hired by the ASFA;
- iv. The Mobilization Coordinator (member of the ASFA executive);
- v. Two ASFA members-at-large preferably with knowledge about sexual and racial violence and human rights;
- vi. Two alternate backup members (ASFA Councilors).

5.1.2. The following individuals are not eligible to serve on the Investigative Committee:

- i. Anyone who has been convicted of a sexual offence;
- ii. Anyone who has been convicted of an offence against the person;
- iii. Anyone who has been found liable for prohibited discrimination under human rights legislation or employment standards legislation;
- iv. Anyone who has had disciplinary action taken against them for reasons of harassment, violence, or discrimination, including pursuant to this policy or similar policies of other institutions.

5.1.3. All members of the Investigative Committee shall have mandatory sensitivity training specific to anti-harassment, discrimination and violence within two months of appointment. The Mobilization Coordinator is responsible for coordinating the training. A budget shall be set aside for that purpose.

5.1.4. Inclusion of Minorities and Marginalized Individuals, and people with lived experience, shall be a priority when filling Investigative Committee positions.

5.2. Appointment

5.2.1. Members of the Investigative Committee shall be appointed as follows:

- i. The two Councilors are elected at the June ASFA regular council;
- ii. The co-chairs of the Task Force are elected internally by the ASFA Task Force;
- iii. The legal consultant is chosen through the ASFA Hiring Committee;
- iv. The Mobilization Coordinator is elected during the elections for the ASFA executive;
- v. The ASFA Member shall be chosen through the Appointments Committee by July 20th of each year;
- vi. The two alternate members (Councilors) will be elected at the June ASFA regular council.

5.2.2. The mandate of every member of the Investigative Committee ends on May 31st of each year.

5.3. Mandate

5.3.1. The Investigative Committee must:

- i. Apply this Policy in case of alleged Harassment, Discrimination or Violence done by a Respondent;
- ii. Investigate cases of alleged Discrimination, Harassment or Violence by Members of the ASFA Community;
- iii. Prepare a written report of the results of the investigation;
- iv. Impose or propose disciplinary measures where warranted;
- v. Maintain appropriate records and filing of reports;
- vi. Follow up on complaints;
- vii. Manage communications about complaints and application of the Policy.

5.4. Disqualification

5.4.1. If a complaint is made against an Investigative Committee member, they will be automatically suspended for the duration of the investigation. If they are subjected to a disciplinary measure under this Policy, they will be removed

from their position and barred from serving on the Investigative Committee.

5.5. Vacancy

5.5.1. Any vacancy shall be filled as soon as possible, no later than 4 weeks after the vacancy occurred. More precisely:

- i. A Councilor seat shall be filled during the council meeting following the vacancy;
- ii. If the ASFA Member seat is vacant, a call out shall be sent no more than 2 weeks following the vacancy, and the member shall be chosen in the following 2 weeks by the appointment committee.

5.5.2. Despite any vacancy, the Investigative Committee may continue to act, as long as there is quorum.

5.6. Quorum and vote

5.6.1. Quorum shall be three Investigative Committee members

5.6.2. The decision shall be made in closed session on a consensus-minus-one (1) basis.

5.6.3. If due to exceptional circumstances decisions must be made without quorum, this shall be explicitly noted in the decision.

5.7. Powers

5.7.1. The Investigative Committee has the power and authority to make decisions to protect the safety of the Members of the ASFA Community.

5.7.2. When these decisions shall be ratified by ASFA Council, Councilors shall recognize and rely on the expertise of the Investigative Committee on issues of Discrimination, Harassment and Violence in the Concordia community.

5.8. Code of Conduct of Investigative Committee Members

5.8.1. The members of the Investigative Committee have a duty to adhere to the highest standard of conduct in carrying out their duties and responsibilities.

- 5.8.2. The members of the Investigative Committee shall ensure the confidentiality of all information concerning a Complaint of which they become aware while conducting the investigation process and they shall not discuss ongoing cases outside of meetings in closed session.
- 5.8.3. The members of the Investigative Committee shall avoid placing themselves in a position where their personal interest is in conflict with that of the Parties involved.
- 5.8.4. The members of the Investigative Committee shall disclose to the other members any real or perceived conflicts of interest as such conflict arise. Where a member who has participated has a conflict, they shall disclose it, and it shall be noted in any decision made. A potential conflict of interest will arise whenever a member of the Investigative Committee is in position to influence the conduct of the investigation or other related matters in ways that could lead to personal gain for the member or a related party (e.g. family, friends, etc.). Conflict of interest may take the form of a friendship with Parties involved.
- 5.8.5. The members of the Investigative Committee shall be removed from an investigation process when they are in a situation of conflict of interest or in a context in which their independence could be called into question. The vacancy should be filled by an alternate member of the Investigative Committee who has been approved by Council, the Investigative Committee and the ASFA Taskforce.

Section 6. PROCEDURE FOR ADDRESSING COMPLAINTS

6.1. Confidentiality

- 6.1.1. Reporting incidents of Discrimination, Harassment or Violence for the purposes of support, assistance or accommodation is confidential.
- 6.1.2. Upon request by a Complainant, their identity will not be shared with the Respondent by the Investigative Committee. However, the Investigative Committee must share with the Respondent a summary of the complaint.
- 6.1.3. There are limits to the protection of anonymity. The identity of the Complainant may become apparent in the course of an investigation of the complaint, even if the identity of the Complainant is not expressly shared with the Respondent.
- 6.1.4. In some cases, it might be necessary for the proper conduct of the investigation and/or the resolution of the case to

reveal the identity of the Complainant to the Respondent. This will be the case when the potential sanctions faced by the Respondent are very serious, such as the termination of employment. In such cases, the Investigation Committee will explain to the Complainant that their identity has to be disclosed if the Complainant wishes the investigation to continue.

- 6.1.5. Complaints and details that might reveal the identity of the Complainant will be treated sensitively by the ASFA. Only the individuals who must be aware of information shall have full access to the information disclosed.
- 6.1.6. The motions passed in closed session shall be put in the minutes of the meeting which are public record, but the details of the case shall remain in closed session. Records of these meetings shall be filed physically, and nothing shall be stored on the cloud. They should be filed in by the last name of the Respondent.
- 6.1.7. Confidentiality cannot be maintained where information needs to be disclosed to appropriate authorities in order to address a risk to the health and safety of Members of the ASFA Community or where the ASFA is obliged by law to disclose the information. For example, confidentiality cannot be maintained where:
 - i. an individual is at risk of imminent and serious harm to themselves or others;
 - ii. reporting or investigation is required by law (for example, sexual or physical abuse involving a person under 18 years of age).

6.2. Reporting Anonymously

- 6.2.1. Complaints can be made anonymously through email and the ASFA complaint form.
- 6.2.2. Anonymous emails shall be titled “Anonymous”.
- 6.2.3. Anonymous complaints will only be reviewed by the Investigative Committee’s legal consultant.
- 6.2.4. The Investigative Committee’s legal consultant is responsible to redact necessary information before providing the complaint to the rest of the Investigative Committee members. The limits to anonymity described in section 6.1 apply to anonymous complaints.

6.3. Initiation and Intake of Complaints

- 6.3.1. A Complainant and Respondent can decide to advocate for themselves. They can also be represented by an advocate from the CSU Advocacy Center.
- 6.3.2. A Complainant shall file a complaint in writing in sufficient detail. Complaint forms are available on the ASFA website, at the ASFA office, as well as at the SARC.
- 6.3.3. The Complainant or their representative may submit the form to the Investigative Committee by email or bring it to the ASFA front desk. In that case, the ASFA Executive present shall take the appropriate measures to ensure the privacy and anonymity of the Complainant. They shall put the Complaint in an envelope addressed to the Investigative committee and seal it in front of the individual that has brought it up. No personal information shall be written on the envelope.
- 6.3.4. The Complainant can also decide to fill out a form at the ASFA office, in which case they shall have access to a private space to fill the Complaint form and be informed of the services offered on campus and off campus for victims of Discrimination, Harassment and Violence.
- 6.3.5. The Investigative Committee legal consultant and the Mobilization Coordinator will review bi-weekly the Committee's mailbox.
- 6.3.6. If a Complaint is made against or involves the Mobilization Coordinator, it shall be mentioned in the title of the Complaint, and it shall only be reviewed by the legal consultant. The legal consultant shall then redact any necessary information before providing the complaint to the rest of the Investigative Committee members.
- 6.3.7. Upon receipt of the Complaint, the Investigative Committee legal consultant or the Mobilization Coordinator shall contact the Respondent through their student email or other reasonable means to inform them of their rights and responsibilities in the process and to provide them with a summary of the complaint (with the Complainant's name redacted) as per section 6.1.2.
- 6.3.8. The ASFA computer assigned to the Mobilization Coordinator will be made available at the ASFA office to keep all files corresponding with the Investigative Committee. The Investigative Committee will have its own password-protected session on the Computer. All files left on the Investigative committee's session will be password-protected. The computer will be made available during ASFA office hours and, if needed during the

weekend, it will be available by making an appointment with an ASFA Executive.

- 6.3.9. The Investigative Committee's files will be backed up weekly to an external hard drive. A paper copy of all files will be kept in a locked filing cabinet.
- 6.3.10. The legal consultant and the Mobilization Coordinator will be responsible to keep the evidence up to date on the ASFA computer assigned to the Mobilization Coordinator and in the filing cabinet.
- 6.3.11. The Respondent may submit a written response and may meet with the Investigative Committee within the timeline of the investigative process of receiving the Complaint to the Investigative Committee. A copy of the response may be provided to the Complainant or their advocate by the Investigative Committee.
- 6.3.12. Respondents and Complainants shall be informed of the names of the members of the Investigative Committee who shall conduct the investigation. If a member is in a position of conflict of interest as described in section 5.8., either the Complainant or the Respondent can ask for their replacement.
- 6.3.13. If the investigative process uncovers new information which reveals probable Discrimination, Harassment or Violence as defined by this policy, a new investigation may be initiated with the consent of the Complainant against persons other than the initial Respondent.

6.4. Investigation Process

- 6.4.1. Upon receipt of the complaint, the Investigative Committee has six (6) weeks to carry out the investigation and render its decision, unless special circumstances justify an extension. If there are special circumstances the Complainant and Respondent shall be informed of the new timeline and the justification.
- 6.4.2. The Investigative Committee does not encourage face-to-face mediation as this can retraumatize people who have experienced Harassment, Discrimination and/or Violence.
- 6.4.3. The Investigative Committee shall investigate the complaint fairly and objectively, using methods deemed appropriate under the circumstances, which may include meeting with witnesses, reviewing files and documentation and seeking information from third parties.
- 6.4.4. All Members of the ASFA Community, including the Parties and their advocates, shall cooperate with the

Investigative Committee and respond in a timely fashion to its requests. Failure on the part of the Respondent to cooperate shall result in a decision being made without them. Cooperation includes refraining from commenting on the complaint and the circumstances relating to it on social media while the investigation is under way.

- 6.4.5. Contact between the Parties during this process is discouraged and any attempts to discourage or intimidate the Complainant on the part of the Respondent or parties connected with the Respondent will be met with disciplinary measures (as described below).
- 6.4.6. The Investigative Committee meets with the Parties individually. The Complainant can be represented by their representative, and if they choose to be present to the meeting, they can bring a support person with them.
- 6.4.7. If the Respondent does not make themselves available for a meeting or does not provide a written statement within the investigative period which they shall have been informed of, a decision will be made without them.
- 6.4.8. Complaints shall not be suspended if the Respondent or the Complainant leaves the ASFA or the University.
- 6.4.9. At any time during the investigation process, a Complainant can withdraw their Complaint. The ASFA, however, reserves the right to retain information on the Respondent.
- 6.4.10. The Investigative Committee is required to keep track of the information obtained during the investigation process and to keep this information confidential.
- 6.4.11. Records of the Investigative Committee meeting shall be kept on the ASFA computer assigned to the Mobilization Coordinator and reasonable measures shall be taken to ensure their security, such as in s. 6.3.

6.5. Decision and Outcomes

- 6.5.1. The Investigative Committee shall produce a written report of the results of the investigation, including the finding of relevant facts and a conclusion as to whether disciplinary measures should be taken. If disciplinary measures are deemed appropriate, they shall be described in the report.
- 6.5.2. The Investigative Committee members who have participated in a decision will be listed at the end of the decision.
- 6.5.3. When the Investigative Committee determines that the evidence doesn't support the conclusion that Discrimination,

Harassment or Violence has occurred, the case is closed and all Parties shall be informed.

- 6.5.4. Special attention must be paid to reports of harassment centered around power imbalances, specifically discrimination against marginalized individuals in the form of sexism, transmisia, homomisia, ableism, racism and classism.
- 6.5.5. When the Investigative Committee determines that the evidence supports the conclusion that Discrimination, Harassment or Violence has occurred, the outcome of the investigation will depend on the status of the Respondent. The Respondent who is both an ASFA Employee and a Student could face measures at s. 6.5.6 and s. 6.5.7.
- 6.5.6. If the Respondent is an ASFA Employee and if the Discrimination, Harassment or Violence has occurred in the context of the employment relationship, the Investigative Committee will share its written report with the General Coordinator, who will apply the disciplinary sanction they deem appropriate in an employment context.
- 6.5.7. If the Respondent is a Student, Executive or Councilor of ASFA or of its Member Associations, the Investigative Committee may impose one of the following disciplinary measures to the Respondent, depending on the severity and circumstances of the case:

A. Informal warning and mandatory sensitivity or conflict management training

An informal warning will be a verbal warning only be given in cases of verbal Harassment or Violence. The Respondent will also be instructed to attend sensitivity training particular to the form of Discrimination, Harassment or Violence perpetrated, or conflict management training, within a reasonable period of time not exceeding two months. Failure to attend sensitivity training shall result in further disciplinary measure.

B. Formal warning and mandatory sensitivity or conflict management training

The formal warning will be a written warning, the Respondent will also be instructed to attend sensitivity training particular to the form of Discrimination, Harassment or Violence perpetrated, or conflict management training, within a reasonable period of time not exceeding two months. Failure to attend sensitivity training shall result in further disciplinary measure.

C. Temporary suspension from Representative position within the ASFA, formal warning and mandatory sensitivity or conflict management training

The temporary suspension shall be of no less than two (2) weeks and it can be adjusted according to the Complainant's needs. The suspension will be revoked once an accountability process deemed acceptable by the Complainant has been

completed. The Respondent will also be instructed to attend sensitivity training particular to the form of Discrimination, Harassment or Violence perpetrated, or conflict management training, within a reasonable period of time not exceeding two months. Failure to attend sensitivity training shall result in further disciplinary measure.

D. Removal from current and possible Representative position within the ASFA, formal warning, accountability process and mandatory sensitivity or conflict management training

The removal shall be automatic, as the Respondent becomes ineligible to fulfill a Representative position when they are found liable under this Policy and when the Investigative Committee concludes that the removal shall be the appropriate disciplinary measure taken, as provided for in the Undertaking regarding the Policy signed by every Representative. The removal will become effective after the time limit for review mentioned in s. 6.6. has elapsed. In the meantime, the Respondent shall be suspended until a final decision has been made.

The Respondent will also be instructed to attend sensitivity training particular to the form of Discrimination, Harassment or Violence perpetrated, or conflict management training, within a reasonable period of time not exceeding two months. Failure to attend sensitivity training shall result in further disciplinary measure.

E. Exclusion from ASFA events

The exclusion measure is a social pressure tactic aimed at maintaining a safe space for Complainants during ASFA and Member Associations events. All Member Associations and ASFA event coordinators will be informed that the Respondent is unwelcome in all ASFA and Member Associations events and will invite them to leave if they recognize them at such an event. It is strictly prohibited to use physical force to remove the Respondent from an event. A list of ASFA Members subjected to the exclusion measure shall be maintained by the co-chairs of the Taskforce, members of the Investigative Committee and the ASFA Executives. This list shall also be made available to relevant Member Associations, but no information on the exact nature of individual cases shall be released by the ASFA to the general public.

F. Other

Complainants can make other requests for disciplinary, reparational, or restorative measures against the Respondent.

6.6. Review

- 6.6.1. Any Party may ask the Judicial Committee to review the Investigative Committee decision to determine whether the Investigative Committee properly applied the Policy to the facts. The Judicial Committee owes deference to the

Investigative Committee interpretation of the parties' testimony and may not interfere with their finding of facts.

- 6.6.2. The request for review should be made in writing within thirty (30) days of having received the Investigative Committee Decision. All efforts will then be made by the Judicial Committee to render a decision and to present it to Council within thirty (30) days from the request.
- 6.6.3. There must be a majority of the adjudicators assigned to the case in favour of determining that there has been a misapplication of the policy and that the investigation shall be reopened.
- 6.6.4. In such a case, the Judicial Committee would request that the Investigative Committee reopen the investigation and comply with applicable rules and procedures. When possible, the matter will be referred to members of the Investigative Committee who were not involved in the first investigation. The Investigative Committee shall then have three (3) weeks to conduct a new investigation and to render a decision.

Section 7 PROMOTION OF AWARENESS

- 7.1. ASFA undertakes to hold and provide multiple consent/sensitivity trainings throughout the year for Employees, Executives, Representatives or Councilors of ASFA and of its Member Associations.
- 7.2. All Employees, Executives, Representatives or Councilors of ASFA shall undergo a mandatory sensitivity training specific to anti-harassment (including same-sex harassment), discrimination and violence that will include a presentation of the Policy. ASFA will also encourage Executives from Member Associations to attend these trainings. Such trainings will be made available throughout the year.
- 7.3. The failure of a Councilor to attend the consent training will be considered as an 'absence' from Council and will count as one of the two (2) permitted absences before a Member Association budget is frozen under article 122 of the ASFA General By-Laws.
- 7.4. In addition to anti-harassment, discrimination and violence training, ASFA Executives shall undergo a training on how to respond to disclosure of sexual violence on campus.

7.5. Failure to attend the mandatory meetings shall give rise to disciplinary measures.

7.6. Frosh leaders and volunteers must also all undergo mandatory consent and sensitivity training.

Section 8 USEFUL RESOURCES

8.1. The ASFA recommends the following services to those seeking help for Sexual Violence and Harassment:

8.1.1. The Center for Gender Advocacy

The Center for Gender Advocacy has proved to be an on-campus leader for survivors' support. They offer free peer counselling and can be useful for navigating support resources. (From their website) "The office at 2110 Mackay is located on the ground floor. There is a ramp outside leading to the front door that is suitable for use with wheelchairs and other mobility aids, however, the front door itself is not automated. The front door is 31" / 78 cm and it is the narrowest door in the office. Please ring the doorbell located to the right of the door to have someone open it for you. Once inside, the space is wheelchair accessible. There is a large gender-neutral washroom measuring 9'5" x 6'11" / 2.87 m x 2.10 m with 2 grab bars next to the toilet (one behind, one to the right of the toilet) ... 2100 Guy Street, suite 205: This office is wheelchair accessible, but the accessible entrance is just around the corner at 1625 de Maisonneuve West. The Guy Street entrance is not accessible."

8.1.2. Concordia Student Union Advocacy Center

The CSU Advocacy Center is a student-run service committed to the promotion and preservation of undergraduate students' rights at Concordia University. Here you can find representatives to advocate on your behalf when bringing charges through the university. This resource is wheelchair accessible.

8.1.3. CALACS

Québec Coalition of sexual assault crisis centres: (514-529-5252 or 1-877-717-5252)

8.1.4. CAVACS

Crime victims and survivors assistance center: (1-866-532-2822)

8.1.5. SACOMSS

The Sexual Assault Centre of the McGill Students' Society (514 398-8500)

8.1.6. Sexual Assault Help Line

Information and referral helpline for sexual assault victims, their loved ones, and workers that provides bilingual, confidential assistance: (1 888 933-9007) or (514 933-9007)

Section 9. REVIEW OF THE POLICY

- 9.1. This policy shall be reviewed annually by the Investigative Committee and the Task Force for every March Council meeting. For changes to be approved the motion must pass with a 2/3 majority.
- 9.2. Changes should be made only to better support survivors and should not be changed to decrease the level of accountability of Respondent.
- 9.3. If substantive changes must be made between review periods to support survivors, the Investigative Committee can suggest changes to be reviewed by the Mobilization Committee and the Task Force. The ASFA Task Force and the Investigative Committee must all agree to bring the policy changes through the policy committee and then through Council. Changes can then be made with a 2/3 majority in Council.

ANNEXE: 1

Discrimination, Harassment and Violence Complaint Form

CASE NUMBER:

Date:

This document is confidential and shall only be read by the members of the Investigative Committee. We hope we can find a way to address this issue in a way that empowers and protects you and our community. Our apologies for the clinical nature of the form. If there is a way that we can improve this process, please let us know.

Does your complaint involve a member of the Investigative Committee?

Yes

*If so, please mention it in the title of your complaint, so we can take special measures to protect the confidentiality of your complaint

No

Nature of Discrimination, Harassment or Violence
Describe the incidents as clearly as possible
(dates, location, verbal statements, witnesses, etc.)
Please use additional pages if necessary

Please check any and all that apply:

Was the Discrimination, Harassment or Violence specifically:

- Racialized
- Sexualized
- Gendered

and/or Based on

- Transmisia
- Homomisia
- Ableism
- Racism
- Other (please specify):

Date that Harassment first occurred:

Date that Harassment last occurred:

Is this a recurrent problem?

Complainant

Name:

Email or preferred contact method:

Do you allow the Investigative Committee to share your identity with the Respondent?

Yes

No

Pseudonym and/or Advocate (Required if Complainant is Anonymous)

Name of your advocate / pseudonym to contact you

Email address to contact you

Contact Number (optional)

Respondent/The person you are reporting (Required)

Full Name:

Respondent's relationship to the ASFA

- MA Executive Council Member (Councilor, Chair, Minute keeper)

Executive Member Volunteer Employee

Member of the ASFA

Other (please specify): _____

What would you like from this process?

The respondent should be removed from ASFA events and spaces

MAs should be informed of the respondent's behavior

I would just like the ASFA to be aware that this person has engaged in this problematic behavior for reference in possible future cases

I'd like this person to take mandatory sensitivity training

Other (please specify)

Optional:

Witness contact information:

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Evidence (optional):

(as the ASFA is not a court of law, you are not obligated to present any additional evidence. That said, it may be helpful if you wish to include screenshots of conversations or other documentation.)

Do we have permission to use any of this information (except your name which we will not disclose) to present our recommendations in a closed session of ASFA council?

- Yes
- No

Some information may be presented: (please specify)

TO BE COMPLETED BY MEMBERS OF THE INVESTIGATIVE COMMITTEE

NOTES

ACCESS FORM

NAME

[Empty rectangular box]

DATE OF REQUEST

[Empty rectangular box]

POSITION IN THE ASFA

Executive member of the ASFA

Specify:

Executive member of a Member Association

Specify Member association:

Specify Role :

I _____ (name of requester), by signing this Access Form promise to not use the information provided to use in a personal and/or defamatory manner. All information obtain with this document are confidential.

Name:

Date of Access:

Signature:

Reserved for members of the Investigative Committee

Name:

Role in Investigative Committee :

Date of authorization:

Signature: