



IRSAM INTERPERSONAL CONFLICT INVESTIGATION POLICY BYLAWS

Approved by the IRSAM Board of Directors on November 5, 2023

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1. Purpose

The purpose of the interpersonal conflict investigation procedures is to direct the International Relations Students' Association of McGill's HR Representative in their management of complaints related to interpersonal conflicts or improper conduct that does not fall under either the [SSMU Equity Policy](#) or [SSMU Gendered and Sexual Violence Policy](#) or the [Involvement Restriction Policy](#). This procedure aims to ensure an equitable and respectful environment within the IRSAM community.

2. Scope

This procedure applies to all persons involved in IRSAM activities and events. This includes, but is not limited to, members of the IRSAM Board of Directors, executive committees of IRSAM portfolios, IRSAM general members, as well as staff and participants in activities hosted, funded, and promoted by IRSAM. This policy applies to all behaviours adopted during any and all events by IRSAM as well as social gatherings associated with IRSAM activities, in-person or online.

The IRSAM HR Officer will serve as the lead investigator of complaints. Complaints regarding any form of interpersonal conflict or improper conduct should be directed to the IRSAM HR Officer or a member of the IRSAM Board of Directors, to forward the complaint to the IRSAM HR Officer. The IRSAM HR officer will report to the IRSAM President, or in cases of a conflict of interest, the IRSAM Vice-President Internal where possible, or else another member of the IRSAM Board of Directors.

3. Definitions

- 3.1. **Complainant:** Any individual who files a Complaint.
- 3.2. **Complaint:** A verbal or written statement made by the Complainant outlining the facts and details of any incident(s) experienced by the individual with the intention of initiating an Alternate Resolution or Formal Investigation.
- 3.3. **Respondent:** The party against whom a complaint is brought.
- 3.4. **Lead Investigator:** The designated investigator tasked with being the central party communicating with parties of a complaint, being present for interviews related to a disclosure (or designating another party to be present) and leading any subsequent Alternate Resolution or Formal Investigation processes. The lead investigator is the IRSAM HR Officer, hired externally from the organization and

without conflicts of interest with IRSAM members. In cases of appeals or conflict of interest, a committee of the IRSAM President and two (2) IRSAM Board Members not involved in the original complaint will review the original investigation.

- 3.5. **Support Person:** Both parties to an alternate or formal process have the ability to have a support person, any individual chosen by them, present throughout the process. The support person may not speak for either party during the formal process but may provide information. The Support Person must maintain confidentiality within the limits permitted legally.
- 3.6. **Conflict of interest:** a situation where an individual has conflicting personal interests in a given situation. This includes personal interests relating to family, friendships, financial, and social factors. Both real and perceived conflicts of interest must be disclosed to the IRSAM HR Officer or President or Vice-President, Internal.
- 3.7. **Third-Party Complaint:** A complaint initiated by an incident heard about or witnessed by a third-party.
- 3.8. **Witness:** An individual who witnessed or directly heard about an incident contained within a complaint and is identified to provide evidence by the Complainant or Respondent.
- 3.9. **Additional Parties:** Any other party identified by a complainant or respondent to provide evidence who did not witness or directly hear about the incident(s) contained within a complaint. Additional parties should be contacted to provide evidence if they are determined by the Lead Investigator to possibly hold information pertinent to the investigation.
- 3.10. **Alternate Resolution:** An alternate resolution is a process of finding a resolution to a complaint that is agreed upon by both the complainant and respondent. This can be any agreed upon outcome given that the parties sign the Alternate Resolution Agreement and uphold the measures there within.
- 3.11. **Formal Investigation:** A formal investigation is initiated at the request of either the Complainant or Respondent when an Alternate Resolution cannot be reached for the complaint. Through a Formal Investigation, a Lead Investigator will receive statements from both the complainant and respondent and provide them the opportunity to provide evidence, and identify witnesses and additional parties as necessary. An investigation report developed by the Lead Investigator
- 3.12. **Interim Measures/Accommodations:** Measures implemented at the request of the complainant to protect their safety and well-being in the duration of the investigation/alternate resolution. Examples may include: a requirement to have limited or no contact with specified individuals, increased supervision during

participation in IRSAM activities, modified participation/work schedules, change of work location, and assigned meeting designates. Any measure deemed reasonable by the Lead Investigator can be implemented. In urgent cases requiring immediate interim measures, an Ad Hoc Emergency Committee of the IRSAM President, Vice-President Internal, and the relevant head of portfolio may be called to assess reasonable short-term measures which will be followed by an investigation/alternate resolution by the IRSAM HR Officer. Knowledge of Interim Measures should only be shared with those necessary to implement the measures. The knowledge of why the measures are being put into place should only be shared with the consent of the complainant and respondent, unless required by law.

4. Initial Intake Procedures

- 4.1. A Complaint, as defined in Article 3.2 of this policy, can be submitted to the IRSAM HR Officer in either written or verbal form. A Complaint may also be submitted to an IRSAM Board Member/Portfolio Head to forward to the IRSAM HR Officer.
- 4.2. Upon receiving a complaint, the Lead Investigator should determine whether the material of the complaint falls under their purview. If need be, the Lead Investigator may direct the complaint towards other channels of complaint, including but not limited to:
 - a. The SSMU Anti-Violence Coordinators for complaints that fall under the SSMU Gendered and Sexual Violence Policy or Involvement Restriction Policy. The AVCs are reachable at avc@ssmu.ca
 - b. The SSMU Equity Commissioner for complaints that fall under the SSMU Equity Policy. The Equity Commissioners can be reached at equity@ssmu.ca.
 - c. OSVRSE for complaints that fall under the McGill Policy Against Sexual Violence. OSVRSE case managers can be reached at osvrse@mcgill.ca.
 - d. If the complainant is seeking measures such as a restriction that would carry into other student society social settings (e.g. SSMU, AUS, SUS, EUS etc.) they can also be provided with the contact information of the SSMU AVCs for the possibility of implementing an Involvement Restriction Policy Investigation.
- 4.3. In follow-up communications with a Complainant, the Lead Investigator should uncover the following:

- a. If the Complainant is seeking an Alternate Resolution or Formal Investigation based on their desired outcome.
 - b. If the Complainant is seeking any Interim Measures/Accommodations to feel safe in the IRSAM context, spaces, and events for the duration of the investigation.
 - c. If the Complainant is seeking any immediate mental health support, SSMU Mental Health Commissioner can be reached at mentalhealth@ssmu.ca for priority referrals to services at the McGill Wellness Hub.
- 4.4. The Lead Investigator will collect all information of the complaint, including the desired outcome and compile it into a written statement of complaint. Before this information is conveyed to the Respondent the Complainant must confirm the accuracy of the statement and that it includes all relevant information to the complaint material.
- 4.5. In the case of a third-party complaint, the Lead Investigator must confirm that consent either in written or verbal form has been received for the investigation to go forward from the individual who directly experienced the harm associated with the actions of the complaint
- 4.6. To assure confidentiality, all parties involved in an investigation (including the complainant, respondent, witnesses, and individual who experienced the harm in a third-party complaint) will be required to sign a confidentiality agreement. Under this agreement, they will undertake to keep all documents and other information relating to the Alternate or Formal investigation processes or subsequent results/sanctions strictly confidential throughout the process itself and at all times thereafter, in the limits permitted by law.
- 4.7. The Lead Investigator must ask all parties to an investigation (including the complainant, respondent, witnesses, and individual who experienced the harm in a third-party complaint, as well as the Lead Investigator and any member of the IRSAM Board of Directors involved) to identify any conflicts of interest with named participants in the investigation and with the IRSAM Board of Directors.
- 4.8. Anonymous Complainants
- 4.8.1. A Respondent is entitled to a full defence in the case of an internal disciplinary investigation. This means that a Respondent must be given the opportunity to fully respond to any allegations made against them. This generally means that they must be made aware of the content of a complaint against them, including the time, date, place and person making a complaint.

- 4.8.2. Only in the case where not knowing the identity of a complainant would not hinder the respondent's ability to respond holistically to the content of a complaint can a complainant or individual who experienced harm in the case of a third-party complainant be made anonymous.

5. Alternate Resolution

- 5.1. Initiating an Alternate Resolution Process
 - 5.1.1. An Alternate Resolution is initiated when a Complainant requests the Lead Investigator to pursue an Alternate Resolution process.
 - 5.1.2. An Alternate Resolution process requires the consent of all participants. At any stage during the process, the complainant or respondent may indicate they would like to end the Alternate Resolution process and initiate a formal investigation process.
- 5.2. The outcome of an alternative resolution process must be agreed upon by both parties in writing by the signing of an Alternate Resolution Agreement. In this agreement, the terms of the alternate resolution are clearly described. Should the terms of this resolution be violated by the Respondent, the Complainant may request another alternative resolution or request a formal investigation.
- 5.3. Examples of outcomes of an Alternate Resolution include but are not limited to:
 - 5.3.1. Apologies and impact statements;
 - 5.3.2. Mandating anti-oppression and/or educational training for the respondent;
 - 5.3.3. Negotiations of accommodations; and any other forms of recourse or accountability measure which both parties agree to. This is provided that the Lead Investigator, with the support of the IRSAM Board of Director members and IRSAM executive members who serve as equity or human resources liaisons for implicated portfolios (ie. Director of Equity, Chief of Staff, Chief of Human Resources) are capable of enforcing the method of recourse.
- 5.4. Following the completion of an Alternate Resolution, the Lead Investigator will write a report, summarizing the Complaint, the actions taken to address the Complaint, the outcomes, and any other relevant information. This will be presented and submitted to the IRSAM President in addition to the IRSAM Equity Log. In cases where this is not possible or there is a conflict of interest, this will be presented to the IRSAM Vice-President Internal, or else another IRSAM Board member without conflict of interest.

6. Formal Investigation Process

- 6.1. If a Formal Investigation is launched, via the request of a Complainant, both the Complainant and Respondent will be notified, in writing, by the Lead Investigator within five (5) business days from when consent to initiate the formal investigation is provided by the complainant.
- 6.2. Respondent Initial Response
 - 6.2.1. The Respondent must sign a confidentiality agreement before receiving details of the written statement of complaint.
 - 6.2.2. After the Respondent confirms receipt of the written complaint they will be provided with two (2) options:
 1. The Respondent will be given an opportunity to meet with the Lead Investigator either in-person or online to allow the Lead Investigator to write a written response to the complaint from a recorded verbal statement and response to questions.
 2. The Respondent will be given the opportunity to submit their own written response to the complaint.
 - 6.2.3. For both of these options the Lead Investigator will be allowed to ask/write follow-up and clarification questions to aid in their investigation as needed.
 - 6.2.4. In the case of an in-person or online recorded meeting, following the meeting the Lead Investigator will compile all of the information shared and write a formal statement of response to the complaint. The Respondent will approve that this statement is accurate before it is shared with the Complainant.
- 6.3. Complainant Follow-Up
 - 6.3.1. The complainant will receive the written statement of response to the complaint and may either submit their own written reply or submit a verbal statement either prerecorded or in a recorded meeting which will then be written up by the Lead Investigator.
 - 6.3.2. If a Complainant supplies a follow-up statement verbally, the Lead Investigator will get confirmation of the accuracy of the written statement from the Complainant before it is sent to the Respondent.
- 6.4. Respondent Final Response
 - 6.4.1. If a follow-up statement is received from the Complainant the Respondent will be sent this response in written form. The Respondent

will be given the opportunity to submit either a written reply or a verbal statement, which can be prerecorded or provided in a meeting. The opportunity to respond will only be provided if the respondent has additional evidence or information that has not already been shared with the Lead Investigator.

6.5. Witnesses and Additional Parties

6.5.1. Witnesses or Additional Parties can be supplied by the Complainant or Respondent and should only be contacted by the Lead Investigator.

6.5.2. Witnesses or Additional Parties should be informed that they are being contacted to participate in an investigation of misconduct and supplied a confidentiality agreement to be signed before they receive any identifying information regarding the investigation.

6.5.3. Witnesses or Additional Parties may be requested for an interview and/or given the opportunity to respond to written questions.

6.5.4. Witnesses or Additional Parties are supplied information related to the case based on the decisions of the Lead Investigator.

6.5.5. The Lead Investigator should put in all reasonable efforts to contact and get information from all Witnesses and Additional identified by both the Complainant and Respondent who are determined to possibly host pertinent information to an investigation.

6.6. The investigation process shall be completed within fifty (50) business days except where an extension is required or in extenuating circumstances.

6.7. Investigation Report

6.7.1. After a final response is received or after at least five (5) business days without a response at any stage of the investigation, the Lead Investigator will prepare the investigative report.

6.7.2. In the preparation of the investigative report, the Lead Investigator will examine all of the information submitted by all parties as well as the written accounts of all—statements. All written statements that are pertinent to the investigation will be included in the appendices of the final investigative report.

6.7.3. Importantly, it is not the place of the Lead Investigator to definitively conclude in the investigative report that an event did or did not occur or that a party is “guilty” of an act. Instead, the investigator must use a balance of probabilities based on the evidence to make a decision if it is more likely than not that a complaint is founded or unfounded.

6.7.4. In the case that the investigative report finds that based on the evidence it is more likely than not that a complaint is founded, the report should

outline recommended methods of recourse. Dependant on the position of the respondent, the methods of recourse can include but are not limited to:

- a. A letter of behavioural expectations signed by the Respondent, Lead Investigator and other appropriate enforcement actors;
- b. Restrictions related to accessing IRSAM events, trips, teams, membership as well as candidacy for elected or application-based positions;
- c. Mandated training coordinated by an IRSAM portfolio, SSMU or an external source;
- d. Formal warnings or additional disciplinary action.

7. Appeals

- 7.1. An appeal is not an opportunity for the Complainant or the Respondent to repeat the information provided to the initial Lead Investigator. The right to an appeal is not automatic and an appeal will only be considered if it meets the following requirements:
 - 7.1.1. The appeal must be made within five (5) business days after the date of the final decision has been communicated.
 - 7.1.2. The appeal includes the reasons for the appeal, the reasons why the appeal should be granted, the arguments in support of the appeal and the outcome sought.
 - 7.1.3. The appeal must demonstrate that:
 - a. There has been a fundamental procedural error in the making of the final decision and that such error has caused or will cause actual prejudice to the person seeking the appeal; or
 - b. There are new facts relevant to the final decision that were not available and could not have been provided to the Lead Investigator.
- 7.2. The appeal application will be reviewed by a committee of the IRSAM President and two (2) IRSAM Board Members not involved in the original complaint. The appeals committee will decide if an appeal should be granted and manage the appeal process. The IRSAM Vice-President Internal may substitute the role of the IRSAM President where not possible or a conflict of interest exists. The SSMU VP Student Life or SSMU Equity Commissioner may be consulted.
- 7.3. The process of appeal will include a review of all information collected, the request of additional interviews with complainants, respondents, witnesses and

additional parties as needed as well as the collection and review of any new available information.

8. Reporting

- 8.1. Any formal recommendation, action, or report shall be documented in writing and provided to the Claimant and to the Respondent. All materials relating to a complaint such as meeting minutes, written records, evidence, recommendations, or actions shall be saved in the IRSAM Equity Log.
- 8.2. The Equity Log will be a confidential digital folder restricted to and maintained by the IRSAM President, Vice-President Internal, and IRSAM HR Officer.
 - a. For each complaint, a subfolder will be created containing all materials related to the complaint.
 - b. Should Claimants wish to remain anonymous, their documents will be copied with the names removed or redacted for storage in the IRSAM Equity Log.

9. Enforcement

- 9.1. Enforcement of any resolutions including disciplinary actions, sanctions, restrictions, or alternative resolutions shall be the responsibility of the IRSAM President, with the support of the IRSAM Board of Director members and IRSAM portfolio executive members who are equity or HR liaisons as needed to implement the measures.
- 9.2. Any violations of resolutions are subject to formal investigation by the IRSAM HR Officer and further disciplinary action.