Council Update Presentation

Presenter: Madeleine Stinson, President

Council Date: May 21, 2020

Warning: The following contains discussions of sexual violence

Legal Counsel Updates

- As discussed at the last meeting, taking disciplinary measures against a councillor without following any form of investigative process leaves the Union potentially vulnerable to legal action.
  - This vulnerability may extend to the survivor (complainant)
  - The lack of an investigative process may undermine the legitimacy of any sanctions imposed on a councillor
- Given the unavailability of an investigation through HRES, the recommendation from counsel is that a third-party investigation be initiated, conducted by an experienced investigator.
  - Hiring a third party to investigate the allegations will provide a fair and unbiased process.
  - The costs of a third-party investigation are $15,000 to $30,000.
- **Wednesday May 20, 2020:**
  - Meeting Results:
    - Taking disciplinary measures (withholding or removing pay) without any investigative process would be unusual and may expose the Union to legal action.
    - However, because 14 days have elapsed since the notice of motion, Council may consider disciplinary measures in accordance with the Union's bylaws and policies
    - Counsel assisted with drafting the scoping document for the investigation.

Survivor Updates

- **May 21, 2020:** tentative meeting with the survivor cancelled
  - 14-day period during which an intake meeting is required for an Equity Policy complaint to move forward has expired
    - Survivor has given their written consent (via email) for the DSU to hire a third party investigator
    - Survivor has given their written consent (via email) for the time being, to participate in an investigation
    - Working on confirming identity (due to the fact that we can't meet in person because of COVID and communications have occurred on unofficial channels)
    - Multiple communications sent & received between May 20 & 21
Communications Received:
- **May 06, 2020**
  - Complaint received by the Union (under Equity Policy)
  - Interest expressed in aiding an investigation
  - Interest expressed in removing the VPSL from office
- **May 11, 2020**
  - Questions concerning investigations, HRES, avenues for removing the VPSL, etc.
  - Consent given for the DSU to pursue an investigation through the University
- **May 15, 2020**
  - Agreed to hold an intake meeting on May 20
  - Request for the DSU to post new statement immediately confirming identity

Communications Sent:
- **May 08, 2020**
  - Summary of Union’s actions taken to date
  - Notice that May 06 email considered an official complaint under the Equity Policy, request to follow up with the required intake meeting
  - Description of options for investigative/non-investigative procedures
  - Supportive resources provided
- **May 13, 2020**
  - Addressed questions related to impeachment, elections, Equity Policy, etc.
  - Request to follow up with the required intake meeting
  - Update on investigative/non-investigative procedure options
  - Supportive resources provided
- **May 19, 2020**
  - Meeting invitation for May 20, 2pm sent
  - Supportive resources provided
  - Multiple updates to online disclosure(s), communications on multiple social media channels

Vice-President, Student Life Updates
- **Wednesday April 29, 2020**: Allegations against VPSL disclosed online
- **Saturday May 02, 2020**: VPSL posts first social media statement
- **Thursday May 07, 2020**: Council votes to suspend VPSL in a non-disciplinary capacity with pay; motion brought to Council for disciplinary suspension, withholding pay
- **Tuesday May 12, 2020**: Notice of disciplinary motion brought forward to Council on May 7 & the right to submit written response communicated to the VPSL via email; request for working materials sent simultaneously
- **Thursday May 14, 2020**: Executive Committee votes through special resolution to extended the VPSL’s standing suspension for 1 more week; VPSL posts second social media statement; Notice of continuation of suspension communicated to
VPSL; notice of violations of Statement of Office and Code of Conduct communicated to VPSL

- **Tuesday May 19, 2020:** Meeting with VPSL, President, VPFO to answer questions related to the violations of the Code of Conduct and Statement of Office
- Multiple updates to online statements, communications on multiple social media channels
- VPSL maintains innocence

**Internal Processes & University Relations Updates**

- **Tuesday May 12, 2020:** Meeting with SoHo and Policy & Research Coordinator to follow up on the last council meeting
- **Friday May 15, 2020:** University confirmed the B00 communicated via email belongs to a current Dalhousie student with the name 'Olivia MacDonald'
- **Tuesday May 19, 2020:** Meeting with Dalhousie (Dal) Legal, Dal Security, Vice-Provost Student Affairs, Human Rights and Equity Services
  - Approached by Dal Security who had spoken with the University's Legal and suggested that we (DSU & Dal) might be able to work together to come up with an investigative procedure option that could be conducted for the DSU by a third party and supported by the University.
  - Meeting Results:
    - The University has verbally agreed to support the DSU in order to get the matter resolved as quickly as possible, for the sake of everyone involved
    - To be confirmed in writing
    - The DSU is currently in the process of hiring an external, third-party legal investigator to look into incidents in relation to the online disclosure made on April 29th, 2020.
- **Thursday May 21, 2020:** Document defining the preliminary scope of investigation drafted by executive, fielded by legal, and submitted to the working group so a search for an external, 3rd party investigator may begin

- Work (primarily between the VPFO and Survivor Support Centre Manager) to provide necessary trauma services and education to staff
- Multiple public statements made

**Community Feedback**

- Generally related to student fees and VPSL’s paid suspension
- Largely negative
- Emails, social media feedback slowing down

**Next Steps**

1) Hiring of the external, third-party legal investigator
2) Investigation occurs
3) The investigator is required to produce a comprehensive report which includes the identification of any violations of DSU bylaws, codes and policies identified above and their justifications, and any additional findings deemed relevant and/or significant by the investigator. This report is to be delivered to the DSU's legal counsel. After reviewing the report, the DSU’s counsel will share the report
with the Executive Officers of the DSU, with exception of the Vice President, Student Life.

Once reviewed by the approved Executive Officers, the President of the DSU can petition the Judicial Board if necessary. All Councillors, Executive Officers of the DSU, and Judicial Board members are prohibited from altering the findings, intent, or contents of the report in any manner other than to provide summary and/or redact confidential information and/or the identity of persons other than the complainant or respondent. The contents of the report may only be published to the public through special resolution of the DSU Council.

The Judicial Board will prepare to receive any concerns raised, conduct further inquiries if deemed necessary, present findings and provide recommendations to the DSU Council. The Judicial Board will return their findings and recommendations to the President within two weeks of receiving a petition, at which point a meeting of the DSU Council will be called within one week, to be held within two weeks. If the Judicial Board requires more time and can provide justification that it is needed to develop their recommendations, an extension may be approved through special resolution of the Executive Committee, with the exception of the Vice President, Student Life.

This procedure is to be followed in this exact sequence, as is required by the Judicial Board Policy of the DSU, and as is necessary to maintain the integrity of the report produced by the third-party investigator.