

UMSU Advocacy Feedback

Overall, the Advocacy Service endorses the objectives set out in the proposed policy, however we provide the following feedback for your consideration.

Policy Inconsistency

We note that a critical objective of the proposed policy is to:

Affirm the University's commitment to building a culture that is safe, inclusive and respectful for all transgender and gender diverse (TGD) members of the University community.

Notwithstanding the amendments to the *Freedom of Speech Policy* (MPF1342) limiting the freedom to express ideas and views which undermine the capacity of individuals to participate fully in the University, the other relevant policy in this area remains in conflict.

The *Academic Freedom of Expression Policy* (MPF1224) remains inconsistent with the commitment of the proposed policy to protect individuals' capacity to participate fully in the University. Specifically the provisions at s 4.2 of that policy set out that:

the University supports the right of all scholars at the University to search for truth, and to hold and express diverse opinions. It recognises that scholarly debate should be robust and uninhibited. It recognises also that scholars are entitled to express their ideas and opinions even when doing so may cause offence. These principles apply to all activities in which scholars express their views both inside and outside the University.

The Advocacy Service is of the view that both of these are important objectives, however it is not clear how the proposed policy will be reconciled with the existing policy. In what way would the prevailing position be determined?

Considering the term 'scholar' is defined in the *Academic Freedom of Expression Policy* (MPF1224) to include students, the inconsistency needs to be addressed with much greater clarity.

Creation of Obligations Regarding Dress and Presentation

The proposed policy introduces dress code and presentation obligations specifically on TGD members of the University Community. As far as we are aware, there is no University wide policy setting out dress or presentation requirements for members of the University Community at large. It is unclear then what the purpose of the terms at s 4.6 are intended to achieve. Specifically, as there is no similar policy clause with respect to "appropriate" dress/presentation for non-TGD members of University Community, this creates an implication that TGD people are more likely to dress in some "inappropriate" way.

Referrals to UMSU

At s 5.8 students are referred to Stop 1 for advice on possible equitable adjustments. We recommend providing a referral to other support services available to students funded by the SSAF, including the UMSU Advocacy Service and the UMSU Legal Service for independent advice.

Similarly at s. 5.15(b) – in addition to Stop 1, we recommend providing a referral for students to seek independent advice from the UMSU Advocacy Service and the UMSU Legal Service, and other University services such as CAPS for support etc.

Need to Use Clearer Terms and Establish Thresholds

We recommend the following changes to terminology to increase clarity:

- Section 5.13(b) - **deliberately** *using incorrect names or pronouns* has potential to create a requirement for an investigator to determine intention. We recommend this phrasing is changed to **repeatedly** *using incorrect names or pronouns after the preference has been made clear*. This would remain consistent with the proposed resolutions available via "discussion and support" in s 5.16, suggesting that honest mistakes would not fall into this, but it would catch the deliberate behaviour of someone after being alerted to the issue, or being warned of consequences of continued behaviours.
- Section 5.14 - *Any member of the University community who experiences or observes unacceptable behaviour towards a TGD person is encouraged to* **take action**. This is too vague and could imply any number of actions are warranted – including take political or protest action. If the intention here is to encourage people to report unacceptable behaviour through official channels it would be preferable to set these out in the procedures, indicating the preferred escalation path, that individuals have a choice to report elsewhere, and how an individual can initiate steps to 'take action' prior to the terms set out at s 5.16.