

Senate met on April 20 and May 12, 2021. The following report is presented to the Board of Governors for its consideration and information.

I. FOR ACTION BY THE BOARD OF GOVERNORS

1. Revised Policy on Harassment and Discrimination [D20-50 & D20-56]

Senate approved revisions to the *Policy on Harassment and Discrimination Prohibited by Law* (which is being renamed to the “*Policy on Harassment and Discrimination*”). The Policy revisions were developed through a broad and extensive consultation process led by a working group whose composition is set by the Policy. The Policy was reviewed to meet the needs of the McGill community and the University’s commitments in relation to equity, diversity and inclusion.

The most significant changes to the Policy include the creation of a new office to oversee mediation and investigations of reports of harassment and/or discrimination; the appointment of designated assessors to carry out investigations; extended scope of the Policy to include confidential and/or third-party reports; extension of time delay from 12 to 24 month for filing a report; permission for students who have graduated to file a report; removal of the requirement that there be no concurrent claims filed; and an extended definition of “Report” and “Reporter” to allow persons within research institutes and hospitals to file reports.

The proposed revisions are included as Appendix A.

Be it resolved that the Board of Governors, on the recommendation of Senate, approve the revised Policy on Harassment and Discrimination, as presented in Appendix A.

2. Reports of the Senate Nominating Committee [D20-49 & D20-56]

1.1 University Appeals Committee

Senate’s recommendations concerning appointments to the Committee on Staff Grievances and Disciplinary Procedures is submitted for approval to the Board of Governors in accordance with the *Regulations on Appeals of Tenure Decisions and the Regulations Relating to the Employment of Academic Staff*.

Be it resolved that the Board of Governors, on the recommendation of Senate, approve the appointments of the following Professors to the University Appeals Committee for a term beginning September 1, 2021 and ending August 31, 2024:

- *Amélie Quesnel-Vallée (Department of Sociology, Faculty of Arts / Department of Epidemiology, Biostatistics and Occupational Health, Faculty of Medicine and Health Sciences)*

- *Marta Cerruti (Department of Materials Engineering, Faculty of Engineering/ Associate Member of the Faculty of Dentistry and the Department of Bioengineering)*
- *Robert Hasegawa (Schulich School of Music)*

1.2 Committee on Staff Grievances

Senate's recommendations concerning appointments to the Committee on Staff Grievances and Disciplinary Procedures are submitted, on behalf of Senate, for approval to the Board of Governors in accordance with the *Regulations Relating to the Employment of Academic Staff*.

Be it resolved that the Board of Governors, on the recommendation of Senate, approve the reappointments of the following Professors to the Committee on Staff Grievances and Disciplinary Procedures for a term beginning September 1, 2021 and ending August 31, 2024:

- *John White (Department of Physiology, Faculty of Medicine and Health Sciences)*
- *Inna Sharf (Department of Mechanical Engineering, Faculty of Engineering)*

Be it further resolved that the Board of Governors, on the recommendation of Senate, approve the designation of Professor Inna Sharf as Vice-Chair of the Committee on Staff Grievances and Disciplinary Procedures.

II. FOR THE INFORMATION OF THE BOARD OF GOVERNORS

1. Motion Regarding Queer History Month [D20-65]

Senate endorsed the formal recognition and promotion of October as Queer History Month by McGill University and supported the University's plans to provide resources for the annual celebration of Queer History Month. Senate also endorsed that the University explore additional opportunities to support academic initiatives that highlight the contributions and scholarship of the Queer community and facilitate the enhanced representation of Queer community members on campus.

2. 504th and 505th Reports of the Academic Policy Committee [D20-48 & D20-55]

On the recommendation of the Academic Policy Committee, Senate approved the following new teaching programs:

- M.A. in Digital Humanities; Non-Thesis (45 cr.)
- M.A. in International Development; Non-Thesis (45 cr.)
- M.A. in Gender, Sexuality, Feminist and Social Justice Studies (45 cr.)
- M.A. in Gender, Sexuality, Feminist and Social Justice Studies; Non-Thesis (45 cr.)
- B.Com.; Major in Business Analytics (69 cr.)
- B.Com.; Major in Retail Management (69 cr.)
- M.A. & Sc.; Non-Thesis (45 cr.)

- Certificate in Foundational Social Services Skills and Knowledge (30 cr.)
- Certificate in Para Social Work and Community Practices (30 cr.)

On the recommendation of the Academic Policy Committee, Senate also approved revisions to the definitions of a Certificate, a Diploma, a Graduate Certificate and a Graduate Diploma.

3. Reports of the Senate Nominating Committee [D20-49 & D20-56]

On the recommendation of the Senate Nominating Committee, Senate approved appointments of Senate representatives to Senate Standing Committees, Committees arising from University Regulations and Advisory Committees. Senate also approved revisions to the Terms of Reference of the Committee on Student Services.

For the Board's information, the following individuals have been named by Senate to serve on the Advisory Committees:

Advisory Committee for the Selection of a Dean of Music

- Prof. David Pearsall (Faculty of Education)
- Prof. Momar Ndao (Faculty of Medicine and Health Sciences)
- Prof. Jonathan Sterne (Faculty of Arts)
- Prof. Irene Gregory-Eaves (Faculty of Science)
- Prof. Lisa Münter (Faculty of Medicine and Health Sciences) [alternate]

Advisory Committee for the Selection of a Dean of Libraries

- Prof. Kevin Wade (Faculty of Agricultural and Environmental Sciences)
- Prof. Annmarie Adams (Faculty of Medicine and Health Sciences /Faculty of Engineering)
- Prof. Margaret Kalacska (Faculty of Science)
- Prof. Elizabeth Elbourne (Faculty of Arts)
- Prof. Kimiz Dalkir (Director, School of Information Studies) [alternate]

Advisory Committee for the Selection of a Dean of Arts

- Ms. Nellie Voudouris (Faculty Adviser & ASAP Supervisor/Orientation, ARTS OASIS)
- Prof. Peter Grütter (Faculty of Science)
- Prof. Bastien Castagner (Faculty of Medicine and Health Sciences)
- Prof. Nancy Heath (Faculty of Education)
- Prof. Sarah Kimmins (Faculty of Agricultural and Environmental Sciences) [alternate]

Advisory Committee for the Possible Reappointment of the Vice-Principal (Communications and External Relations)

- Prof. Robert Leckey (Faculty of Law)
- Prof. Nathan Hall (Faculty of Education)
- Prof. Melanie Dirks (Faculty of Science)
- Prof. Carrie Rentschler (Faculty of Arts)
- Prof. Kenneth Hastings (Faculty of Medicine and Health Sciences) [alternate]

Advisory Committee for the Possible Reappointment of the Vice-Principal
(Administration and Finance)

- Prof. Valérie Orsat (Faculty of Agricultural and Environmental Sciences)
- Prof. Masad Damha (Faculty of Science)
- Ms. Demetra Kafantaris (Executive Director, Administration & Operations, Faculty of Medicine and Health Sciences)
- Prof. Markus Poschke (Faculty of Arts)
- Ms. Maria Babiak (Director of Administration, Faculty of Science) [alternate]
- Prof. Hamid Etemad (Desautels Faculty of Management) [alternate]

4. Proposed Revisions to the University Student Assessment Policy [D20-51]

Senate received this item for information. McGill’s current *Student Assessment Policy* was last revised in 2016 and requires significant updates. A small working group was created in Summer 2019 to revise the policy and conduct consultations. The revisions were presented to Senate as part of the consultation process. Further consultations will take place with the McGill community over the next governance year.

5. Annual Report on Scholarships and Student Aid [D20-53]

Senate received this report for information, in accordance with the Terms of Reference of the Committee on Enrolment and Student Affairs. The report contained information regarding awards and financial aid provided to McGill students. More particularly, the report indicated that in 2019-2020, the volume of need-based student assistance and undergraduate awards was \$119M, representing a decrease of 3.1% since 2018-2019, due to reduced government student financial aid.

6. Report on Employment Equity [D20-60]

In accordance with McGill’s *Employment Equity Policy*, Senate received a report on the status of employment equity in the various sectors of the workforce at McGill. The report also highlighted employment equity initiatives implemented since 2019. The report will be presented to the Human Resources Committee on June 10, 2021.

7. Presentation on McGill University Budget 2021-2022 [D20-47]

Senate received a presentation on the FY2022 budget approved by the Board of Governors on April 22, 2021, for information.

8. Report of the Joint Senate Steering and Board Executive Committees Meeting [D20-54]

Senate received this report for information. The report indicated that the topic of the 2021 Joint Board-Senate meeting will focus on “The Execution of McGill’s Mission in a Post-Pandemic World.” The Board of Governors received this report on April 22, 2021.

9. Annual Report on Research and Innovation [D20-52]

Senate received this report for information. The report contained key indicators of McGill's performance in major funding programs and progress in areas related to innovation and partnerships. The Board of Governors received this report on April 22, 2021.

10. Annual Report on the Policy on Safe Disclosure (“Whistle Blowing”) [D20-62]

Senate received the annual Report on the *Policy on Safe Disclosure (“Whistle Blowing”)* for information. The Board of Governors will receive this report on May 20, 2021.

11. Annual Report of the Committee on Staff Grievances and Disciplinary Procedures [D20-61]

Senate received this report for information in accordance with the *Regulations Relating to the Employment of Academic Staff*. The Board of Governors will receive this report on May 20, 2021.

12. Report from the Board of Governors to Senate [D20-63]

Senate received this report for information. The report provided a summary of matters reviewed at the April 22, 2021 Board of Governors meeting and the March 25, 2021 Executive Committee of the Board of Governors meeting.

13. Report of the Honorary Degrees and Convocations Committee [D20-64]

Senate approved the Report of the Honorary Degrees and Convocations Committee in confidential session. The report contained a recommendation for the conferral of an honorary degree.

END
May 2021

POLICY NAME	POLICY ON HARASSMENT AND DISCRIMINATION
Approving Body	To be filled by Secretary-General
Initial Approval Date	December 2005
Date of last review	XX May 2021
Date of next review	AY2024-2025
Executive Sponsor	Provost and Vice-Principal (Academic)
Related Documents	n/a

POLICY ON HARASSMENT AND DISCRIMINATION

STATEMENT OF PRINCIPLE

McGill University is committed to excellence in teaching, learning, and research and to fostering a community founded upon the fundamental dignity and worth of all of its members. The University recognizes that such excellence can only flourish in an equitable environment in which all members of the University, at all levels, regardless of the nature of their work or area of study are free from Harassment and Discrimination. The University is also committed to establishing clear and effective processes and resources for preventing and responding to Harassment and Discrimination.

McGill acknowledges that, while Harassment and Discrimination can affect all members of the University community, members of underrepresented groups experience a disproportionate risk and impact in regard to these forms of misconduct, especially Discrimination. The University further recognizes that members of underrepresented groups may experience intersecting forms of systemic discrimination or barriers on grounds, for example, of gender, sexual orientation, gender identity and expression, race, religion, Indigenous identity, ethnicity, disability or class.

Acts of Harassment and Discrimination are University offences subject to disciplinary measures.

STATEMENT OF RESPONSIBILITY

The University shall take measures aimed at creating and maintaining an environment free from Harassment and Discrimination.

The University shall take reasonable action to prevent Harassment and Discrimination, and, whenever it becomes aware of such behaviour, to put an end to it. Nothing in this Policy relieves administrators from the responsibility of addressing situations of inappropriate behaviour in accordance with good management practices, regardless of whether a specific Report under this Policy has been received. Nothing in this Policy relieves the University from its obligations under the *Labour Standards Act* of Quebec.

The University, through a designated office, shall strive to provide all members of the University an environment that is free of Harassment and Discrimination through the effective application and administration of this Policy. This will include offering educational initiatives aimed at raising awareness about and preventing harassment and discrimination and at informing the community about this Policy and the University's processes related to this Policy, which may result in mediation or investigation of Reports.

Particular onus is placed on those in positions of academic and administrative authority (e.g., Deans, Chairs and Directors, Managers) to be aware of this Policy and its Procedures, including what constitutes Harassment and Discrimination and how Reports of Harassment and Discrimination can be addressed. They are also required to implement and use appropriate and active management practices consistent with the achievement of the goals of this Policy.

Each Member of the University Community shares responsibility for respecting the dignity of, and giving fair treatment to, all members of the University community. Moreover, each person is responsible for promoting and maintaining an equitable environment free from Harassment and Discrimination, as defined in Section 1.

Section 1 – DEFINITIONS

1. For the purpose of this Policy:

1.1 "Advisor", so identified, means a Member of the University Community, or a local union representative, who has agreed to act in an advisory capacity. Advisors are not paid for their services.

1.2 "Assessor" means a person responsible, in accordance with this Policy, to investigate Reports. An Assessor is normally an employee of the University who works within the OMR. The University may, when it deems necessary, refer a Report made under this Policy to an Assessor external to the University who has the necessary skills to conduct a competent, fair investigation under this Policy.

1.3 "Days" means calendar days.

1.4 "Discrimination" means discrimination prohibited by law and includes any action, behaviour, or decision based on race, colour, sex, gender identity or expression, pregnancy, family status, sexual orientation, civil status, age (except as provided by law), 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 University community. This includes both the actions of individual members of the University and systemic institutional practices and policies of the University.

1.5 "Harassment" means any vexatious behaviour by one Member of the University Community towards another Member of the University Community, in the form of repeated hostile or unwanted conduct, verbal comments, actions or gestures, that affect the dignity or psychological or physical integrity of a Member of the University Community and that result in a harmful environment for such an individual. Within the employment relationship, a single serious incidence of such behaviour that has a lasting harmful effect on such an individual may also constitute Harassment.

1.6 "Member of the University Community" means

i) anyone holding office under the University Charter and Statutes;

ii) an appointee or employee of the University; or

iii) a student as defined in Section 1 of the *Code of Student Conduct and Disciplinary Procedures*.

1.7 “Office for Mediation and Reporting” or “OMR” means a University office dedicated to overseeing the prevention and resolution of Reports of Harassment and Discrimination, charged with the independent and impartial oversight and resolution of all Reports filed under this Policy. The OMR also shall have responsibility for education and awareness-raising as established by Section 5.

1.8 “Procedural Fairness” means a process: (i) based on impartiality and absence of bias; (ii) where the parties are informed of the allegations made against them; (iii) that includes a meaningful opportunity to defend against such allegations, including the right to be given sufficient notice of interviews or meetings where they are expected to present evidence or their perspective on the facts or on evidence gathered as part of the process; and (iv) leading to a decision that includes a sufficiently detailed explanation of the grounds on which it is based in such a way that the parties can understand the basis on which it is made.

1.9 “Report” means an allegation of Harassment or Discrimination filed with the OMR by a Member of the University Community or by a person who is an employee or holds an appointment with an institution where students of the University are trained and which is, directly or indirectly, a party to an affiliation agreement with the University, against a Member of the University Community in accordance with this Policy.

1.10 “Reporter” means a Member of the University Community, or a person who is an employee or holds an appointment with an institution where students of the University are trained and which is, directly or indirectly, a party to an affiliation agreement with the University, who considers that they are the object of Harassment and/or Discrimination as defined by the Policy, and who has filed a Report against another Member of the University Community in accordance with this Policy.

1.11 “Respondent” means a Member of the University Community against whom a Report has been filed in accordance with this Policy.

1.12 “University Context” means an occurrence:

- i) on University premises;
- ii) within the context of a University-sponsored program or event or activity whether on-campus or off-campus (e.g., University-sponsored competitions or field trips/studies); or
- iii) off-campus, including online or in social media, where the conduct has consequences that may be reasonably seen to adversely affect:
 - o the safety of students, faculty or staff while on campus or while participating in a University-sponsored program, event or activity;
 - or
 - o the right of a Member of the University Community to use and enjoy the University’s learning or working environment.

1.13 All references to the Provost include a delegate.

Section 2 – SCOPE AND JURISDICTION

2.1 This Policy shall apply to all members of the University community where the alleged Harassment or Discrimination occurred in a University Context and where each party is a Member of the University Community at the time a Report is filed and at the time the incidents alleged in the Complaint occurred.

2.1.1 An exception to Section 2.1 is made for a Report brought by a former student against a Respondent who exercised academic authority over that student. Such a Report may be brought after the student's graduation or withdrawal from the University within the delay set by Section 2.2 if the Respondent is a member of the University Community when the Report is filed and at the time of the incident(s) alleged in the Report.

2.2 This Policy does not apply where the most recent incident occurred more than 24 months prior to the initiation of a Report.

2.3 This Policy does not and cannot apply to the internal affairs of corporations associated with McGill University but legally independent from it, such as student societies (PGSS, SSMU, student faculty associations, etc.) or staff unions and associations (AGSEM, AMURE, AMUSE, MAUT, MUNACA, MUNASA, SEU, etc.). Such corporations have independent legal rights and obligations, and are responsible for their own actions, including actions of their officers and members acting in respect of the corporation.

2.4 Nothing in this Policy precludes either party from exercising any internal or external recourse available.

2.5 This Policy is to be interpreted in a manner that is consistent with the goals set out in the "Statement of Principle," as well as with the provisions of the *Civil Code of Québec*, the *Quebec Charter of Human Rights and Freedoms*, and *Quebec's Labour Standards Act*.

Section 3 – OBJECTIVES

3.1 This Policy shall have as its objectives:

- i) prevention of Harassment and Discrimination by means of education and other proactive efforts to promote awareness about equity among members of the University community, including the nature of Harassment and Discrimination.
- ii) ensuring that the University's policies and procedures foster an environment free of Harassment and Discrimination, including by striving to identify, prevent, and address systemic and structural forms Harassment and Discrimination.
- iii) ensuring that **Procedures** are in place to address Reports of Harassment and Discrimination.

Section 4 – RIGHTS OF THE PARTIES

4.1 Throughout a process conducted under this Policy, the parties may be accompanied by an Advisor.

4.2 Throughout a process conducted under this Policy, parties may request reasonable accommodation facilitating participation in such process if the lack of accommodation would be a source of discrimination..

Section 5 – PROMOTION OF AWARENESS

5. In pursuit of the objectives described in Section 3, the University, principally through the OMR, shall take measures to provide education, guidelines and the dissemination of information relating to such

matters as the meaning and impacts of Harassment and Discrimination, strategies for advancing equity, how to report Harassment and Discrimination, and support resources for members of the University community who experience Harassment and/or Discrimination. Education and awareness initiatives about this Policy shall be pursued in accordance with Appendix 1.

Section 6 – RESPONDING TO REPORTS

6.1 Reports shall be filed with the OMR, whose staff shall have qualifications and expertise relevant to: preventing and responding to Harassment and Discrimination; mediation; investigations; and advancing equity, diversity, and inclusion in learning and employment contexts.

6.2 Reports shall be resolved by mediation or by an investigation, following the **Procedures** that accompany this Policy.

6.2.1 Mediation shall be conducted by a qualified, impartial mediator appointed by the University. In most instances, the mediator will be a full-time member of the OMR staff, but the University may refer a Report to an external mediator where circumstances warrant.

6.2.2 Investigations shall be conducted by a qualified, impartial Assessor appointed by the University for this purpose. In most instances, the Assessor will be a full-time member of the OMR staff, but the University may refer a Report to an external Assessor where circumstances warrant, for example, where there is a conflict of interest, where one of the parties is a staff member in the OMR, or where one of the parties is a member of the University's senior administration.

6.3 Unless required to disclose information for the purpose of investigating allegations of Harassment and/or Discrimination, or in the context of internal or external recourses such as grievances or similar complaints, the parties, witnesses and their advisors shall respect the privacy of the parties and shall maintain the confidentiality of information shared with or by them in the context of a mediation or investigation process under this Policy. Parties are, however, permitted to share relevant information about these processes for the purposes of accessing health and counselling services, academic and/or workplace accommodations, or advising in connection with University policies and procedures.

6.4 Subject to the **Procedures** that accompany this Policy, the parties, witnesses, and any University employee contacted by an Assessor because they may have information or material relevant to an investigation have a duty to reply promptly to the Assessor and to participate in, and cooperate with, the investigation. Where the **Procedures** do not provide otherwise, parties, witnesses, and any University employee contacted by an Assessor must reply to the Assessor within no more than 5 Days.

Immediate Measures

6.5 Where the OMR is of the view that there may be a risk to the security of Reporter during a process conducted under this Policy, OMR staff shall consult with the appropriate University authorities (e.g., the relevant Faculty Dean or Dean of Students, Security Services, and/or Legal Services) about the implementation of immediate measures necessary to protect the Reporter.

6.6 Immediate Measures shall be implemented in accordance with the **Procedures** that accompany this Policy.

Decisions and Measures Following an Investigation

6.10 Upon the completion of an investigation, the Assessor shall submit a report to the Provost with a copy to the Reporter and the Respondent. The submission of the report by the Assessor to the Provost concludes the investigation.

6.11 The Assessor's report shall contain the findings of relevant facts, an articulation of the reasons leading the Assessor to a conclusion and the Assessor's conclusion as to whether or not the evidence is sufficient to find, on a balance of probabilities, that Harassment and/or Discrimination occurred. The report may also include a recommendation as to whether disciplinary and/or administrative measures should be taken, including a description of the impact of the Harassment and/or Discrimination on the Reporter.

6.12 The Provost may seek further information or clarification from the Assessor who investigated the Report before making a final decision.

6.13 If, following an investigation, an Assessor's report determines that the evidence is insufficient to find that Harassment and/or Discrimination has occurred, the Provost shall, within 15 Days of receipt of the investigative report, confirm to the parties in writing that the matter is closed. Nevertheless, in such cases, the Provost may, on the basis of conclusions and recommendations in the Assessor's report, refer the matter, with a copy of the report, to the appropriate University disciplinary authority to determine whether disciplinary or administrative measures are warranted on grounds other than Harassment or Discrimination. The Provost shall copy the parties on this correspondence with the appropriate University disciplinary authority.

6.14 If the Assessor's report determines that the evidence is sufficient to find that Harassment and/or Discrimination has occurred, the Provost will, within 15 Days of receipt of the Assessor's report, refer the matter, with a copy of the report, to the appropriate University disciplinary authority to determine disciplinary and/or administrative measures warranted. The Provost shall copy the parties on this correspondence with the appropriate University disciplinary authority.

6.15 The University disciplinary authority shall not reinvestigate the facts of the case. The Assessor's report will be used by the disciplinary authority for the purpose of determining what disciplinary and/or administrative measures are warranted.

6.16 The appropriate University disciplinary authority is:

- a.** in the case of a student, the disciplinary officer as defined in the *Code of Student Conduct and Disciplinary Procedures*;
- b.** in the case of a member of academic staff, the Dean of the Faculty in which the staff member is appointed, or the Dean's delegate;
- c.** in the case of a member of the administrative or support staff, the staff member's immediate supervisor;
- d.** in the case of a Vice-Principal, the Principal; and

- e. in the case of the Principal, the Chair of the Board of Governors.

6.17 Upon being referred a copy of the investigative report from the Provost, the appropriate University disciplinary authority will determine appropriate disciplinary and/or administrative measures and will oversee the administration of such measures.

6.18 When making decisions as to appropriate disciplinary and/or administrative measures, the University disciplinary authority must apply principles of Procedural Fairness and consider:

- a. the impact of Harassment and/or Discrimination on the Reporter;
- b. The impact that Harassment and/or Discrimination can have on learning and work environments;
- c. The principle of progressive discipline or gradation in sanctions;
- d. The nature and severity of the incident;
- e. The University's role as an educational institution;
- f. The requirements set by applicable University regulations (e.g., the *Code of Student Conduct and Disciplinary Procedures* and the *Regulations Relating to the Employment of Academic Staff* in the case of tenure-track and tenured academic staff), collective agreements; and
- g. Any other relevant factors.

6.19 Disciplinary outcomes, in the case of a student, are described in the *Code of Student Conduct and Disciplinary Procedures* may include, but are not limited to:

- a. an admonishment
- b. a reprimand
- c. conduct probation and associated conditions (e.g., cease and desist communication)
- d. suspension
- e. expulsion

6.20 Disciplinary outcomes, in the case of an employee described in regulations of the University and collective agreements and may include, but are not limited to:

- a. letter of reprimand
- b. suspension without pay
- c. dismissal from the University

6.21. Administrative measures include, but are not limited to:

- a. education and training
- b. counselling or mentoring
- c. supervision/oversight of the teaching/learning/work environment concerned
- d. limitation or elimination of supervisory privileges over undergraduate or graduate students, teaching assistants, or research assistants
- e. "no contact" or "no communication" directives
- f. structural measures, such as a review of a policy or procedure or the requiring of an academic unit (e.g., Department, School, Institute, or Centre) or administrative unit (i.e., office or area that does not deliver academic programs, e.g., Residences, Facilities, Human Resources, Athletics & Recreation) to undergo a climate or other review organized and led by one or more persons with relevant expertise from outside the unit concerned, with a view to improving the working and/or learning environment in that setting.

6.22 Once the appropriate University disciplinary authority has determined the disciplinary and/or other measures to be imposed, the University disciplinary authority shall provide the Provost and the OMR, within 30 days, with written confirmation that the disciplinary process is complete and that the process abided by the requirements of this Policy and any other applicable regulation, policy, or collective agreement. The OMR shall communicate this information regarding the completion of the disciplinary process to the Reporter forthwith. At that point, the matter is closed and no further action in relation to the Report may be taken under this Policy.

6.23 In the event that the University disciplinary authority does not implement the Assessor's recommendation about disciplinary and/or administrative measures, reasons must be provided to the Provost in writing.

6.24 Nothing in this Policy derogates from the University's authority to take measures to address structural or systemic concerns raised by the findings set out in an Assessor's report. University measures that are taken to address structural or systemic concerns (e.g., review of a policy or procedure, compulsory training for all members of a unit, implementation of an equity committee for the unit) may be shared with the Reporter provided that this does not compromise any individual's privacy rights.

Section 7 – PROTECTION OF THE PARTIES

7.1 No action shall be taken by the University or a Member of the University Community against the Reporter, the Respondent, or a witness in an investigation. This does not abridge the University's right to take disciplinary or other appropriate measures in the case of intentionally false Reports.

7.2 Should a party feel that there has been a failure to comply with the Provost's decision, or should a concern related to the original Complaint arise following the Provost's decision (e.g., recurrence of behavior described in the Complaint), the matter may be referred to the Senior Equity and Inclusion Advisor. The Senior Equity and Inclusion Advisor shall address the matter with the Provost, who shall decide on the need for subsequent measures, including referral to the relevant disciplinary officer for disciplinary or administrative measures.

Section 8 – ACADEMIC FREEDOM AND INCLUSIVENESS

8.1 Although Members of the University community are expected to conduct themselves responsibly and respectfully in view of the University's commitment to equity and inclusiveness, this Policy shall not abridge the University's Statement on Academic Freedom.

8.2 Prohibitions against Harassment and Discrimination do not extend to statements or materials used as part of courses that are relevant and appropriately related to the subject matter of such courses.

Section 9 – ANNUAL REPORT

9.1 The Provost shall report annually to Senate and the Board of Governors on the application of this Policy.

Section 10 – POLICY REVIEW AND OVERSIGHT

10.1 This Policy shall be reviewed at least every three years by a working group, comprising:

- i) the Provost or delegate (as Chair).

- ii) one representative each of MAUT, MUNASA, MUNACA, AGSEM, AMURE, AMUSE, MCLIU, SEU, SSMU, PGSS, MACES, MCSS and JBSCE;
- iii) a representative of the OMR; and
- iv) an Equity Education Advisor.

10.2 There shall be an annual meeting convened by the Provost or delegate of the working group identified in 9.1 to review the operation of this Policy. These annual meetings will review:

- i) the University's efforts to meet the objectives of this Policy articulated in Section 3 (i.e., prevention and education, fostering an environment free of Harassment and Discrimination, and establishing effective procedures to address incidents and Reports), and means of enhancing such efforts; and
- ii) the circumstances under which Reports have been withdrawn, and the nature of Reports that have resulted in informal or formal resolutions. This review process will be anonymous, with the working group not having access to any nominative or identifying information regarding any party to a Report under this Policy.

10.3 At the annual meeting referred to in Section 10.2, the working group may request to meet one or more of the Assessors or mediators who carried out work under this Policy to discuss the processes of their work in a manner that preserves the privacy of any party or witness involved with a file arising under this Policy.

10.4 The working group may request that representatives from particular University units (e.g., Student Services, University Residences, Human Resources) or stakeholder associations (e.g., Dr. Kenneth Melville Black Faculty and Staff Caucus, Black Students' Network, Queer McGill, Indigenous Students' Alliance) provide input or written submissions where this would be helpful to inform decisions about the Policy implementation and review.

Appendix 1: Implementation of Section 5

- Delivery, across the campuses, of equity education through multiple formats, such as: in-person facilitated sessions delivered by a diverse team of skilled equity education advisors, events that recognize, commemorate and celebrate the presence of diverse groups at McGill, the development and delivery of equity, anti-Harassment, and anti-Discrimination education materials and modules, both online and in print, and the construction and maintenance of a website that advises the McGill community of our rights and responsibilities vis-à-vis a safe, respectful and inclusive campus climate for all, as well as the vehicles available to any member of the McGill community who feels that they may be the target of Harassment or Discrimination.
- Promotion of the Policy through regular communications across the campuses.
- Regular information/training sessions to the Academic Leadership Forum (ALF), at the orientation sessions for new academic administrators and for new faculty members, at Management Forum, etc.
- Training sessions for managers, provided by HR and the Office of the Provost and Vice-Principal (Academic).
- Collaboration with units engaged in related areas (e.g. Graduate and Postdoctoral Studies, Office of the Ombudsperson, Office of the Dean of Students, Student Services, Legal Services) to make available resources better known.

POLICY NAME	POLICY ON HARASSMENT AND DISCRIMINATION PROHIBITED BY LAW
Approving Body	To be filled by Secretary-General
Initial Approval Date	December 2005
Date of last review	
Date of next review	
Executive Sponsor	Provost and Vice-Principal (Academic)
Related Documents	n/a

POLICY ON HARASSMENT AND DISCRIMINATION ~~PROHIBITED BY LAW~~

STATEMENT OF PRINCIPLE

McGill University is committed to excellence in teaching, learning, and research and to fostering a community founded upon the fundamental dignity and worth of all of its members. The University recognizes that such excellence can only flourish in an equitable environment in which all members of the University, at all levels, regardless of the nature of their work or area of study are free from Harassment and Discrimination ~~Prohibited by Law~~. The University is also committed to **establishing clear and effective processes and resources for preventing and responding to Harassment and Discrimination.**

McGill acknowledges that, while Harassment and Discrimination can affect all members of the University community, members of underrepresented groups experience a disproportionate risk and impact in regard to these forms of misconduct, especially Discrimination. The University further recognizes that members of underrepresented groups may experience intersecting forms of systemic discrimination or barriers on grounds, for example, of gender, sexual orientation, gender identity and expression, race, religion, Indigenous identity, ethnicity, disability or class.

Acts of Harassment and Discrimination ~~Prohibited by Law~~ are University offences subject to disciplinary measures.

STATEMENT OF RESPONSIBILITY

The University shall take measures aimed at creating and maintaining an environment free from Harassment and Discrimination ~~Prohibited by Law~~.

The University shall take reasonable action to prevent Harassment and Discrimination ~~Prohibited by Law~~, and, whenever it becomes aware of such behaviour, to put an end to it. Nothing in this Policy relieves administrators from the responsibility of addressing situations of inappropriate behaviour in accordance with good management practices, regardless of whether a specific ~~Complaint Report~~ under this Policy

has been received. Nothing in this Policy relieves the University from its obligations under the *Labour Standards Act* of Quebec.

The University, through a designated office, shall strive to provide all members of the University an environment that is free of Harassment and Discrimination through the effective application and administration of this Policy. This will include offering educational initiatives aimed at raising awareness about and preventing harassment and discrimination and at informing the community about this Policy and the University's processes related to this Policy, which may result in mediation or investigation of Reports.

Particular onus is placed on those in positions of academic and administrative authority (e.g., Deans, Chairs and Directors, Managers) to be aware of this Policy and its Procedures, including what constitutes Harassment and Discrimination and how Reports of Harassment and Discrimination can be addressed. They are also required to implement and use appropriate and active management practices consistent with the achievement of the goals of this Policy.

Each Member of the University Community shares responsibility for respecting the dignity of, and giving fair treatment to, all members of the University community. Moreover, each person is responsible for promoting and maintaining an equitable environment free from Harassment and Discrimination ~~Prohibited by Law~~, as defined in Section 1.

Section 1 – DEFINITIONS

1. For the purpose of this Policy:

1.1 "Advisor", so identified, means a Member of the University Community, or a local union representative, who has agreed to act in an advisory capacity. Advisors are not paid for their services.

1.2 "Assessor" means ~~an Assessor~~ a person responsible, appointed in accordance with this Policy, to investigate Reports. An Assessor is normally an employee of the University who works within the OMR. The University may, when it deems necessary, refer a Report made under this Policy to an Assessor external to the University who has the necessary skills to conduct a competent, fair investigation under this Policy.

1.3 "Days" means calendar days.

1.4 "Discrimination" means ~~discrimination prohibited by law and includes~~ any action, behaviour, or decision based on race, colour, sex (~~including gender identity~~), gender identity or expression, pregnancy, family status, sexual orientation, civil status, age (except as provided by law), 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 University community. This includes both the actions of individual members of the University and systemic institutional practices and policies of the University.

1.5 "Harassment" means any vexatious behaviour by one Member of the University Community towards another Member of the University Community, in the form of repeated hostile or unwanted conduct, verbal comments, actions or gestures, that affect the dignity or psychological or physical integrity of a Member of the University Community and that result in a harmful environment for such an individual. Within the employment relationship, a single serious incidence of such behaviour that has a lasting harmful effect on such an individual may also constitute Harassment.

1.6 "Member of the University Community" means

- i) anyone holding office under the University Charter and Statutes;
- ii) an appointee or employee of the University; or

iii) a student as defined in Section 1 of the Code of Student Conduct and Disciplinary Procedures.

1.7 “Office for Mediation and Reporting” or “OMR” means a University office dedicated to overseeing the prevention and resolution of Reports of Harassment and Discrimination, charged with the independent and impartial oversight and resolution of all Reports filed under this Policy. The OMR also shall have responsibility for education and awareness-raising as established by Section 5.

1.8 “Procedural Fairness” means a process: (i) based on impartiality and absence of bias; (ii) where the parties are informed of the allegations made against them; (iii) that includes a meaningful opportunity to defend against such allegations, including the right to be given sufficient notice of interviews or meetings where they are expected to present evidence or their perspective on the facts or on evidence gathered as part of the process; and (iv) leading to a decision that includes a sufficiently detailed explanation of the grounds on which it is based in such a way that the parties can understand the basis on which it is made.

1.9 ~~Complaint~~ “Report” means an allegation of Harassment or Discrimination ~~Prohibited by Law as defined by this Policy~~ and filed with the OMR by a Member of the University Community or by a person who is an employee or holds an appointment with an institution where students of the University are trained and which is, directly or indirectly, a party to an affiliation agreement with the University, against ~~another~~ a Member of the University Community in accordance with this Policy.

1.10 ~~“Complainant”~~ “Reporter” means a Member of the University Community, ~~or a person who is an employee or holds an appointment with an institution where students of the University are trained and which is, directly or indirectly, a party to an affiliation agreement with the University,~~ who considers that they are the object of Harassment and/or Discrimination ~~Prohibited by Law~~ as defined by the Policy, and who has filed a ~~Complaint~~ Report against another Member of the University Community in accordance with this Policy.

1.11 “Respondent” means a Member of the University Community against whom a ~~Complaint~~ Report has been filed in accordance with this Policy.

1.12 “University Context” means an occurrence:

- i) on University premises;
- ii) within the context of a University-sponsored program or event or activity whether on-campus or off-campus (e.g., University-sponsored competitions or field trips/studies); or
- iii) off-campus, including online or in social media, where the conduct has consequences that may be reasonably seen to adversely affect:
 - o the safety of students, faculty or staff while on campus or while participating in a University-sponsored program, event or activity;
 - or
 - o the right of a Member of the University Community to use and enjoy the University’s learning or working environment.

1.13 All references to the Provost include a delegate.

Section 2 – SCOPE AND JURISDICTION

2.1 This Policy shall apply to all members of the University community where the alleged Harassment or Discrimination occurred in a University Context and where each party is a Member of the University Community at the time a Report is filed and at the time the incidents alleged in the Complaint occurred.

2.1.1 An exception to Section 2.1 is made for a Report brought by a former student against a Respondent who exercised academic authority over that student. Such a Report may be brought after the student's graduation or withdrawal from the University within the delay set by Section 2.2 if the Respondent is a member of the University Community when the Report is filed and at the time of the incident(s) alleged in the Report.

2.2 This Policy does not apply where the most recent incident occurred more than 24 months prior to the initiation of a Report.

2.3 This Policy does not and cannot apply to the internal affairs of corporations associated with McGill University but legally independent from it, such as student societies (PGSS, SSMU, student faculty associations, etc.) or staff unions and associations (AGSEM, AMURE, AMUSE, MAUT, MUNACA, MUNASA, SEU, etc.). Such corporations have independent legal rights and obligations, and are responsible for their own actions, including actions of their officers and members acting in respect of the corporation.

2.4 Nothing in this Policy precludes either party from exercising any internal or external recourse available.

2.5 This Policy is to be interpreted in a manner that is consistent with the goals set out in the "Statement of Principle," as well as with the provisions of the *Civil Code of Québec*, the *Quebec Charter of Human Rights and Freedoms*, and *Quebec's Labour Standards Act*.

Section 3 – OBJECTIVES

3.1 This Policy shall have as its objectives:

- i) prevention of Harassment and Discrimination ~~Prohibited by Law~~ by means of education and other proactive efforts to promote awareness about equity among members of the University community, including the nature of Harassment and Discrimination ~~Prohibited by Law~~.
- ii) ensuring that the University's policies and procedures foster an environment free of Harassment and Discrimination, including by striving to identify, prevent, and address systemic and structural forms Harassment and Discrimination ~~Prohibited by Law~~.
- iii) ensuring that Procedures are in place to address Complaints Reports of Harassment and Discrimination ~~Prohibited by Law~~.

Section 4 – RIGHTS OF THE PARTIES

4.1 Throughout a process conducted under this Policy, parties may be accompanied by an Advisor.

4.2 Throughout a process conducted under this Policy, parties may request reasonable accommodations.

Section 5 – PROMOTION OF AWARENESS

5. In pursuit of the objectives described in Section 3, the University, principally through the OMR, shall take measures to provide education, guidelines and the dissemination of information relating to such matters as the meaning and impacts of Harassment and Discrimination, strategies for advancing equity, how to report Harassment and Discrimination, and support resources for members of the University community who experience Harassment and/or Discrimination. Education and awareness initiatives about this Policy shall be pursued in accordance with Appendix 1.

Section 6 – RESPONDING TO COMPLAINTS REPORTS

6.1 Complaints Reports shall be filed with the OMR, whose staff shall have qualifications and expertise relevant to: preventing and responding to Harassment and Discrimination; mediation; investigations; and advancing equity, diversity, and inclusion in learning and employment contexts.

6.2 Complaints Reports shall be resolved by mediation or by an investigation, following the **Procedures** that accompany this Policy.

6.2.1 Mediation shall be conducted by a qualified, impartial mediator appointed by the University. In most instances, the mediator will be a full-time member of the OMR staff, but the University may refer a **Complaint Report** to an external mediator where circumstances warrant.

6.2.2 Investigations shall be conducted by a qualified, impartial Assessor appointed by the University for this purpose. In most instances, the Assessor will be a full-time member of the OMR staff, but the University may refer a Report to an external Assessor where circumstances warrant, for example, where there is a conflict of interest, where one of the parties is a staff member in the OMR, or where one of the parties is a member of the University's senior administration.

6.3 Unless required to disclose information for the purpose of investigating allegations of Harassment and/or Discrimination, or in the context of internal or external recourses such as grievances or similar complaints, the parties, witnesses and their advisors shall respect the privacy of the parties and shall maintain the confidentiality of information shared with or by them in the context of a mediation or investigation process under this Policy. Parties are, however, permitted to share relevant information about these processes for the purposes of accessing health and counselling services, academic and/or workplace accommodations, or advising in connection with University policies and procedures.

6.4 Subject to the **Procedures** that accompany this Policy, the parties, witnesses, and any University employee contacted by an Assessor because they may have information or material relevant to an investigation have a duty to reply promptly to the Assessor and to participate in, and cooperate with, the investigation. Where the **Procedures** do not provide otherwise, parties, witnesses, and any University employee contacted by an Assessor must reply to the Assessor within no more than 5 Days.

Immediate Measures

6.5 Where the OMR is of the view that there may be a risk to the security of Reporter during a process conducted under this Policy, OMR staff shall consult with the appropriate University authorities (e.g., the relevant Faculty Dean or Dean of Students, Security Services, and/or Legal Services) about the implementation of immediate measures necessary to protect the Reporter.

6.6 Immediate Measures shall be implemented in accordance with the **Procedures** that accompany this Policy.

Decisions and Measures Following an Investigation

6.10 Upon the completion of an investigation, the Assessor shall submit a report to the Provost with a copy to the Reporter and the Respondent. The submission of the report by the Assessor to the Provost concludes the

investigation.

6.11 The Assessor's report shall contain the findings of relevant facts, an articulation of the reasons leading the Assessor to a conclusion and the Assessor's conclusion as to whether or not the evidence is sufficient to find, on a balance of probabilities, that Harassment and/or Discrimination occurred. The report may also include a recommendation as to whether disciplinary and/or administrative measures should be taken, including a description of the impact of the Harassment and/or Discrimination on the Reporter.

6.12 The Provost may seek further information or clarification from the Assessor who investigated the ~~Complaint~~ Report before making a final decision.

6.13 If, following an investigation, an Assessor's report determines that the evidence is insufficient to find that Harassment and/or Discrimination has occurred, the Provost shall, within 15 Days of receipt of the investigative report, confirm to the parties in writing that the matter is closed. Nevertheless, in such cases, the Provost may, on the basis of conclusions and recommendations in the Assessor's report, refer the matter, with a copy of the report, to the appropriate University disciplinary authority to determine whether disciplinary or administrative measures are warranted on grounds other than Harassment or Discrimination. The Provost shall copy the parties on this correspondence with the appropriate University disciplinary authority.

6.14 If the Assessor's report determines that the evidence is sufficient to find that Harassment and/or Discrimination has occurred, the Provost will, within 15 Days of receipt of the Assessor's report, refer the matter, with a copy of the report, to the appropriate University disciplinary authority to determine disciplinary and/or administrative measures warranted. The Provost shall copy the parties on this correspondence with the appropriate University disciplinary authority.

6.15 The University disciplinary authority shall not reinvestigate the facts. The Assessor's report will be used by the disciplinary authority for the purpose of determining what disciplinary and/or administrative measures are warranted.

6.16 The appropriate University disciplinary authority is:

- a. in the case of a student, the disciplinary officer as defined in the *Code of Student Conduct and Disciplinary Procedures*;
- b. in the case of a member of academic staff, the Dean of the Faculty in which the staff member is appointed, or the Dean's delegate;
- c. in the case of a member of the administrative or support staff, the staff member's immediate supervisor;
- d. in the case of a Vice-Principal, the Principal; and
- e. in the case of the Principal, the Chair of the Board of Governors.

6.17 Upon being referred a copy of the investigative report from the Provost, the appropriate University disciplinary authority will determine appropriate disciplinary and/or administrative measures and will ~~further~~ oversee the administration of such measures.

6.18 When making decisions as to appropriate disciplinary and/or administrative measures, the University

disciplinary authority must apply principles of Procedural Fairness and consider:

- a. the impact of Harassment and/or Discrimination on the Reporter;
- b. The impact that Harassment and/or Discrimination can have on learning and work environments;
- c. The principle of progressive discipline or gradation in sanctions;
- d. The nature and severity of the incident;
- e. The University's role as an educational institution;
- f. The requirements set by applicable University regulations (e.g., the *Code of Student Conduct and Disciplinary Procedures* and the *Regulations Relating to the Employment of Academic Staff* in the case of tenure-track and tenured academic staff), collective agreements; and
- g. Any other relevant factors.

6.19 Disciplinary outcomes, in the case of a student, are described in the *Code of Student Conduct and Disciplinary Procedures* may include, but are not limited to:

- a. an admonishment
- b. a reprimand
- c. conduct probation and associated conditions (e.g., cease and desist communication)
- d. suspension
- e. expulsion

6.20 Disciplinary outcomes, in the case of an employee described in regulations of the University and collective agreements and may include, but are not limited to:

- a. letter of reprimand
- b. suspension without pay
- c. dismissal from the University

6.21. Administrative measures include, but are not limited to:

- a. education and training
- b. counselling or mentoring
- c. supervision/oversight of the teaching/learning/work environment concerned
- d. limitation or elimination of supervisory privileges over undergraduate or graduate students, teaching assistants, or research assistants
- e. "no contact" or "no communication" directives
- f. structural measures, such as a review of a policy or procedure or the requiring of an academic unit (e.g., Department, School, Institute, or Centre) or administrative unit (i.e., office or area that does not deliver academic programs, e.g., Residences, Facilities, Human Resources, Athletics & Recreation) to undergo a climate or other review organized and led by one or more persons with relevant expertise from outside the unit concerned, with a view to improving the working and/or learning environment in that setting.

6.22 Once the appropriate University disciplinary authority has determined the disciplinary and/or other measures to be imposed, the University disciplinary authority shall provide the Provost and the OMR, within 30 days, with written confirmation that the disciplinary process is complete and that the process abided by the requirements of this Policy and any other applicable regulation, policy, or collective agreement. The OMR

shall communicate this information regarding the completion of the disciplinary process to the Reporter forthwith. At that point, the matter is closed and no further action in relation to the Report may be taken under this Policy.

6.23 In the event that the University disciplinary authority does not implement the Assessor's recommendation about disciplinary and/or administrative measures, reasons must be provided to the Provost in writing.

6.24 Nothing in this Policy derogates from the University's authority to take measures to address structural or systemic concerns raised by the findings set out in an Assessor's report. University measures that are taken to address structural or systemic concerns (e.g., review of a policy or procedure, compulsory training for all members of a unit, implementation of an equity committee for the unit) may be shared with the Reporter provided that this does not compromise any individual's privacy rights.

Section 7 – PROTECTION OF THE PARTIES

7.1 No action shall be taken by the University or a Member of the University Community against the Reporter, the Respondent, or a witness in an investigation. This does not abridge the University's right to take disciplinary or other appropriate measures in the case of intentionally false Reports.

7.2 Should a party feel that there has been a failure to comply with the Provost's decision, or should a concern related to the original Complaint arise following the Provost's decision (e.g., recurrence of behavior described in the Complaint), the matter may be referred to the Senior Equity and Inclusion Advisor. The Senior Equity and Inclusion Advisor shall address the matter with the Provost, who shall decide on the need for subsequent measures, including referral to the relevant disciplinary officer for disciplinary or administrative measures.

Section 8 – ACADEMIC FREEDOM AND INCLUSIVENESS

8.1 Although Members of the University community are expected to conduct themselves responsibly and respectfully in view of the University's commitment to equity and inclusiveness, ~~nothing in~~ this Policy shall not abridge the University's [Statement on Academic Freedom](#) ~~University's educational mission~~.

8.2 Prohibitions against Harassment and Discrimination ~~Prohibited by Law~~ do not extend to statements or materials used as part of courses that are relevant and appropriately related to the subject matter of such courses.

Section 9 – ANNUAL REPORT

9.1 The Provost shall report annually to Senate ~~and the Board of Governors~~ on the application of this Policy.

Section 10 – POLICY REVIEW AND OVERSIGHT

10.1 This Policy shall be reviewed ~~at least every three years~~ by a working group, comprising:

- i) the Provost or delegate (as Chair).
- ii) one representative each of MAUT, MUNASA, MUNACA, AGSEM, AMURE, AMUSE, MCLIU, SEU, SSMU, PGSS, MACES, MCSS and JBSCE;

- iii) a representative of the OMR; and
- iv) an Equity Education Advisor

10.2 There shall be an annual meeting convened by the Provost or delegate of the working group identified in 9.1 to review the operation of this Policy. These annual meetings will review:

- i) the University's efforts to meet the objectives of this Policy articulated in Section 3 (i.e., prevention and education, fostering an environment free of Harassment and Discrimination ~~Prohibited by Law~~, and establishing effective procedures to address incidents and ~~complaints Reports~~), and means of enhancing such efforts; and
- ii) the circumstances under which ~~Complaints Reports~~ have been withdrawn, and the nature of ~~Complaints Reports~~ that have resulted in informal or formal resolutions. This review process will be anonymous, with the working group not having access to any nominative or identifying information regarding any party to a ~~Complaint Report~~ under this Policy.

10.3 At the annual meeting referred to in Section 10.2, the working group may request to meet one or more of the Assessors or mediators who carried out work under this Policy to discuss the processes of their work in a manner that preserves the privacy of any party or witness involved with a file arising under this Policy.

10.4 The working group may request that representatives from particular University units (e.g., Student Services, University Residences, Human Resources) or stakeholder associations (e.g., Dr. Kenneth Melville Black Faculty and Staff Caucus, Black Students' Network, Queer McGill, Indigenous Students' Alliance) provide input or written submissions where this would be helpful to inform decisions about the Policy implementation and review.

Appendix 1: Implementation of Section 5

- Delivery, across the campuses, of equity education through multiple formats, such as: in-person facilitated sessions delivered by a diverse team of skilled equity education advisors, events that recognize, commemorate and celebrate the presence of diverse groups at McGill, the development and ~~distribution~~ delivery of equity, anti-Harassment, and anti-Discrimination education materials and modules, both online and in print, and the construction and maintenance of a website that advises the McGill community of our rights and responsibilities vis-à-vis a safe, respectful and inclusive campus climate for all, as well as the vehicles available to any member of the McGill community who feels that they may be the target of Harassment or Discrimination.
- Promotion of the Policy through regular communications across the campuses.
- Regular information/training sessions to the Academic Leadership Forum (ALF), at the orientation sessions for new academic administrators and for new faculty members, at Management Forum, etc.
- Training sessions for managers, provided by HR and the Office of the Provost and Vice-Principal (Academic).
- Collaboration with units engaged in related areas (e.g., Graduate and Postdoctoral Studies, Office of the Ombudsperson, Office of the Dean of Students, Student Services, Legal Services) to make available resources better known.

PROCEDURE TITLE	Procedures Related to the Policy on Harassment and Discrimination
Executive Sponsor	Provost and Vice-Principal (Academic)
Initial Approval Date	XX May 2021
Date of Last Review	n/a

Related Documents	Policy on Harassment and Discrimination
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PART I – PURPOSE AND SCOPE

1. McGill's **Policy on Harassment and Discrimination** ("the Policy") establishes that acts of Harassment and Discrimination constitute misconduct. This document sets the procedures by which Reports of Harassment and/or Discrimination made pursuant to the Policy will be mediated and investigated.
2. These Procedures are meant to facilitate the investigation of Reports of Harassment and/or Discrimination. Consequently, an Assessor who investigates a Report has full authority to adapt the Procedures when necessary for the purpose of carrying out the investigation.
3. These Procedures also establish the process by which mediation under this Policy will be conducted.
4. These Procedures shall be reviewed and amended as necessary to facilitate the smooth implementation of the Policy, and in any case at least every three years, with appropriate stakeholder consultation.
5. Words capitalized herein are given the meaning they are ascribed in the Definitions section of the Policy.

PART II – PROCEDURAL CONTENT

Filing a Report

6. Any Member of the McGill Community who seeks to make a Report shall do so by submitting such Report to the Office for Mediation and Reporting (OMR).
7. The Report must set out in sufficient detail in writing: the act(s) or omissions that the Reporter experienced as Harassment and/or Discrimination, the identity of the Respondent(s), information about the incident(s) (e.g., time(s), location(s)), and any additional relevant information.
8. Where more than one Reporter considers that the same incident(s) have caused them to be the object of Harassment and/or Discrimination, they may choose to file individual Reports or one single Report together.
9. Where a Reporter considers that they are the object of Harassment and/or Discrimination that is systemic in nature, they may name a Respondent who has authority over the unit and/or office in which the Harassment or Discrimination is alleged to have occurred.

10. A Report may name more than one Respondent.
11. The OMR, in initial communications with a Reporter or Respondent, shall:
 - a. provide the parties with a copy of or an active hyperlink to the **Policy**, these Procedures and/or other relevant policies;
 - b. inform the parties of their rights and responsibilities in regard to an investigation and mediation (related, for example, to: good faith, respect for privacy and reputation, protection from retaliation, no contact with one another or potential witnesses); and
 - c. inform all parties of available support resources for them both on- and off-campus.

Confidential and Third-Party Reports

12. The OMR may accept a Report that is confidential (i.e., a report made by a person whose identity is known only to the OMR and is not disclosed to the Assessor, the Respondent, or any other person) or made by a third-party (i.e., a report made by someone other than the person alleged to have experienced Harassment or Discrimination) where the person who submits the Report is a Member of the University Community.
13. Where a confidential or third-party Report includes sufficient information to conduct a fair investigation, the OMR will refer the Report to an Assessor for investigation.
14. Where the person who is alleged to have experienced Harassment or Discrimination is identified in a confidential or third-party Report, this person has the right to be informed about the Report and to choose whether to participate or not in the investigation of such Report.
15. Processes for investigating confidential or third-party Reports shall be adapted to respect the right of the person alleged to have experienced Harassment or Discrimination not to participate in an investigation.

Initial Review of a Report

16. Upon receipt of a Report, the OMR will acknowledge receipt to the Reporter within 5 Days. The OMR will then conduct an initial review to determine:
 - a. whether the Report falls within the Policy's scope and jurisdiction, as determined by Section 1 of the Policy;
 - b. whether the parties accept mediation;
 - c. whether, in the case of an confidential or third-party Report, there is sufficient information to conduct a fair investigation; and
 - d. whether immediate measures, as defined below, may be warranted at that time.
17. An initial review will normally occur within 5 Days of receiving a Report.
18. If, following the initial review, the OMR finds that the Report falls within the Policy's scope and jurisdiction as defined by Section 1 of the Policy, and the matter does not proceed to mediation, the Report will proceed to an investigation in accordance with these Procedures.

Immediate Measures

19. Before recommending the implementation of immediate measures, the OMR shall consult with the Reporter. Decisions concerning immediate measures rest with the appropriate University authority.
20. Immediate measures may be implemented before or during the course of mediation or an investigation.

21. Any immediate measures instituted shall comply with University regulations, policies, and collective agreements, and shall ensure that Procedural Fairness, as applicable in the context, is maintained. Such measures may include, but are not limited to:
 - a. voluntary measures (i.e., those agreed to by the Respondent);
 - b. an order to cease and desist communication;
 - c. devising and implementing accommodations that may be academic (e.g., course changes or reimbursement of fees associated with academic tuition), extra-curricular, residential, or work-related, with respect to the Reporter and Respondent.
22. Immediate measures are not meant to prejudice the outcome of the investigation and shall not be interpreted as affecting the impartiality of the Assessor

Mediation

23. Mediation is a voluntary process in which the mediator facilitates discussion between two or more parties on issues that have given rise to conflict, and supports the parties to find a resolution that the parties accept as fair. Mediation can yield a range of outcomes that are helpful for the parties, such as guidelines on any future communication between them.
24. Mediation may occur when a Report is filed with the OMR or at any point before an Assessor's report is finalized and sent to the Provost.
25. Where a Reporter requests mediation, whether at the outset of a process or when an investigation is already underway, the OMR will notify the Respondent and determine, usually within no more than 5 Days, whether the Respondent also consents to mediation. If the Respondent accepts, the matter proceeds to mediation. If the Respondent declines, the Reporter can opt to proceed with an investigation or, if the investigation was underway when mediation was proposed, the investigation will continue.
26. Where both parties consent to mediation, the matter shall be referred to a mediator with appropriate skills and training, as defined by Section 6.2.1 of the **Policy**.
27. Mediation normally shall not exceed 30 Days from the date of the Respondent's consent to mediation. If an investigation is ~~that may be~~ underway when the parties agree to mediation, the investigation and associated time delays are suspended during the mediation.
28. Mediation is not conducted with the parties in the same room or in direct communication with one another unless the Reporter and Respondent agree to mediate in the presence of one another.
29. Mediation is intended to be without prejudice to the parties. Therefore, all statements and disclosures made, information disclosed, and documents and material provided or presented specifically for the purposes of the mediation by one party cannot be used or referred to by the other party if the matter proceeds to an investigation, unless consent to their use is provided in writing by the person who provided them. The mediator shall advise the parties of their rights and duties under this clause.
30. Either party may, at any time, refuse or withdraw from mediation. In that case, if the mediation was attempted before an investigation began, the Reporter may opt to proceed to an investigation by an Assessor. If the mediation was attempted during the course of an investigation already underway, the investigation shall resume.

31. A party's decision to participate or not in mediation is without prejudice. No adverse inference will be drawn against a party based on such a decision.
32. Where the mediator is of the opinion that a resolution cannot be reached within a reasonable time, the mediator shall so advise the OMR and the parties in writing no later than 30 Days following the date on which the parties agreed to mediation.
33. In cases where a resolution acceptable to both parties is achieved through mediation, the resolution shall be acknowledged by the Reporter and the Respondent in writing, in sufficient detail to allow for its implementation, with the mediator signing as a witness. The resolution shall be final and both parties shall waive any further internal and external recourse based on the facts having given rise to the Report. A signed copy of the resolution shall be kept confidential and held for a minimum of ten years by the OMR.
34. Breach of a mediation agreement may result in disciplinary consequences for the party that committed the breach. It will not, however, trigger an investigation of the initial Report or of a new Report based on the same events. In cases of breach of the mediation agreement, the agreement shall be relevant evidence to consider in the disciplinary process. In the case of a new incident, a Reporter can file a new Report.
35. In cases where a resolution is not reached, if an investigation had not begun prior to mediation, the Reporter may decide to proceed with an investigation. However, if mediation was attempted while an investigation was already underway, the investigation shall resume.

Investigation

36. When a Report falls within the Policy's scope and jurisdiction as defined by Section 2 of the Policy, and the matter does not proceed to mediation, there will be an investigation of the Report by an Assessor.
37. The Assessor notifies the Respondent within 10 Days of having received the Report and provides the Respondent with a copy of the Report. The Respondent shall provide a response to the Report within the time specified by the Assessor, which generally shall not be more than 14 Days. The response must be submitted in writing to the Assessor.
38. Upon receiving the Respondent's response, the Assessor shall send a copy to the Reporter.
39. The Assessor will work diligently to ensure timely processes for investigating Reports without compromising Procedural Fairness.
40. An investigation will not exceed 60 Days from the date that the Report is submitted to the Assessor.
 - 40.1 In exceptional cases, the Assessor may seek permission from the Provost to extend the 60-day delay for completing an investigation.
 - 40.2 This 60-day delay may be extended if the parties agree to attempt mediation during the course of an investigation, which will suspend the delay by the time during which mediation was attempted, but not more than 30 Days.

41. The Assessor may investigate in any manner required to obtain the information that the Assessor deems necessary to making the necessary findings of fact. This may include, but is not limited to, the following:
 - a. meeting with and requesting information from the Reporter;
 - b. meeting with and requesting information from the Respondent;
 - c. meeting with or requesting information from any other individuals who may have information relevant to the Investigation, including, but not limited to any witnesses identified by the Reporter or the Respondent;
 - d. obtaining any other evidence (e.g., documents, copies of correspondence, photos/images) that may be relevant to the investigation.
38. The Assessor shall not hold a hearing. This means that the Assessor shall not meet together with both parties to hear their respective claims.
39. When the investigation is complete, the Assessor prepares a written report that is submitted to the Provost with a copy to the Reporter and the Respondent, in accordance with Sections XXff of the Policy.
40. The process following the Assessor's submission of the report to the Provost shall follow the terms established in the Policy.

Withdrawing a Report

41. Before an investigation has begun, the Reporter may withdraw the Report at any time.
42. Once an investigation has begun, the Reporter may withdraw the Report with the consent of the Respondent. This shall be evidenced in writing, with the Assessor signing as a witness, with a copy filed with the OMR.