

McGill University's Code of Student Conduct and Disciplinary Procedures in the context of allegations of Sexual Violence

The goal of this document is to provide clarity around how the [Code of Student Conduct and Disciplinary Procedures](#) (the "Code") applies to allegations related to sexual violence.

To whom does the Code apply?

The Code is applicable when a student is alleged to have committed an academic or non-academic offence. The complainant (who may self-refer as a "survivor" or "victim" in the case of sexual violence) need not be a student, but the Code itself applies when the alleged perpetrator is a student. A [parallel document exists](#) when the alleged perpetrator is a Faculty member at McGill.

How does McGill Policy Against Sexual Violence relate to the Code?

McGill's [Policy Against Sexual Violence](#) applies to all members of the McGill community, and is focused on support, resources, and education, and is a policy that separates disclosures* from a formal report*. The Code is the disciplinary tool by which a survivor of sexual violence can pursue a formal report against a McGill student.

Can a survivor of sexual violence be assured of a process involving the Code if an incident happens off-campus?

The Code applies to any McGill sponsored or sanctioned events that involve McGill students, on or off campus. The Code may not apply in situations where an incident occurs at a non-McGill location or event, but survivors of sexual violence can always seek support at McGill, regardless of when or where an incident of sexual violence occurred. It is also possible that in situations where an alleged perpetrator is a McGill student, measures can be taken to ensure support and protection even where the incident in question occurred outside of the McGill context. The [Dean of Students](#) is available to discuss whether an incident falls within the McGill context.

How does the Code differentiate between sexual harassment and sexual assault?

Under section 10 of the Code, there are three possible articles that relate to sexual violence: 10(a) is about assault or threat to another person, 10(b) is about knowingly creating a condition that endangers or threatens or undermines the health, safety, well-being or dignity of another, and 10(c) is about harassment (sexual or otherwise). If the Dean of Students becomes aware of an allegation that may constitute sexual harassment the survivor may be advised to consider the [Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law](#) for their formal report. To this end, survivors should also feel free to reach out to the Senior Equity & Inclusion Officer at: seio@mcgill.ca

To start a formal process under the Code, who does a survivor of sexual violence speak to?

A survivor may disclose an experience of sexual violence via different pathways (e.g., the [Office of Sexual Violence Response, Support & Education](#) [O-SVRSE]), Security Services, [SACOMSS](#)), and a disclosure may lead to a formal report if that is what a survivor wants. The survivor should choose the pathway with which they are the most comfortable. If the survivor wishes to proceed with a formal report, this can be done by ensuring the Office of the Dean of Students becomes aware of the incident.

If a survivor wishes to proceed with a formal allegation to trigger a disciplinary investigation under the Code—regardless of whom is the recipient of a disclosure—they are encouraged to write down relevant details, such as: identification of the student(s) concerned; statement of facts and allegations, including the names of witnesses; and any action(s) taken to date. This report is to be submitted to the Dean of Students (alternatively, an advisor/friend/advocate may—with the survivor’s consent—send a report written by the survivor to the Dean of Students). At this stage, a survivor need not appear in person in front of the Dean of Students or Disciplinary Officer unless they decide to do so.

Will a report from a third-party result in a disciplinary process?

In general, a formal process requires a complainant, and third-party reports are unlikely to result in a disciplinary process. It is possible that a third-party report could initiate an investigation, but that would normally only be done with the consent of the survivor. Anonymous reports cannot result in a disciplinary process under the Code.

Does a survivor have to appear at disciplinary interviews or hearings?

A disciplinary interview itself involves only the Disciplinary Officer and the student alleged to have violated the Code (plus their advisors if either party chooses to have an advisor present). If the case gets elevated to a full hearing with a Committee on Student Discipline this usually includes witnesses, but the survivor has the right to deny any request to attend in person. The survivor’s initial report (and/or any other evidence) would be included in the process. Due process means ensuring there are opportunities for all parties to speak to the evidence in question, so it may be important for a survivor to be present if they are willing to do so. The Committee on Student Discipline, however, will consider alternative arrangements such that a survivor and the alleged perpetrator have minimal contact (e.g., having the survivor appear via video-conference).

Does a survivor have to recount their experience multiple times?

Every effort is made to avoid having the survivor recount their experience more than once. Under the Code, if the relevant details are included in the initial report then multiple disclosures will not necessarily be required, but if more information is needed a Disciplinary Officer may reach out.

Should the case end up being heard by the Committee on Student Discipline, the survivor may be asked to appear at the hearing to relay their experiences and possibly answer questions. It is important to note, however, that a survivor may decline to answer questions put to them.

How is confidentiality ensured throughout a disciplinary process?

Disciplinary Interviews and hearings of the Committee on Student Discipline are completely confidential. Whatever is said during those processes is not shared beyond those interviews or hearings. Formal paperwork is held confidentially within the Dean of Students Office. The data related to the process are shared only in a general sense where only aggregate statistics are presented annually to Senate. All information presented in the formal complaint, including the survivor’s name, will be made available to the alleged perpetrator (and their advisor, if they choose to have one) in advance of an interview or hearing, but again, this is also done confidentially. One exception to the rules around confidentiality is in the event that we are given a Court Order to produce evidence, names or materials.

How are disciplinary officers trained?

The Office of the Dean of Students ensures that only Disciplinary Officers with appropriate experience and training handle cases involving allegations of sexual violence. Disciplinary Officers get training from the Dean of Students' Office and from O-SVRSE, and there is regular consultation with McGill's Legal Services team as required. Three Disciplinary Officers have agreed to and are equipped to oversee cases related to allegations involving sexual violence.

How long will the process take from report to completion?

If the process is done by a Disciplinary Officer and as an interview, the disciplinary process may be completed within several weeks. If the case is heard by the Committee on Student Discipline, the process will be longer (typically weeks to months, depending on availability).

What sanctions will be imposed on someone found guilty of committing an act of sexual violence?

It is difficult to provide a general answer to this question, as much depends on the particular allegation, evidence, and other circumstances related to the case. The Committee on Student Discipline has more possible sanctions at their disposal than are available when the process involves only a disciplinary interview. The most extreme sanction the Committee on Student Discipline can impose would be imposing a permanent disciplinary record and expulsion (which would mean the student would never be allowed to come back to the University). More minor sanctions may include suspension, exclusion from specific buildings, or imposing a "cease and desist communication".

Can a survivor learn the outcome of a Disciplinary Process?

A complainant can learn the outcome of the disciplinary process. They can learn whether the process resulted in an exoneration (not enough evidence) for the alleged perpetrator, or whether the student will be admonished (there is a finding of responsibility, but there is no permanent disciplinary record) or reprimanded (there is a finding of responsibility, and there is a permanent record held by the Office of the Dean of Students). The survivor may learn the additional conditions or sanctions, as relevant (e.g., if there are additional conditions related to exclusions from some buildings, communication).

I have more questions, who do I ask?

The Dean of Students: deanofstudents@mcgill.ca 514-398-4990

The Office of Sexual Violence Response, Support & Education: svoffice@mcgill.ca 514-398-4486/3786

* **Disclosure** refers to sharing of information about an incident of sexual violence by a survivor to another person, often someone that a survivor knows or trusts. Disclosure does not automatically result in a complaint being filed through the Code; that will only be done if the survivor wishes that is the step they wish to take. A **Report** is a formal account or statement about sexual violence to person of authority who can take actions to address the allegation. A report implies a formal process is commencing.