

# McGill



# HAND *Student Rights and Responsibilities* BOOK

2010



McGill

# A Handbook on Student Rights and Responsibilities

This Handbook is a compendium of regulations and policies governing student rights and responsibilities at McGill University. It is published by the Dean of Students' Office.

A general theme in this Handbook is a dedication to academic integrity at McGill. The Academic Integrity Subcommittee of the Committee on Student Affairs has created a web page with useful information for both students and instructors. Please consult the Academic Integrity web page at <http://www.mcgill.ca/integrity/>

If you require further information on any of the policies or need advice and/or assistance on their operation, please contact the Dean of Students' Office (398-4990) in the William and Mary Brown Student Services Building, 3600 McTavish Street, Suite 4100, Montreal.

The names and telephone numbers of the following people can also be obtained from this office:

- The Chair, Committee on Student Discipline
- The Chair, Committee on Student Grievances
- The Chair, Appeal Committee for Student Discipline and Grievances
- The assessors for complaints of harassment, sexual harassment and discrimination prohibited by law.

## **USEFUL CONTACT NUMBERS**

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This handbook was printed June, 2010. The University policies reprinted in this Handbook may be amended between annual printings. For amendments and additions beyond this date, please refer to [www.mcgill.ca/secretariat/index/](http://www.mcgill.ca/secretariat/index/)



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# Charter of Students' Rights

Approved by Senate - April 4, 1984 - Minute 64

Amended by Senate - January 13, 1988 - Minute 70

Amended by Senate - May 24, 2001 - Minute 8

Amended by Senate - May 4, 2005 - Minute 10

Amended by Senate - January 21, 2009 - Minute 3

## **PART I: FUNDAMENTAL RIGHTS AND FREEDOMS**

- 1 Every student enjoys within the University all rights and freedoms recognized by law.
- 2.1 Every student has a right to equal treatment by the University; this right must not be impaired by discrimination based on race, colour, ethnic or national origin, civil status, religion, creed, political convictions, language, sex, sexual orientation, social condition, age, personal handicap or the use of any means to palliate such a handicap.
- 2.2 A distinction, exclusion or preference based on relevant academic or physical aptitudes or qualifications required in good faith is deemed non discriminatory.
- 3 Every student has a right to the safeguard of his or her dignity and a right to be protected by the University against vexatious conduct displayed by a representative of the University acting in an official capacity.
- 4.1 Every student has a right to be free from a sexual solicitation or advance made by a person in a position to offer or deny to the student an academic advantage or any opportunity pertaining to the status of student, where this person knows or ought reasonably to know that this solicitation is unwelcome.
- 4.2 Every student has a right to be free from a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to offer or deny to the student an academic advantage or any opportunity pertaining to the status of student.
- 5 The University has an obligation to ensure that administrative decisions are made, or actions taken, with fair regard for the known and legitimate interests of students.
- 6 Rights conferred upon students by regulations may not be infringed upon by administrative decisions.
- 7 The University has an obligation to maintain safe and suitable conditions of learning and study.
- 8 The University has an obligation to ensure that adequate measures are taken to protect security of students on University property.

## **PART II: ACADEMIC RIGHTS**

- 9 Every student has a right to a quality education. The University's corresponding obligation is fulfilled where:
  - (a) the University offers an education capable of providing students with an adequate level of competence in the relevant field of study, and
  - (b) the University makes every reasonable effort to maintain the quality of education it dispenses, and
  - (c) the University makes every reasonable effort to provide an appropriate environment for learning and assessment activities.

- 10.1 The University shall provide students with sufficient course information to permit the student to make informed course selection. This information should include, where appropriate:
  - (a) Pre-requisites for courses,
  - (b) Course descriptions,
  - (c) Course availability,
  - (d) The method of evaluation, and
  - (e) Change of course periods.
- 10.2 Every instructor shall provide students during the first week of lectures with a written course outline. This information should include, where appropriate:
  - (a) A description of the topics to be considered in the course,
  - (b) A list of required and recommended readings and other materials,
  - (c) A description of the means of evaluation to be used in the course,
  - (d) A statement regarding the right of every student to submit in English or in French written work that is to be graded (not applicable to courses in which acquiring proficiency in a language is one of the objectives).
  - (e) The instructor's office hours for students, office location and telephone number for office appointments.
- 11 Where students are permitted a choice of courses or course loads, the University shall provide a reasonable change of course period.
- 12 The evaluation of a student's performance in a course shall be fair and reasonable, and shall reflect the content of the course.
- 13 Unless the method of evaluation renders such a determination impossible, every student has a right to be informed upon request of his or her standing or performance in a course while the course is in the process of being taught.
- 14 Subject to reasonable administrative arrangements, and provided the request is made by a student within a reasonable time after the notification of a mark:
  - (a) Every student has a right to consult any written submission for which he or she has received a mark and a right to discuss this submission with the examiner, and
  - (b) Every student has a right to an impartial and competent review of any mark.
- 15 Every student has the right to submit in English or in French written work that is to be graded. This does not apply to courses in which acquiring proficiency in a language is one of the objectives.
- 16 The University has an obligation to provide students with available relevant information concerning financial assistance offered by public funding bodies for the pursuit of higher learning.
- 17 Students shall have equal access to non-competitive funding for which they are eligible, and criteria for eligibility shall not be arbitrary; applications to the University for such funding must receive a fair and impartial evaluation.
- 18 The University has an obligation to make reasonable efforts to provide adequate research supervision for graduate work, with due regard to the preference of the student.
- 19 Every student has a right to the due and explicit acknowledgement of any indebtedness owed to him or her by a member of the University for research or assistance in the preparation of an academic work.

### **PART III: PROCEDURAL RIGHTS**

- 20.1 Every student has a right to a full, equal and fair hearing by an impartial tribunal, for the determination of his or her rights under this Charter or of the merits of any charge brought against him or her under University regulations.
- 20.2 The tribunal may decide to sit in closed session where University regulations so provide.
- 21 Every student who is charged with a disciplinary offence has a right to present a full and complete defence. In particular, but without restricting the generality of the foregoing, he or she has a right:
- (a) to be promptly informed in writing of the substance of the charge,
  - (b) to refuse to answer incriminating questions,
  - (c) to present and examine witnesses, and to cross-examine witnesses who testify against him or her,
  - (d) to raise a defence that the charge or the procedure under which the person was charged itself constitutes a violation of this Charter,
  - (e) to be accompanied by an advisor at any hearing on the merits of a charge, and
  - (f) to defend him or herself in English or in French, and to have an interpreter present if he or she does not understand the language of the proceedings.
- 22 Every student is presumed innocent of a disciplinary offence unless he or she is found guilty on the basis of clear, convincing and reliable evidence laid against him or her.
- 23 No University regulation may be changed retroactively to the detriment of any student.

### **PART IV: RIGHTS OF ASSOCIATION AND REPRESENTATION**

- 24 Every student has a right to belong to any lawful association of his or her choice and shall not be subject to any prejudice by the University, by reason only that he or she belongs to such an association.
- 25 Every student enjoys within the University the freedoms of opinion, of expression and of peaceful assembly.
- 26 Every group of students has a right to organize and to promote the interests of its members, provided that the purposes of such group are lawful. Every such group shall also have the right to publicize and hold meetings, to debate any matter and to engage in lawful demonstration.
- 27 All University bodies constituted to make decisions of policy in matters pertaining directly to students must provide for student membership.
- 28 Recommendations for student membership shall be sought by the University from the appropriate student association where it exists. Refusal to accept a recommendation must not be based on arbitrary or unreasonable grounds.

### **PART V: ACCESS TO PERSONAL INFORMATION**

- 29 In this Part, "personal information" means information concerning a student or a former student and recorded by the University under this student's or former student's name or identification number.
- 30 Every student has a right to consult any record of personal information kept by the University, provided that such information was not transmitted to or recorded by the University in circumstances of confidence. Where, under this section, a student is denied an opportunity to consult personal information, the University shall inform the student of the existence of this information and of the reasons preventing its disclosure. Upon request by the student, the Committee on Student Grievances may determine whether the reasons stated by the University conform to this section.



- 31 No personal information shall be disclosed by the University to a third party in a manner which permits the identification of the student or former student unless such disclosure is required by law, or unless the protection afforded by this section has been waived expressly or by implication by the student or former student who is entitled to it. Upon request by the student or former student, the Committee on Student Grievances may determine whether disclosure is authorized under this section.

## **PART VI: AMENDMENT**

- 32 Except for amendments to Division B of Part VIII, any amendment to this Charter shall require written notice to all members of Senate two weeks before the meeting at which it is to be considered. To be adopted, an amendment shall require a two-thirds majority vote.

## **PART VII: INTERPRETATION**

- 33 The word "student" includes any person registered in the University, whether or not a candidate for a degree, diploma or certificate.
- For the purpose of a grievance under this Charter, the individual need have been a student only at the time of the alleged breach of any right.
- 34 The word "University" includes, unless the context warrants otherwise, any of the University's constituent entities, and any person acting in his or her capacity as a representative of the University or any of its constituent entities.
- 35 The word "course" includes a programme of courses and programme leading to a degree.
- 36 The determination by the University of the language of instruction for any course shall be deemed not to infringe Section 2.
- 37 This Charter shall not be interpreted so as to extend the University's civil liability in damages and interest.
- 38 This Charter shall not be interpreted so as to suppress or limit the enjoyment or exercise of any human right or freedom not enumerated herein.
- 39 The University may by regulatory decision or practice grant a student or group of students any advantage which exceeds the requirements of this Charter, subject to Section 2.
- 40 Nothing in this Charter shall be interpreted so as to deny or restrict any advantage which by reason of a University regulation or practice is enjoyed by a student.

## **PART VIII: IMPLEMENTATION**

### **Division A – General**

- 41 The University shall ensure that students are aware of this Charter, the Code of Student Conduct and Disciplinary Procedures, the student grievance procedures and grievance procedure in cases of sexual harassment. The University's obligation under this section is fulfilled when the University makes copies of these documents available to every student at registration.
- 42 The University Senate shall establish and maintain appropriate committees to give effect to this Charter.
- 43 The Committee on Student Grievances may consider the application of this Charter in individual grievances brought before it.
- 44 The Senate Advisory Council on the Charter of Students' Rights is established to consider allegations that the University is not fulfilling its obligations as established by this Charter.

## **Division B – Senate Advisory Council on the Charter of Students’ Rights**

- 45 The Council shall consist of five members and a Chair who shall be appointed by Senate for staggered two-year terms.
- 46 Two members of the Council and the Chair shall constitute quorum.
- 47.1 The Council shall investigate any allegation that the general application of a University rule is in violation of this Charter. A request for investigation may be made by a member of the University (the complainant) or may be referred to the Council by the Committee on Student Grievances.
- 47.2 On a reference from the Committee on Student Grievances, the Committee on Student Grievances shall not be a party to the proceedings before the Council.
- 48 The Council is not empowered to arbitrate or adjudicate a specific grievance made by a student against the University.
- 49 Any request for an investigation shall be directed to the Chair. As soon as possible after receiving a request, the Chair shall convene a meeting of the Council to determine whether the allegation merits investigation. If the investigation is considered unnecessary, the complainant shall be informed of the decision and the reasons for the decision without delay.
- 50.1 If the Council decides to investigate the complaint, it shall call for written submissions from the complainant (if there be one) and from the University. The Council may request submissions from other parties if it considers them useful or necessary for its deliberations, and may hold hearings.
- 50.2 After all submissions have been received, the Council shall determine whether a violation of the Charter has occurred. If the Council is of the opinion that there is no violation it shall inform the complainant of the decision and the reasons for the decision. If the Council is of the opinion that a violation has occurred, it shall meet with the University to attempt a reconciliation of the rule and the Charter.
- 50.3 If the mediation produces a change in the rule, the University shall inform the Senate of such change.
- 50.4 If the rule is not changed, or if the Council is not satisfied that the change renders the rule in conformity with the Charter, it shall report immediately to the Secretary of Senate. The Council’s report shall include a concise statement of the relevant facts, citation of relevant regulations, all reasons for finding that a violation of the Charter exists, and any recommendations to amend the rule or practice. The report shall be placed on the agenda of the next meeting of Senate. The Principal, or the Principal’s delegate, shall ensure that the decisions of Senate are implemented without delay.
- 51 The Council shall provide Senate annually with a report of its activities. This report shall include a summary of each investigation and its final outcome, but with any individual parties not identified by name. The report shall also include a summary of requests for which an investigation was denied.
- 52 The word “rule” includes any rule, practice or procedure of the University. Any failure to act by the University where there is an obligation to do so under the Charter shall be deemed to be a violation of the Charter.



# Policy Concerning the Rights of Students with Disabilities

Approved by Senate - January 15, 1986 - Minute 44

Amended by Senate - May 3, 1995 - Minute 123

Approved by the Board of Governors - May 29, 1995 - Minute 8247

Amended by Senate - April 13, 2005 - Minute 10

## Application

- 1 McGill University makes its services to students with disabilities clearly known to all potential applicants, and to the community at large.
- 2 This is implemented through the joint efforts of the University Admissions and Registrar's Office and Faculty Admission Offices and the Office for Students with Disabilities and includes providing the following:
  - adequate information in the McGill calendar on support services available at the University;
  - adequate information on support services in admissions publications;
  - general information on the University in Braille, large print, audio tape or disk when requested to do so;
  - relevant information provided by the Office for Students with Disabilities, given through University liaison officers and other personnel involved in the University admission process to potential candidates and the community at large.
- 3 Applicants with disabilities conform to the same academic conditions of acceptance as other applicants. However they are encouraged to submit additional information on their life circumstances so that these can be considered in the evaluation of their application.

## Admission

- 4 As with all applicants, qualified students with disabilities are considered for admission to McGill University without discrimination.

Article 2.2 of the "Charter of Student Rights" states that "A distinction, exclusion or preference based on relevant academic or physical aptitudes or qualifications required in good faith is deemed non discriminatory". Given this, and in conformity with the Quebec Charter of Human Rights and Freedoms, Article 10, it is incumbent upon the University to ensure that such a distinction or exclusion is valid. In consultation with the Office for Students with Disabilities, appropriate adaptations to the physical or academic environment which might negate such an exclusion must be thoroughly considered before a decision is made.
- 5 Admissions policies in each faculty and unit of McGill University are consistent with this overall admission policy.
- 6 The level of support services needed by the applicant with a disability is not a factor in the admission decision.

## **Financial Aid**

- 7** Students with disabilities who are studying on a reduced course load because of their disability are entitled to be considered for loans, bursaries, and work-study opportunities, as evaluated by the Office of Student Aid.
- 8** Students with disabilities who carry a reduced course load because of a disability are eligible to be considered for scholarships and fellowships available to full-time students, on the basis of equivalent academic standing. All potentially eligible students will be identified by the Office for Students with Disabilities and referred to the University Committee on Scholarships and Student Aid for consideration.

## **Support Services**

- 9** Students with disabilities have the right to a determination of available support services by the Office for Students with Disabilities to help them fulfil their academic requirements; these include, readers, note-takers, interpreters, and technological aids.
- 10** Students with disabilities who are enrolled in the Centre for Continuing Education have rights to these support services on the same basis of eligibility as to all other student services.

## **Modifications**

- 11** Necessary measures will be taken to ensure that students with disabilities are permitted to use appropriate accommodations in their academic life (e.g., student who has a hearing impairment can use an FM system; instructor provides material in sufficient time for the Office for Students with Disabilities to convert it to Braille). Accommodations are coordinated by the Office for Students with Disabilities in consultation with the academic unit.
- 12** Students with disabilities, when appropriate, receive flexibility of time limits in the completion of academic assignments, as appropriate to their disability; special arrangements are coordinated by the Office for Students with Disabilities in consultation with the academic unit.
- 13** Students with disabilities receive modifications in the evaluation process, as appropriate (e.g., utilizing essay rather than multiple choice exams to evaluate students with a particular learning disability). These modifications are coordinated by the Office for Students with Disabilities in consultation with the academic unit.
- 14** Students with disabilities have the right to a review of environmental barriers in the academic setting and the determination of a method of dealing with them. Barriers include exposure to chemicals and micro-organisms which exacerbate their particular medical condition.

## **Barrier-free Environment**

- 15** There is an ongoing removal of architectural barriers that limit students with disabilities from full participation in University life; the McGill Barrier-Free Standards are applied to all renovation and new construction at McGill.
- 16** There is an ongoing educational program to mitigate against attitudinal barriers that limit students with disabilities from full participation in University life. This program is coordinated by the Office for Students with Disabilities in cooperation with relevant University departments.
- 17** Policy concerning the availability of parking for students with disabilities is coordinated by the Office for Students with Disabilities in cooperation with the Security and Parking Services.
- 18** Transportation on campus is provided for students with disabilities where appropriate. This is coordinated by the Office for Students with Disabilities in cooperation with the University Planning Office.

## **Participation in Policy**

- 19** Students with disabilities are an active part of the process that formulates policies related to their needs.

# Policy for the Accommodation of Religious Holy Days

Approved by Senate - March 20, 1996 - Minute 92  
Amended by Senate - February 14, 2007 - Minute 7  
Amended by Board of Governors - April 16, 2007 - Minute 12

## Preamble

McGill University recognizes and respects the diversity of its members, including diversity of religious faiths and observances. The aim of this policy is to ensure that the University provides an environment in which its students can fulfil both their university and their religious commitments.

## Policy

- 1 Students are not to be penalized if they cannot write examinations or be otherwise evaluated on their religious holy days where such activities conflict with their religious observances.
- 2 While sessional dates, classroom and faculty activities, and examination dates take into account academic constraints and statutory holidays, where there is flexibility, efforts are to be made to select dates which do not conflict with religious holy days or to find other appropriate accommodations.

## Procedures

- 1 In advance of the first day of class, the Registrar shall distribute to all units a multifaith calendar for the academic year, along with a copy of this policy.
- 2 Students who because of religious commitment cannot meet academic obligations, other than final examinations, on certain holy days are responsible for informing their instructor, with two weeks' notice of each conflict. Possible solutions include:
  - a) rescheduling the evaluation, or
  - b) preparing an alternative evaluation for that particular student, or
  - c) shifting the weight normally assigned to the evaluation to the weight assigned to other components of the evaluation.

When the instructor and student are unable to agree on suitable accommodation, the matter will be referred to the Associate Dean. The Associate Dean may request official documentation confirming the requirements of the religious observance. The Associate Dean will decide whether reasonable accommodation without undue hardship is possible, and what accommodation is to be made in this instance, and will convey the decision to the instructor and student.

- 3 When the requested accommodation concerns a final examination, students are responsible for advising their faculty office as soon as possible and not later than the deadline for reporting conflicts. Additional documentation confirming their religious affiliation may be requested. Possible solutions include (in order of preference):
  - a) treating the request as a conflict, and accommodating it within the examination period, or
  - b) providing a special deferred examination as soon as possible, or
  - c) granting permission to write a regular deferred examination.

The choice will depend on the particular circumstances.

- 4 This policy is to be made available to all members of the University community.



# Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law

Approved by Senate - December 7, 2005 - Minute 5

Approved by the Board of Governors - December 12, 2005 - Minute 7

Amended by Senate - December 2, 2009 - Minute 3.1

Amended by the Executive Committee - December 7, 2009 - Minute 5.1.2

## 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, Sexual Harassment and Discrimination Prohibited by Law. To help create such an environment the University is also committed to supporting an office the mandate of which includes the education of, and the dissemination of information to, members of the University community concerning such matters as harassment, discrimination and equity.

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, Sexual Harassment and Discrimination Prohibited by Law, as defined in Section 2, below.

Particular onus is placed on those in positions of academic and administrative authority: to be aware of what constitutes Harassment, Sexual Harassment and Discrimination Prohibited by Law and what procedures are in place to provide information and to address complaints; and to implement and use appropriate and active management practices consistent with the achievement of the goals of this Policy. Nothing in this Policy relieves administrators from the responsibility of addressing situations of inappropriate behaviour in accordance with good management practices.

The University shall take reasonable action to prevent Harassment, Sexual 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 the University from its obligations under the Labour Standards Act of Quebec.

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

## Section 1 - SCOPE

- 1.1 This Policy shall apply to all members of the University community.
- 1.2 This Policy is to be interpreted in a manner that is consistent with the goals given in the "Statement of Principles," as well as with the provisions of the Civil Code of Quebec, the Quebec Charter of Human Rights and Freedoms, and the Labour Standards Act of Quebec.
- 1.3 Subject to Section 5.4.5 nothing in this Policy precludes either party from exercising any internal or external recourse available.



- 1.3.1 Subject to section 1.3,2 in the event that a Complainant should concurrently seek resolution of a Complaint under any other internal or external recourse, any Complaint submitted under this Policy shall be deemed to have been withdrawn.
- 1.3.2 Section 1.3.1 shall not apply where a Complainant is obliged to initiate an external recourse prior to the completion of the processes provided under this Policy in order to preserve her or his right to the external recourse.

## **Section 2 - DEFINITIONS**

2. For the purpose of this Policy:
- 2.1 *Advisor* means a Member of the University Community so identified who has agreed to accompany the Complainant or the Respondent and act in an Advisory capacity. The Advisor is not paid for his or her services.
- 2.2 *Assessor* means an Assessor appointed in accordance with this Policy.
- 2.3 *Complaint* means an allegation of Harassment, Sexual Harassment or Discrimination Prohibited by Law as defined by this Policy and submitted by a Member of the University Community against another Member of the University Community in accordance with this Policy.
- 2.4 *Complainant* means a Member of the University Community who considers himself or herself the object of Harassment, Sexual Harassment or Discrimination Prohibited by Law as defined by the Policy, and who has filed a Complaint against another Member of the University Community in accordance with this Policy.
- 2.5 *Conduct of a Sexual Nature* means any conduct which, in whole or in part:
- i) seeks the sexual attention or sexual favour of the person to whom it is directed; or
  - ii) treats the other person as an object of sexual desire; or
  - iii) is discriminatory or hostile to a person because of his or her sex (including gender identity);
- and that is known or ought reasonably to be known to create for such a person an intimidating, hostile, or offensive working, learning, extracurricular or, in the residences, living environment.
- 2.6 *Discrimination prohibited by law* means any action, behaviour, or decision based on race, colour, sex (including gender identity), pregnancy, 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.
- 2.7 *Harassment* means any vexatious behaviour by one Member of the University Community towards another Member of the University Community under the control and authority of the University 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 results 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.
- 2.8 *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(a) of the *Code of Student Conduct and Disciplinary Procedures*.

2.9 *Sexual Harassment* means

- i) any Conduct of a Sexual Nature by one Member of the University Community towards another Member of the University Community where sexual activity:
  - (a) is made an explicit or implicit term or condition of an individual's employment or status in a course, program, or activity; or
  - (b) is used as a basis for an employment or educational decision affecting an individual;or
- ii) any Conduct of a Sexual Nature by one Member of the University Community towards another Member of the University Community the effect of which is to impair that person's work or educational performance where it is known or ought to be known that the conduct is unwelcome.

2.10 Respondent means a Member of the University Community against whom a Complaint has been filed in accordance with this Policy.

**Section 3 - OBJECTIVES**

3. This Policy shall have as its objectives:

- i) to prevent Harassment, Sexual Harassment and Discrimination Prohibited by Law through education and other proactive efforts to promote awareness about equity among members of the University community, including the nature of Harassment, Sexual Harassment and Discrimination Prohibited by Law.
- ii) to ensure that procedures are in place to address Complaints of Harassment, Sexual Harassment and Discrimination Prohibited by Law.
- iii) to ensure that the University's policies and procedures dealing with Members of the University community foster an environment free of Harassment, Sexual Harassment and Discrimination Prohibited by Law.

**Section 4 - APPOINTMENT OF ASSESSORS**

4.1 The Provost shall consult with the university-level students' associations, staff associations and unions on the appointment of eight (8) Assessors from the University community. The appointment of the Assessors shall be approved by Senate. The Assessors shall report directly to the Provost.

4.2 The Assessors shall be employees or appointees of the University. Four (4) shall be chosen from the members of academic staff and four (4) from the members of administrative and support staff. At least one of the Assessors shall be from Macdonald Campus.

4.2.1 The Provost shall endeavour to have a diverse group of Assessors reflective of the diversity of the University Community and with an equal representation of the sexes.

4.3 The Assessors shall have staggered terms of two years each normally commencing on June 1st.

4.4 The names of the Assessors shall be made known to the University community.

4.5 The Assessors shall elect from amongst their members a Coordinating Assessor, who, in addition to being an Assessor, shall be responsible for coordinating the activities of the Assessors and reporting annually to the Provost.

4.5.1 In addition to serving as an Assessor, the Coordinating Assessor shall be responsible for:

- i) coordinating the activities of the Assessors;
- ii) keeping a confidential record of all enquiries and Complaints and their disposition;
- iii) ensuring an equitable distribution of work between assessors while taking into account as far as is feasible the wishes of Complainants;

- iv) collecting the data necessary to allow for the preparation of reports on the operation of the Policy;  
and
- v) reporting at least annually to the Provost on such matters as are necessary for the effective operation of the Policy.

4.6 Assessors shall be provided with appropriate training.

## **Section 5 - PROCEDURES**

### **5.1 Mandate of the Assessors**

- 5.1.1 Subject to Sections 5.2.1 and 5.3 of this Policy, the mandate of an Assessor shall be to receive a Complaint, investigate it, and to submit a report of the results of his or her investigation in writing to the Provost, as soon as possible but no later than thirty (30) working days after the initiation of a Complaint, unless the parties to a Complaint have consented in writing to a longer delay, which delay shall not exceed an additional period of thirty (30) working days.
- 5.1.2 If the Assessor believes that there is an immediate threat to the physical or psychological safety of the Complainant, the Assessor may recommend to the appropriate authority that temporary measures, as deemed appropriate, be instituted during the period of the investigation. The institution of such measures shall be without prejudice to the rights of the parties.
- 5.1.3 To the extent allowed by law, Assessors shall preserve confidentiality in the handling of all enquiries and Complaints.
- 5.1.4 Once a Complaint has been submitted in accordance with section 5.2.2, an Assessor shall remain seized of the Complaint until:
- i) an informal resolution is reached between the parties in accordance with section 5.3;
  - ii) the Complaint is withdrawn by the Complainant in accordance with section 5.3.3;
  - iii) an informal resolution is proposed and accepted in accordance with section 5.4.5;
  - iv) the Complaint is withdrawn by the Complainant with the consent of the Respondent in accordance with section 5.4.6;
  - iv) an Assessor files a report with the Provost with a copy to the Complainant and the Respondent in accordance with section 5.5;
- or
- vi) a Complainant seeks resolution of a Complaint under any other internal or external recourse as provided in section 1.3.1.

5.1.2 If the Assessor believes that there is an immediate threat to the physical or psychological safety of the Complainant, the Assessor may recommend to the appropriate authority that temporary measures, as deemed appropriate, be instituted during the period of the investigation. The institution of such measures shall be without prejudice to the rights of the parties.

### **5.2 Initiation of Complaints**

- 5.2.1 Nothing in this Policy shall prevent a Member of the University Community who believes that he or she has grounds for submitting a Complaint from meeting with an Assessor prior to submitting a Complaint to seek advice as to how his or her concerns may be addressed without submitting a Complaint. Should such Member of the University Community then submit a Complaint, such Assessor shall play no further role in the investigation or resolution of the Complaint under Sections 5.3, 5.4 or 5.5 of this Policy.
- 5.2.2 A Complainant shall submit a Complaint to an Assessor in writing in sufficient detail.
- 5.2.3 An Assessor shall not consider a Complaint where the action, behaviour, conduct or decision which is the subject of the Complaint occurred more than one calendar year prior to the date of the Complaint.

Nevertheless, in such circumstances a Complainant may exercise another available recourse in accordance with section 1.3.

5.2.4 The Assessor shall provide the Complainant and the Respondent with:

- i) a copy of this Policy;
- ii) information on sources of advice and assistance; and
- iii) information on his or her rights, obligations, and internal and external recourses, pursuant to the law and to applicable collective agreements, policies and regulations.

5.2.5 The Assessor shall inform both the Complainant and the Respondent of their right to be accompanied by an Advisor.

### **5.3 Informal Resolution of Complaints**

5.3.1 Prior to commencement of any investigation under Section 5.4, the Assessor shall attempt an informal resolution through any means he or she deems appropriate in the particular situation, subject to sections 5.3.1.1 through 5.3.1.5.

5.3.1.1 The name of the Complainant may not be divulged by the Assessor to any third party without the Complainant's consent in writing.

5.3.1.2 The name of the Respondent may not be divulged by the Assessor to any third party, unless the Respondent is previously advised of the Complaint and consents in writing.

5.3.1.3 No party to a Complaint is obliged to participate in any means of informal resolution, but the parties should attempt a resolution by engaging in an open discussion conducted in a respectful manner.

5.3.1.4 All statements and disclosures made, information furnished, and documents and things provided or presented to the Assessor, if any, may be used at a subsequent stage unless consent to its use is withheld in writing by the person who is its source. The Assessor shall advise such persons of their right to withhold consent under this clause.

5.3.1.5 In cases where the Respondent is advised of the Complaint and a resolution acceptable to both parties is achieved, the matter will be resolved in accordance with section 5.4.5 of this Policy.

5.3.2 Where the Assessor is of the opinion that a resolution cannot be reached in accordance with the provisions of Section 5.3.1 of this Policy within a reasonable time, but no more than 30 working days following the date on which the Respondent was informed of the Complaint, the Assessor shall so advise the parties in writing prior to proceeding to an investigation under section 5.4.

5.3.3 At any time prior to the commencement of an investigation, a Complaint may be withdrawn by the Complainant.

### **5.4 Investigation of Complaints**

5.4.1 Upon the initiation of an investigation the Assessor shall provide the Respondent with a copy of the Complainant's written Complaint.

5.4.2 The Assessor shall investigate the Complaint fairly using such methods he or she deems appropriate in the circumstances which may include meeting with witnesses, reviewing files and documentation, and seeking information from third parties.

5.4.3 All members of the University community, including the parties and their respective Advisors, shall cooperate with the Assessor and respond in a timely fashion to his or her request for meetings or information.

5.4.4 The Assessor shall meet with the Complainant and the Respondent individually. Exceptionally, other reasonable means of communication may be substituted. The Assessor shall not hold a hearing.

5.4.5 The Assessor may propose to the Complainant and the Respondent an informal resolution of the Complaint, which the parties shall be free to accept or reject. Where the resolution is accepted, it shall be acknowledged by the Complainant and the Respondent in writing, in sufficient detail to allow for its implementation with the Assessor signing as a witness. The resolution shall be deemed to be final and both parties thereby waive any further internal and external recourse based on the facts having given rise to the Complaint.

5.4.6 Once an investigation has begun, a Complaint may be withdrawn by the Complainant with the consent of the Respondent. This shall be evidenced in writing with the Assessor signing as a witness.

## 5.5 Formal Resolution

5.5.1 In cases where there is no informal resolution of a Complaint, the Assessor shall report the results of his or her investigation to the Provost with a copy to the Complainant and the Respondent.

5.5.2 The report shall be in writing and shall contain the findings of relevant facts and a description of any temporary measures instituted pursuant to this Policy. It shall contain a recommendation as to whether disciplinary measures should be taken and any other recommendation appropriate to the resolution of the Complaint.

5.5.2.1 Where the Provost deems it necessary he or she may request from an Assessor clarification of the report and/or such additional information, if any, that would assist the Provost in making a determination.

The Provost shall notify the parties in the event of such a request.

5.5.3 Where the Provost agrees with the recommendation of the Assessor that disciplinary measures are justified, the Provost shall:

- i) notify the parties in writing of his or her decision, together with the reasons therefore, within ten (10) working days from the date of receipt by the Provost of either the Assessor's report or the clarification or information requested pursuant to section 5.5.2.1, whichever is the later, with a copy to the Assessor who investigated the Complaint; and
- ii) institute disciplinary proceedings in accordance with the Regulations Relating to the Employment of Academic Staff, the Regulations Relating to the Employment of Librarian Staff, the Disciplinary Measures Policy for Non-Unionized Non-Academic Staff or the disciplinary process pursuant to the collective agreement to which the Respondent is subject, or the *Code of Student Conduct and Disciplinary Procedures*, as the case may be.

The time delays for taking disciplinary measures as set out in the disciplinary regulations or policies shall begin ten (10) working days from the date of the Provost's decision.

5.5.4 Where the Provost agrees with a recommendation that disciplinary action is not justified, the Provost shall so notify the parties within ten (10) working days from the date of receipt by the Provost of either the Assessor's report or the clarification or information requested pursuant to section 5.5.2.1, whichever is the later, giving his or her reasons in writing, with a copy to the Assessor who investigated the Complaint.

5.5.5 Where the Provost is tending to disagree with a recommendation of an Assessor, the Provost shall, within ten (10) working days, consult with one other Assessor, prior to making his or her decision.

5.5.5.1 Within ten (10) working days following such consultation the Provost shall:

- i) notify the parties of his or her decision; and
- ii) where appropriate, institute disciplinary proceedings in accordance with section 5.5.3.

5.5.6 The Provost is not required to meet with the Complainant or the Respondent before or after rendering his or her decision.

## 5.6 General Provisions

5.6.1 Once the decision of the Provost is rendered, original documents shall, upon request, be returned to the party who submitted them, with only copies retained by the University and the case shall be considered closed.

All decisions, records and files shall be kept confidential and held for a minimum of five years after the closing of the file and then destroyed unless further proceedings were initiated.

5.6.2 Subject to section 5.4.5, nothing in this Policy precludes either party from exercising, subsequent to the decision made by the Provost, any internal or external recourse available.

Any time period stipulated for the institution of further internal procedures commences from the date of the decision of the Provost.

5.6.3 No action shall be taken by the University or a Member of the University Community against the Complainant for having exercised any right under this Policy, even where the Complaint was dismissed, except in cases of intentionally false or frivolous Complaints.

5.6.4 The Complainant, the Respondent, the Advisors and all other persons involved in the investigation shall maintain confidentiality throughout the process.

5.6.5 A Respondent or Complainant shall be subject to a penalty only in accordance with applicable laws or the Regulations Relating to the Employment of Academic Staff, the Regulations Relating to the Employment of Librarian Staff, the Disciplinary Measures Policy for Non-Unionized Non-Academic Staff or the disciplinary process pursuant to the collective agreement to which the Respondent or Complainant is subject, or the *Code of Student Conduct and Disciplinary Procedures*, as the case may be.

## Section 6 – ANNUAL REPORT

6.1 The Provost shall report annually to Senate on the application of this Policy.

## Section 7 – ACADEMIC FREEDOM

7.1 Nothing in this Policy shall abridge academic freedom in the University's educational mission. Prohibitions against Harassment, Sexual Harassment and Discrimination Prohibited by Law do not extend to statements or written materials that are relevant and appropriately related to the subject matter of courses.

## Section 8 – REVIEW OF POLICY

8.1 After a further three years of its operation and if Senate so determines, this Policy shall be reviewed by a working group comprised of:

- i) one representative of each of MAUT, MUNASA, MUNACA, AGSEM, SSMU, PGSS, MACES, MCSS and JSBCE;
- ii) two persons representing the Trades and Services Unions;
- iii) the Coordinating Assessor;
- iv) the Director of the Social Equity and Diversity Education Office; and
- v) the Provost or his or her delegate.



# Policy on Hazing and Inappropriate Initiation Practices

Approved by Senate - December 6, 2006 - Minute 12

Approved by the Executive Committee - January 22, 2007 - Minute 3

## **POLICY STATEMENT**

McGill University is committed to an environment of respect and to a Charter of Students' Rights. The University insists that all students be welcomed to all activities by means of positive group- and team-building activities that respect the dignity, safety, and well-being of individuals, including their right to participate voluntarily without any pressure.

McGill University forbids hazing and any other form of inappropriate student initiation activity on property owned or occupied by the University, or in a University context. Hazing is defined as any activity expected of anyone as an explicit or implicit condition of initiation or entry to, affiliation with, or continuing association or membership with a group or organization, that humiliates, degrades, abuses, threatens, or causes a reasonable person to feel threatened, or endangers another, regardless of the person's willingness to take part. Inappropriate initiation activities are forbidden in all circumstances whether or not consent to participate is given by a person or persons. Inappropriate initiation practices include, but are not limited to, activities such as those provided in Appendix 1 of this Policy. Hazing and inappropriate initiation activities are regarded as non-academic offences under the Code of Student Conduct and Disciplinary Procedures (for example, but not limited to Article 8). Depending on the context and circumstances, hazing also constitutes harassment, sexual harassment and/or discrimination under the Policy on Harassment, Sexual Harassment, and Discrimination Prohibited by Law.

This Policy on Hazing and Inappropriate Initiation Practices applies to all types of activities including orientations for academic, athletic, and non-athletic activities and programs.

Hazing activities are potentially and frequently illegal. If any person's or group's human, civil or property rights are violated through an initiation activity, then such activity constitutes hazing.

In addition to the direct conduct of any forbidden practice in initiation activities, or other inappropriate initiation activities, engaging in their planning or organization, threatening a member of the McGill community with being subjected to such activities, or being a part of the audience, are themselves also regarded as hazing under this Policy on Hazing and Inappropriate Initiation Practices.

If any member of the McGill community is in doubt as to the appropriateness of any prospective activities, consultation with one of the offices or services listed below (see "Positive Alternatives") should take place before planning or engaging in the activity.

## **PROCEDURES**

Any victim, observer, or person with knowledge of a hazing or inappropriate initiation incident is urged to contact the Office of the Dean of Students. The Dean, Associate Dean, or other members of the staff of the Office of the Dean of Students are available to meet in confidence with any student who, for any reason, is hesitant to initiate a complaint about a hazing or other inappropriate initiation activity, and will refer the incident to the appropriate University official.



## **POSITIVE ALTERNATIVES**

Assistance is available to any McGill group of any size and any type in creating positive team- and group-building activities by which to welcome new members and to stimulate the continuing allegiance and participation of members. All groups are urged to consult one or more of the following offices or services before planning welcoming activities.

For all athletic and sporting activities, students are encouraged to contact the Intercollegiate Office.

For all types of student activities, students are encouraged to contact the following:

The Leadership Development Program, First-Year Office (Office of the Dean of Students), offers workshops and consultation with individuals and groups, and interacts with student associations with regard to alcohol policy, welcoming activities, and community involvement.

The Social Equity and Diversity Education Office offers workshop-presentation materials on hazing, a fact sheet, and general consultation and educational activities.

Student Societies at the University and Faculty levels also offer a variety of programs and services to guide students and student groups in creating positive and welcoming activities.

## **APPENDIX 1: EXAMPLES OF FORBIDDEN PRACTICES IN INITIATION ACTIVITIES**

(This list is illustrative, not exhaustive)

Requiring of a person or persons, or subjecting a person or persons to:

- cursing or profane or obscene language
- wearing embarrassing clothing
- tattooing, head shaving, piercing, or branding
- mocking or degrading any individual or social group
- disrobing or appearing nude in a public or private place
- engaging in, or simulating, sexual acts
- including or excluding others based on specific characteristics
- providing personal service to senior members
- making prank calls or harassing others
- conducting interrogations
- performing calisthenics not related to a sport
- deprivation of sleep, or food, or hygiene
- paddling, whipping, beating or kicking
- serving alcohol to minors
- consuming alcohol or illegal drugs
- drinking games or competitions
- consuming distasteful food, drink, or any unwanted substance
- destroying, defacing, or stealing property
- participating in any activity without consent

To compel, or instruct a person or persons to engage in forbidden practices is also prohibited.

# Code of Student Conduct and Disciplinary Procedures

Approved by Senate - May 13, 1981 - Minute 99  
Amended by Senate - February 26, 1986 - Minute 58  
Amended by Senate - April 29, 1987 - Minute 87  
Amended by Senate - May 30, 1990 - Minute 129  
Amended by Senate - April 21, 1993 - Minute 106  
Amended by Senate - October 20, 1993 - Minute 36  
Amended by Senate - May 4, 1994 - Minute 148  
Amended by Senate - December 7, 1994 - Minute 48  
Amended by Senate - May 1, 1996 - Minute 112  
Amended by Senate - May 7, 1997 - Minute 6  
Amended by Senate - March 3, 1999 - Minute 7  
Amended by Senate - March 13, 2002 - Minute 10,11  
Amended by Senate - April 2, 2003 - Minute 12  
Amended by Senate - May 19, 2004 - Minute 14  
Amended by Senate - April 13, 2005 - Minute 10  
Amended by Senate - May 4, 2005 - Minute 11  
Amended by Senate - May 25, 2005 - Minute 16  
Amended by Senate - October 19, 2005 - Minute 8  
Amended by Senate - December 6, 2006 - Minute 11

## Section A: Rules of Conduct

### I. GENERAL PROVISIONS

#### 1 Definitions

- (a) "Student" in this Code shall include:
  - (i) any person registered in the University for a course, courses or research, whether or not a candidate for a degree, diploma, or certificate;
  - (ii) persons once registered in the University under (i) above who are on leave or under suspension from the University;
  - (iii) persons registered during any preceding term and who have not since that time fulfilled all the requirements for the degree, diploma or certificate for which they were registered.
- (b) "University" means the Royal Institution for the Advancement of Learning and McGill University and all its various campuses.
- (c) "Knowingly," as it is used in those articles of the Code describing offences, distinguishes acts in which there is an intent from those that can be shown to be accidental or inadvertent.
- (d) "Days" do not include weekends or holidays as recognized by the University calendar.

- (e) "Advisor" means a member of the University community (i.e., someone holding office under the University Charter and Statutes, someone appointed or employed by, or registered as a student at, McGill University), so identified, who accompanies a student or disciplinary officer to any hearing, summary hearing, or interview held under the Code and who is not paid for his or her services.
- (f) "Legal assessor" means a member of the teaching staff from the Faculty of Law, appointed by Senate, whose role is to advise the Committee on Student Discipline or the Appeal Committee as to the conduct of proceedings.
- (g) "Exonerate" means officially note that an allegation that a student violated an article of this Code was not supported by clear, convincing, and reliable evidence.
- (h) "Admonish" means officially note that an allegation that a student violated an article of this Code was supported by clear, convincing, and reliable evidence, but that the violation shall not result in a disciplinary record.
- (i) "Reprimand" means officially note that an allegation that a student violated an article of this Code was supported by clear, convincing, and reliable evidence, and that the violation shall result in a disciplinary record.
- (j) "Conduct probation" means a penalty whereby a student is officially warned that any allegation of a further violation of this Code, during a specified period of time, shall immediately be referred to the Committee on Student Discipline.
- (k) "Suspension" means the withdrawal of certain or all University privileges of a student for a specified period of time.
- (l) "Exclusion from a residence" means the withdrawal of certain or all privileges relating to the student's use of, and access to, the University's residences.
- (m) "Dismissal from the University" means the termination of all of a student's rights and privileges as a student at the University, with no possibility of re-admission, for a specified period of time not exceeding two years.
- (n) "Expulsion from the University" means the termination of all of a student's rights and privileges as a student at the University, with no possibility for re-admission.
- (o) "Disciplinary record" means the record that is retained by the Dean of Students in respect of a student concerning violations of this Code for which the student was reprimanded and that is reportable to persons outside the University, but only with the student's prior consent for each report.
- (p) "Interview" means the disciplinary proceeding whereby the Dean may initially meet with the student in order to inquire into a possible violation of an article of this Code, after which the Dean may dispose of the matter, elect to hold a summary hearing, or refer the matter to the Committee on Student Discipline.
- (q) "Summary hearing" means the disciplinary proceeding whereby the Dean may summon the student to appear, in the presence of the party who reported the alleged offence and of witnesses named by that party, the Dean, or the student, in order to inquire into a possible violation of an article under this Code, after which the Dean may dispose of the matter or refer the case to the Committee on Student Discipline.

## **2 Jurisdiction**

- (a) For the purposes of disciplinary review of a student's conduct, the student need only have been a student at the time of the alleged offence.
- (b) If, prior to the initiation or completion of any proceedings under this Code the student has graduated, disciplinary review may continue only if the student registers again for a new program or if the alleged offence, if proved, would impugn the validity of the degree conferred.

### **3 Counselling or Aiding**

Jurisdiction under this Code extends to students who have counselled or knowingly aided another person or persons in the commission of an offence under this Code.

### **4 Code All-Inclusive**

No action may be taken against a student under this Code unless his or her conduct falls within one or more of the offences enumerated in this Section or amounts to a failure to comply with orders issued under this Code. However, this is not to be construed as limiting any powers of action over students coming under other regulations of the University as, for example, late fines for returning library materials, revocation of permits and licences, and the like. Nor shall the University be prevented from enacting regulations subsequent to the coming into force of this Code which refer to this Code and incorporate all or part of the Code by reference to it.

Examples of such regulations include but need not be limited to:

- "Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law"
- "Policy on the Responsible Use of McGill Information Technology Resources"
- "Regulation on the Conduct of Research"
- "Policy on the Ethical Conduct of Research Involving Human Subjects"

## **II. NON-ACADEMIC OFFENCES**

The following constitutes conduct deemed injurious to the peaceable functioning of University life:

### **5 Disruption**

- (a) No student shall, by action, threat, or otherwise, knowingly obstruct University activities. University activities include but are not limited to, teaching, research, studying, administration, public service.
- (b) Disruption which occurs during the teaching of a course or the conduct of research may be treated as an academic offence under the provisions of Article 19.
- (c) Nothing in this Article or Code shall be construed to prohibit peaceful assemblies and demonstrations, lawful picketing, or to inhibit free speech.

### **6 Unauthorized Entry and/or Presence**

No student shall, contrary to express instructions or with intent to damage, destroy or steal University property or without just cause knowingly enter or remain in any University building, facility, room, or office. Facilities include but are not limited to the following: parking lots, athletic fields and campus areas.

### **7 Theft, Damage and Destruction of Property**

- (a) No student shall knowingly take, destroy or otherwise damage University property, nor shall any student knowingly take, destroy or otherwise damage any property not his or her own on University property.
- (b) No student, in any manner whatsoever, shall knowingly deface the inside or outside of any building of the University, nor deface any statues or similar property of the University.

### **8 Physical Abuses, Harassment and Dangerous Activity**

No student shall on property owned or occupied by the University, or in a University context:

- (a) Assault another person, threaten another person or persons with bodily harm or damage to such person's property; or
- (b) Knowingly create a condition which unnecessarily endangers or threatens or undermines the health, safety, well-being, or dignity of another person or persons, threatens to cause humiliation or threatens the damage or destruction of property.
- (c) Harass, sexually or otherwise, another person or persons (see "Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law", for definition and procedures).

## **9 Possession of Stolen Property**

No student, knowing the property to have been stolen, shall possess University property or possess on University premises any property stolen from any other member of the University community.

## **10 Unauthorized or Fraudulent Use of University Facilities, Equipment or Services**

- (a) No student shall knowingly use any University facility, equipment or service contrary to express instruction or without just cause.
- (b) No student shall knowingly defraud or abuse the trust of any University office, facility, or service.
- (c) No student knowingly shall falsely accuse another member of the University community with an offence under this code or knowingly misrepresent material facts for the purpose of damaging the reputation of a member of the community.

## **11 Misuse of University Supplies or Documents**

No student shall forge or, without authority, knowingly alter, use, receive, or possess University supplies or documents. University supplies and documents include, but are not limited to, equipment, keys, records and files.

## **12 Misuse of Library or Computer Resources**

- (a) No student shall knowingly remove books or other library material from a University library without proper authorization, mutilate or deface library books or material, purposely misplace them or in any other way purposely deprive other members of the University of the opportunity to have access to library resources, or knowingly behave in a way that interferes with the proper function and use of the library, as described in the McGill Libraries' "Users' Code of Behaviour".
- (b) No student shall knowingly use any University computer without proper authorization or knowingly misuse passwords, codewords or similar means of access to computers, or knowingly use the facilities in a manner which would interfere with the access or integrity of the accounts of other users, or knowingly violate the "Code of Conduct for Users of McGill Computing Facilities". A student so accused may not claim that communications made through the University computer system are confidential, notwithstanding any implications of Article 40, so long as the communications in question were obtained only by authorized University employees acting upon reasonable grounds to protect the integrity of the system in accordance with the "Code of Conduct for Users of McGill Computing Facilities".

## **13 Picketing and Demonstrations**

No student shall, on University property, individually or with a group and in connection with a demonstration, including a rally or picketing:

- (a) Knowingly use words which threaten violence or bodily harm to any group or individual in a situation where there is clear and imminent danger of such violence or bodily harm, and whether or not the group or individual thus threatened knows of such threatening words; or
- (b) Knowingly use words in a situation of clear and imminent danger which incite others to behaviour which violates any article of this Section.

## **14 Relationship with Civil Law and Authority**

- (a) Notwithstanding Article 4 of this Code, any offence described in federal or provincial laws and regulations which occurs in the University context and is not specifically described by another article in this Code is to be considered an offence under this Code, but only if it can reasonably be said to adversely affect the functioning of the University. Disciplinary proceedings taken against a student under this article must specifically describe the offence with which the student is charged and the description of this offence in the law.

- (b) Nothing in this Code shall prevent the University from referring an individual matter to the normal civil authorities either before, during, or after action is taken under the Code, should such referral be considered necessary.

### **III. ACADEMIC OFFENCES**

The integrity of University academic life and of the degrees the University confers is dependent upon the honesty and soundness of the teacher-student learning relationship and, as well, that of the evaluation process. Conduct by any member of the University community that adversely affects this relationship or this process must, therefore, be considered a serious offence.

#### **15 Plagiarism**

- (a) No student shall, with intent to deceive, represent the work of another person as his or her own in any academic writing, essay, thesis, research report, project or assignment submitted in a course or program of study or represent as his or her own an entire essay or work of another, whether the material so represented constitutes a part or the entirety of the work submitted.
- (b) Upon demonstration that the student has represented and submitted another person's work as his or her own, it shall be presumed that the student intended to deceive; the student shall bear the burden of rebutting this presumption by evidence satisfying the person or body hearing the case that no such intent existed, notwithstanding Article 22 of the Charter of Student Rights.
- (c) No student shall contribute any work to another student with the knowledge that the latter may submit the work in part or whole as his or her own. Receipt of payment for work contributed shall be cause for presumption that the student had such knowledge; the student shall bear the burden of rebutting this presumption by evidence satisfying the person or body hearing the case that no such intent existed (notwithstanding Article 22 of the Charter of Students' Rights).

#### **16 Cheating**

No student shall:

- (a) In the course of an examination obtain or attempt to obtain information from another student or unauthorized source or give or attempt to give information to another student or possess, use or attempt to use any unauthorized material;
- (b) Represent or attempt to represent oneself as another or have or attempt to have oneself represented by another in the taking of an examination, preparation of a paper or other similar activity;
- (c) Submit in any course or program of study, without both the knowledge and approval of the person to whom it is submitted, all or a substantial portion of any academic writing, essay, thesis, research report, project or assignment for which credit has previously been obtained or which has been or is being submitted in another course or program of study in the University or elsewhere;
- (d) Submit in any course or program of study any academic writing, essay, thesis, research report, project or assignment containing a statement of fact known by the student to be false or a reference to a source which reference or source has been fabricated.

#### **17 Confidential Materials**

It shall be an offence knowingly to procure, distribute, or receive any confidential academic material such as pending examinations or laboratory results from any source without prior and express consent of the instructor.

#### **18 Misrepresentation of Facts**

It shall be an offence to knowingly misrepresent material facts to another for the purpose of gaining admission to the University or obtaining academic advantage or credit.

## 19 Disruption of Teaching and/or Research Activities

No student shall, by action, threat or otherwise, knowingly cause a disturbance which obstructs teaching and/or research activities.

## Section B: Disciplinary Officers

- 20 (a) The members of the staff of the University listed below are constituted disciplinary officers. With respect to matters coming within this Code, such disciplinary officers shall have only the powers, duties, and obligations expressly conferred upon them in this Section or in any other Section of the Code, as well as any powers reasonably incident thereto:
- i) The Principal of the University
  - ii) The Vice-Principal (Administration and Finance)
  - iii) The Associate Vice-Principal (Macdonald Campus)
  - iv) The Deans of the various faculties
  - v) The Dean of Graduate and Postdoctoral Studies
  - vi) The Dean of Continuing Education
  - vii) The Directors of residences
  - viii) The Director of Libraries
  - ix) The Director of Athletics
- (b) Any disciplinary officer listed above may expressly deputize one or more members of his or her staff to be the disciplinary officer acting on his or her behalf. Deputies shall not be appointed on a case by case basis. The name of the deputy shall be communicated in writing to the Dean of Students and such notice shall include the terms of deputization.
- 21 (a) The disciplinary officers listed in Article 20 or their deputies may require any student within their immediate areas of jurisdiction whose conduct therein, to the personal knowledge of such disciplinary officers or upon reliable information, gives rise to reasonable grounds to believe that the student's continued presence in said area is detrimental to good order, or constitutes a threat to the safety of others, immediately to leave and remain away from said area or a part thereof, as the case may be, for a period not exceeding five working days, or in the case of the Directors of residences, five days, from any or all residences. No student shall be barred from taking any examination(s) or submitting any academic paper(s) because of this article but the disciplinary officer may make special arrangements as to time and place for the completion of such work.
- (b) In exceptional circumstances when the disciplinary officer has reasonable grounds to suppose that there is a high degree of physical danger in the student's presence on campus that cannot be alleviated or remedied by normal means, the disciplinary officer may exclude the student from the campus for as long as reasonably required by the nature of the danger. However, within three working days of the exclusion the disciplinary officer must obtain the majority approval of a sub-committee of the Committee on Student Discipline consisting of the Chair or Vice-Chair, Dean or Associate Dean of Students, and a student member. If the exclusion is approved, the Dean of Students shall advise the excluded student of his or her right to a hearing and shall arrange for a hearing at the student's request within ten working days from the approval. The members of the sub-committee may not sit on the full committee that hears the case. A student who is excluded may enter campus on appointment for meetings with the Dean of Students, the Ombudsperson, or the Legal Information Clinic.
- (c) Every member of the teaching staff who is in the process of giving instruction shall have like powers of exclusion on like grounds with respect to students under his or her instruction, except that such exclusion from the place of instruction shall not exceed the remainder of the class period and the next following class period.

- (d) The chief or senior invigilator at an examination shall have like powers of exclusion over any student undergoing the examination when the chief or senior invigilator has reasonable grounds to believe that the student is breaking, has broken, or is attempting to break a University or Faculty examination regulation. Such exclusion from the place of examination and its vicinity shall not exceed the remainder of the examination.
  - (e) The librarians in charge of the various libraries shall have the like powers of exclusion on the same grounds specified in sub-article (a) hereof over students using the library.
  - (f) Every administrative officer of a building or a part or grounds thereof shall have like powers of exclusion on the same grounds specified in sub-article (a) hereof.
  - (g) Any action taken in virtue of sub-articles 21(c), 21(d), 21(e), or 21(f) shall be forthwith reported to the Dean of the student's faculty and to the Dean of Students.
  - (h) Any exclusion ordered under sub-articles (a) through (f) of this article shall not be deemed to be in lieu of other proceedings under this Code should the conduct for which exclusion is ordered also constitute an offence under Section A of this Code.
  - (i) The preceding sub-article 21(c) is not intended to take away any rights of the student to challenge his or her exclusion from class before the disciplinary officer of the faculty as not being based on reasonable grounds. In such a case the disciplinary officer will exercise such jurisdiction as provided in the other articles of the Code.
- 22 The designated Disciplinary Officers of Faculties, Schools, and Centres, the Directors of Residences and the House Committees of Residences shall have summary hearing powers as prescribed in Section C, Part V (A), (B) and (C) of this Code.

## **Section C: Procedures**

### **PART I: COMPOSITION OF COMMITTEES**

- 23 The members of the Committee on Student Discipline (CSD) shall be appointed by Senate for renewable three-year staggered terms, with the exception of student members who shall be appointed on a one-year renewable basis effective 1 September of each year, and consist of:
- (a) a Chair, selected from the academic staff;
  - (b) a Vice-Chair, selected from the academic staff;
  - (c) six other members of the academic staff;
  - (d) eight students, four selected by the Students' Society of McGill University, two by the Post-Graduate Students' Society, one by the McGill Association of Continuing Education Students, and one by the Macdonald Campus Students' Society and approved by Senate;
  - (e) two assessors, selected from the teaching staff of the Faculty of Law;
  - (f) the Dean and Associate Dean of Students.
- 24 (a) A Hearing Committee of seven CSD members, consisting of the Chair or Vice-Chair, two staff members, two students, the Dean of Students and one assessor, shall be selected by the Chair. Only the Chair or Vice-Chair, the two staff members and two students shall vote. When the Chair is presiding the Vice-Chair may be present at the meeting with voice but no vote.
- (b) In the event that a suitable Hearing Committee from the membership of the CSD cannot be convened, the Principal shall designate the membership of the Hearing Committee.
  - (c) Decisions of the Hearing Committee shall be by a simple majority of the voting members.



- 25 (a) The Appeal Committee shall consist of nine voting members, being five academic staff and four students (two graduate and two undergraduate). A legal assessor shall be appointed as a non-voting member of the Committee. The Senate shall designate one member as Chair. The members of the Appeal Committee shall be nominated by Senate, the staff members to serve staggered three-year renewable terms and the student members to serve one-year terms, renewable twice. All terms shall commence on the first day of September. Committee members shall stay on past the end of their terms in order to complete a case where a hearing has begun or proceeded before then. In the event that a suitable Appeal Committee cannot be convened, the Principal shall designate the membership of the Appeal Committee. The following additional provisions apply:
- (1) As far as possible, members shall be drawn from different faculties. In no case shall voting members also be members of the Committee on Student Discipline which conducted the original hearing.
  - (2) The legal assessors for the Committee on Student Discipline and the Committee on Student Grievances shall in rotation act as legal assessor for the Appeal Committee. The legal assessor on an appeal shall in no instance be the same individual who served as an assessor on the original discipline hearing.
- (b) Decisions of the Appeal Committee shall be by a simple majority of the voting members present.
- 26 The Dean of Students shall act as secretary in all proceedings and be a non-voting member of the Hearing or Appeal Committees as the case may be. The Dean of Students shall be represented by the Associate Dean of Students in all cases in which the Dean of Students would be in a conflict of interest situation or is otherwise prevented from performing his or her functions. Where there is an appeal from the Hearing Committee decision, the Dean or the Associate Dean of Students not on the Hearing Committee shall act as secretary of the Appeal Committee. In the event that neither the Dean nor the Associate Dean can serve, the Principal shall designate a replacement.

## **PART II: GENERAL PROVISIONS**

- 27 The Chair may prolong any minimum period specified in this Section if, in his or her opinion, the situation so warrants.
- 28 (a) The Dean of Students shall forthwith inform the student in writing that the student is to be brought before the Hearing Committee, and shall meet personally with the student to inform him or her of the substance of the charges and of the hearing procedures. In convening this meeting, the Dean of Students shall inform the student of his or her right to an advisor pursuant to Article 29. At the outset of the meeting the Dean of Students shall inform the student of the right to request and consult evidence as per Article 28(d).
- (b) Where more than one student is charged and no conflict of interest is present, the meeting with the Dean of Students and the hearing before the Hearing Committee may include all such students. If students from different faculties are involved in the same charge, the disciplinary officers may decide among themselves who is to present the evidence.
- (c) The hearing shall be closed, unless the Hearing Committee directs otherwise and the student consents.
- (d) The student and the Dean shall have access upon request to any documents which are to be presented as evidence, and to a list of witnesses to be presented in the case by either party; there is a continuing duty on both parties to disclose any evidence which may arise thereafter. A reasonable time shall be provided for the parties to consider this evidence before the hearing is held. In the event that either party wishes further time to prepare, an extension may be granted by the Chair of the CSD, in consultation with the Dean of Students.
- 29 (a) The student and the disciplinary officer are each entitled to have an advisor present at any hearing, summary hearing, or interview held under the Code.

- (b) The student shall be so informed and given the opportunity within reasonable time to avail himself or herself of an advisor (e.g., from the Student Advocacy services of the McGill Legal Information Clinic) before taking part in any hearing, summary hearing, or interview held under the Code.
- 30 (a) All hearings shall be recorded on audiotape at the expense of the University. The University retains the right to dispose of the audiotape once final judgement has been rendered.
- (b) Other costs shall be paid by each party.
  - (c) The student may request a hearing in either English or French. The Committee on Student Discipline shall supply an interpreter as needed at its expense.
- 31 (a) If a conflict of interest arises with respect to any member of the Hearing Committee, the member shall be required to withdraw from the proceedings.
- (b) Issues of conflict of interest may be brought up at any time prior to the final disposition of the case. The issue shall be decided by the Hearing Committee of the CSD before the proceedings may resume.
  - (c) A conflict of interest shall be deemed to exist where the member is acting in an advisory capacity for the student or the disciplinary officer.
  - (d) Where a member withdraws, for whatever reasons, he or she shall be replaced by another voting member of the CSD, who shall become acquainted with the case by listening to the audiotape before becoming a member of the Committee.
- 32 Unless both the Chair and student agree to a shorter period, the hearing may not take place before seven days have elapsed from the time when:
- (a) The meeting under Article 28 has taken place; or
  - (b) The date set for said meeting has passed, and the student has, without reasonable excuse, failed to attend. The hearing may not be delayed unreasonably.
- 33 If the student fails, without reasonable excuse, to attend the hearing, the Chair may proceed with the hearing in the student's absence or, at the Chair's discretion, postpone the start of the hearing. If the hearing proceeds in the student's absence, all rights contingent on the student's presence, with the exception of the right to have an advisor present to plead for postponement, are forfeited. In such a case the student's right of appeal is limited to a consideration of the reasonableness of his or her excuse for not appearing. If the Appeal Committee finds that the excuse is reasonable it shall order a re-hearing by the original Hearing Committee with the student present. The decision on the re-hearing with the student present is appealable as if it were a first hearing. In the event that the delays incurred by these procedures are seen to erode the integrity of the student's academic and/or disciplinary records it may be noted on the transcript that disciplinary procedures are pending, but only if the Dean of Students, the Chair of the CSD, and the assessor concur.

### **PART III: HEARING RIGHTS AND PROCEEDINGS**

- 34 The disciplinary officer concerned who may be assisted by an advisor shall, at the outset of the hearing, and in the presence of the student, and the student's advisor, apprise the Hearing Committee of the facts and allegations of the case, shall present the relevant documentary evidence and relevant practices of the Faculty, and present the names of the witnesses to be called. The student or the student's advisor may make a summary statement in response.
- 35 (a) All questions of procedure and evidence that may arise during the hearing, including any challenge to procedures antedating the hearing, shall be resolved by the Chair after consulting with the legal assessor.
- (b) The legal assessor is neutral between the parties. The role of the legal assessor is to advise the Committee as to the fair conduct of proceedings, but the legal assessor shall not participate in the decision.

- (c) A ruling that a procedure contained in the Code has not been followed shall not result in annulment of the proceedings if in the judgement of the Hearing Committee of the CSD the error did not cause prejudice to the student or any prejudice that did result can be remedied without causing undue delay in the proceedings.
- 36 (a) Witnesses shall be called by the Chair of the Hearing Committee and heard one at a time. Any member of the Committee, voting or non-voting, may suggest that a witness be called or re-called, including a witness not named by the disciplinary officer mentioned in Article 34.
- (b) The student and the student's advisor shall also be allowed to call witnesses.
- (c) In the case of an academic offence, the instructor in the course in which the offence took place may be present throughout the hearing, may be called as a witness, and may consult with the disciplinary officer throughout the hearing.
- (d) In the case of a non-academic offence when a student or instructor is the complainant, he or she may be present throughout the hearing, may be called as a witness and may consult with the disciplinary officer throughout the hearing.
- (e) In 36(c) and (d) above, the complainants who are present throughout the hearing must observe the same rule of confidentiality as the members of the Committee.
- 37 All witnesses shall give their entire evidence in the presence of the student, the disciplinary officer, and their respective advisors, if any. Any member of the Hearing Committee, voting or non-voting, the student, the disciplinary officer and their respective advisors, may put questions to the witness. However, the Dean of Students and the legal assessor may not ask questions of the parties or speak during the disposition of the case except with permission of the Chair. To assure an orderly hearing the Chair may establish the sequence of questioners. The student, the disciplinary officer and their respective advisors shall have access to any documents considered by the Hearing Committee as evidence in the case.
- 38 The student shall be afforded an opportunity to give evidence on his or her own behalf. Should the student decide to give evidence, he or she will be subject to questions from the hearing body and the other party. No inference may be drawn against the student for refusing to give evidence, except to the extent that allegations against the student, because of his or her refusal, stand uncontradicted. The Chair shall inform the student as to the substance of this article and the role of the legal assessor.
- 39 The rules of evidence applicable in civil and criminal court proceedings shall not apply to the hearing, so long as the evidence has been obtained in good faith and by reasonable means. Evidence which is not relevant, or is only remotely relevant, shall be excluded. All questions of the admissibility of evidence shall be resolved by the Chair of the Committee after consulting with the legal assessor, as per Article 35(a).
- 40 No charge shall be found to be substantiated unless there is clear, convincing and reliable evidence in support of the charge established at the hearing.
- 41 (a) Where the charge has been found substantiated, and prior to the decision as to the appropriate disposition, the student, the disciplinary officer, and their respective advisors shall be allowed to make representation in regard to the disposition of the case.
- (b) The Chair of the Committee in consultation with the legal assessor shall provide written reasons for the disposition of the case which shall accompany official notice to the student of the decision of the Hearing Committee.

#### **PART IV: APPEALS**

- 42 (a) The student concerned or the disciplinary officer mentioned under Article 34 may appeal to the Appeal Committee the decision of the Hearing Committee as it pertains to the substantiation of the charge, the disposition chosen, or both, except as limited by Article 33. Appeals will be restricted to the following circumstances:

- (1) where new evidence which was not available to a party at the time of the original hearing has been discovered; or
  - (2) where a breach of natural justice has occurred; or
  - (3) where the Hearing Committee has misapplied articles 1 through 19, Section A, Code of Student Conduct and Disciplinary Procedures, or the articles described in the penalties section;
- AND where the outcome of the case at the original hearing might have been substantially affected by any of the above circumstances.
- (b) (1) A party wishing to appeal must notify the Dean of Students of the intention to do so within 14 days of receiving official notice of the Hearing Committee's decision. The notice of appeal must be accompanied by a concise written statement that identifies precisely the grounds upon which the appeal is based. Neither the notice of appeal nor the accompanying statement shall contain argument.
  - (2) Where the basis of the appeal is new evidence, such new evidence shall be described clearly and the names of any witnesses shall be provided.
  - (3) The respondent shall submit a concise written reply to the appellant's notice of appeal and the grounds invoked within 14 days of receiving the notice of the appeal. This statement shall identify the respondent's position on each ground of appeal but shall not contain argument.
  - (4) Only those portions of the record of the Hearing Committee (i.e. audiotape recordings, documents submitted, judgement) identified by the parties as relevant to the grounds of appeal shall be released by the Office of the Dean of Students to the sub-committee of the Appeal Committee for the purpose of deciding whether leave to appeal should be granted.
  - (5) All parties to the appeal shall have access to the audiotape recording for the purpose of preparing their statements.
  - (6) When requested to do so by the sub-committee, the Chair of the CSD shall submit a statement to the sub-committee clarifying any issues relevant to the grounds of appeal.
- 43 (a) No suspension, dismissal or expulsion ordered by the Hearing Committee shall take effect until the appeal is disposed of and it shall be noted on the transcript that the appeal is pending. However, if the appeal is denied, dismissal or expulsion is retroactive to the date of the original decision, and suspensions shall take effect from the date of the Appeal Committee decision.
- (b) Notwithstanding Article 43(a), in the instance where an exclusion from the campus has been ordered under 21(a), 21(b), 54.1(d), or 68.1(f), and the CSD has upheld the order after a hearing, the exclusion shall remain in effect for the duration of an appeal.
- 44 A sub-committee of the Appeal Committee, consisting of three members of the Committee (one of whom shall be a student) and the legal assessor, shall be convened by the Chair of the Committee to determine whether the appeal should be heard on its merits. Such meeting shall take place within 40 days of the notification of appeal under Article 42(b), unless the parties agree otherwise or in circumstances in which delay is unavoidable. The months of July and August shall not be taken into account when calculating the above delays. The sub-committee shall base its decision on the record as defined in Article 42(b) and oral representations by the parties. The decision of the sub-committee is not subject to appeal.
- 45 (a) If the sub-committee grants leave to appeal, the appeal shall be heard by the Appeal Committee as defined in Article 25(a). The Appeal Committee shall conduct this hearing represented by five of its voting members: the Chair, two academic staff, and two students (one graduate and one undergraduate). The Appeal Committee shall be convened within 40 days of the decision of the sub-committee unless the parties agree otherwise, or in circumstances in which delay is unavoidable. The months of July and August shall not be taken into account when calculating the above delays. In its consideration of the appeal, the Appeal Committee shall hear oral submissions by the parties and may review any relevant information in the written record and/or in the audiotape recording of the original hearing as directed by the parties. Witnesses shall not be called except those authorized by the sub-committee to produce new evidence.

- (b) If the Appeal Committee determines that the decision of the Hearing Committee was reasonable, the original decision shall remain undisturbed.
  - (c) In the event that the sub-committee finds that substantial new evidence has been discovered or if it rules that exceptional circumstances of the case require it, the Appeal Committee shall re-hear the case in its entirety and shall have all the powers of the original Hearing Committee. In such cases the parties shall have a minimum of 14 days to prepare.
- 46 Within the jurisdiction of the University, the decision of the Appeal Committee is final.

## **PART V: SPECIFIC PROVISIONS**

### **A. Procedures for Academic Offences**

- 47 All references to the Dean of a Faculty in Part V, Section A shall include the Dean of the Centre for Continuing Education.
- 48 An instructor who to his or her personal knowledge or upon reliable report has reasonable grounds to believe that a student in the instructor's course, or working under his or her direction, has committed an academic offence, shall – if the instructor concludes that disciplinary action is appropriate – refer the matter to the Dean of the Faculty for disposition in accordance with this Section. The instructor may not, on his or her own authority, impose a penalty on the student.
- 49 Upon being apprised of the alleged commission of an academic offence in his or her Faculty, the Dean may privately interview the student concerned in order to inquire into the alleged offence. Any such interview shall take place as soon as reasonably possible after the Dean was apprised of the matter. In convening the interview with the student, the Dean shall inform the student of the provision under which discussion will take place and of his or her right to an advisor pursuant to Article 29.
- 50 At the outset of the interview mentioned in Article 49, the Dean shall inform the student that he or she is not obliged to answer any of the Dean's questions and that any answers given may become the basis for an immediate disposition of the case under Article 54 of this Section, or cause the Dean to convene a summary hearing, or be the subject of testimony by the Dean at a subsequent proceeding. The Dean shall also present a copy of the Code of Student Conduct and Disciplinary Procedures to the student.
- 51 (a) If in the opinion of the Dean it would be more appropriate that the case be heard by the CSD, he or she may refer the case in writing to the CSD. Normally, the Dean must refer the case to the CSD as soon as reasonably possible after having been apprised of the matter. If, for good reasons, a substantial extension of time is required, the Dean must inform the Dean of Students of the reasons for the delay and must specify a time limit for the eventual referral.
- (b) All communications between the Dean and the CSD shall be through the Dean of Students. In any written or oral communication with the Dean of Students, the Dean shall indicate only the allegation(s) outstanding against the student. The Dean shall not refer to any evidentiary matter, statement or testimony involved in the case.
- 52 Unless a decision is taken to proceed under Article 49 or Article 51, the Dean who has reasonable grounds to believe that a student in his or her Faculty has committed an academic offence shall, within 20 working days, summon the student to appear at a summary hearing, in order to inquire into the alleged offence.
- 53 The procedures for a summary hearing shall be as follows:
- (a) The student shall be summoned by written notice mailed by registered mail or personally delivered to the student at least five days prior to the summary hearing; such notice shall state briefly the substance of the charge. The period of time between receipt of notice and the time of the hearing may be shortened with the consent of both the Dean and the student concerned.
  - (b) If the student fails, without reasonable excuse, to attend the hearing, the Dean may proceed with the hearing in the student's absence or, at the Dean's discretion, postpone the start of the hearing.

- (c) The instructor, chief invigilator or other party who reported the alleged commission of an offence shall, at the outset of the hearing, and in the presence of the student, apprise the Dean of the facts and allegations of the case and the names of the witnesses who are to be presented to establish said facts and allegations. Nothing said by any party mentioned herein in the course of so apprising the Dean shall be evidence in the case. The instructor, chief invigilator or other party shall then withdraw from the proceeding unless he or she is to be a witness in the case. The student and the student's advisor may, if he or she wishes, make a summary statement in response.
  - (d) All witnesses shall be heard by the Dean in the presence of the student. The student and the student's advisor may put questions to the witnesses, and shall have access to any documents considered by the Dean as evidence in the case. The Dean, if it is deemed appropriate, may call witnesses other than those named by the party mentioned in Article 53 (c).
  - (e) The student shall be afforded an opportunity to speak on his or her own behalf and to present witnesses. Should the student decide to speak, he or she will be subject to questions from the Dean. No inference may be drawn against the student for refusing to speak on his or her own behalf, except to the extent that allegations against the student, because of this refusal, stand uncontradicted. The Dean shall inform the student as to the substance of this article.
  - (f) The Dean may consult one of the legal assessors sitting on the CSD for advice regarding any evidentiary or procedural issue that arises during the summary hearing.
  - (g) No charge shall be found to be substantiated unless there is clear, convincing, and reliable evidence in support of the charge established at the hearing.
  - (h) Where the charge has been found substantiated, and prior to the decision to the appropriate disposition, the student and the student's advisor shall be allowed to make representations in regard to the disposition of the case.
- 54 At the conclusion of the interview under Article 49 the Dean may then hold a summary hearing under Article 52. At the conclusion of either or both of these procedures, the Dean shall:
- (a) Exonerate the student; or
  - (b) Admonish the student; or
  - (c) Reprimand the student; or
  - (d) Refer the case for a hearing to the CSD, in which case the requirements of Article 51(b) shall apply.
- 54.1 If the student is admonished or reprimanded as per Article 54(b) or (c), the Dean may also:
- (a) Place the student on conduct probation for a specified period of time;
  - (b) Enter a failing grade for the examination, assignment or thesis in question or for the course;
  - (c) Require the student to perform up to 10 hours of non-academic activities, which shall not be excessively burdensome to the student, to make restitution to remedy any situation that he or she created or helped to create;
  - (d) Only if the Dean has reasonable grounds to believe that the student's continued presence on campus poses an immediate threat to the safety or academic integrity of the community, he or she may suspend the student for a period not exceeding 30 calendar days. No student shall be barred from taking any examination(s) or submitting any academic paper(s) because of this article, but the Dean may make special arrangements as to time and place for the completion of such work. In cases where action is taken under 54.1(d), the CSD must hold a hearing on the suspension as soon as possible and not exceeding 30 calendar days of receiving the written request from the student.

The Dean may combine any of the above penalties.

- 54.2 If the student has been admonished as per Article 54(b), whether or not the Dean imposes additional penalties as per Article 54.1, no disciplinary record shall be kept of the offence. If the student has been reprimanded as per Article 54(c), whether or not the Dean imposes additional penalties as per Article 54.1, the infraction shall be documented as a disciplinary record in the student's file maintained by the Dean of Students.
- 54.3 Any activities assigned as per Article 54.1(c) shall be under the direction of the Dean and its content shall be subject to his or her approval. If the student does not fulfill this obligation to the satisfaction of the Dean, he or she shall summon the student to a resumption of the interview held under Article 49 or to a resumption of the summary hearing held under Article 52 to deal with the default, including the possibility of imposing an additional penalty.
- 55 (a) The Dean shall as soon as possible notify the student in writing of the action taken under Articles 54 and 54.1 and of the student's right to a full hearing which is described in 55(b).
- (b) Upon receiving the Dean's notice, the student may obtain a full hearing on the charge or charges before the Hearing Committee of the CSD by electing to do so in a written submission sent to the Dean of Students within seven days.
- 56 When the matter has been referred to the Hearing Committee of the CSD by the Dean under Article 51(a) or Article 54(d) or where the student has elected to obtain a full hearing under Article 55(b), any disposition of the Dean, except under Article 54.1(d), shall be suspended pending disposition by the Hearing Committee. The Hearing Committee shall hear the case and at the conclusion of the hearing shall:
- (a) Exonerate the student; or
- (b) Admonish the student; or
- (c) Reprimand the student.
- 56.1 If the student is admonished or reprimanded of the offence as per Article 56(b) or (c), the Committee may also:
- (a) Place the student on conduct probation for a specified period of time;
- (b) Enter a failing grade for the examination, assignment or thesis in question or for the course;
- (c) Require the student to perform up to 10 hours of non-academic activities, which shall not be excessively burdensome to the student, to make restitution to remedy any situation that he or she created or helped to create;
- (d) Suspend the student for a period not exceeding one year;
- (e) Dismiss the student from the University;
- (f) Expel the student from the University;
- (g) Recommend to Senate to revoke a degree, diploma or certificate.
- The Hearing Committee may combine any of the above penalties.
- 56.2 If the student is admonished of the offence as per Article 56(b), whether or not the Committee imposes additional penalties as per Article 56.1, no disciplinary record shall be kept of the offence. If the student is reprimanded of the offence as per Article 56(c), whether or not the Committee imposes additional penalties as per Article 56.1, the infraction shall be documented as a disciplinary record in the student's file maintained by the Dean of Students.
- 56.3 (a) Where any suspension imposed by the Dean under Article 54.1(d) has included days upon which examinations were to be written or papers submitted, the Hearing Committee, as part of its disposition, may authorize the student to write appropriate deferred examinations or submit appropriate papers late without penalty.

(b) Action taken under sub-articles (d) through (g) of Article 56.1 shall be appropriately annotated on the student's academic transcript (see Articles 85, 87, and 88).

56.4 Activities assigned as per Article 56.1(c) shall be under the direction of the Dean of Students and its content shall be subject to his or her approval. If the student does not fulfill this obligation to the satisfaction of the Dean of Students, he or she shall summon the student to a resumption of the hearing before the CSD to deal with the default, including the possibility of imposing an additional penalty.

57 Appeals from the decision of the Hearing Committee shall be governed by Part IV of this Section.

58 Where the Dean has taken any action under Article 54 or 54.1, and the student has not elected to obtain a full hearing under Article 55, the Dean of Students shall, within a reasonable time, so notify the Dean and the Dean shall file a report with the Dean of Students containing the following:

(a) Identification of the student concerned;

(b) A statement of the facts and findings, including the names of witnesses heard;

(c) A statement of the course of action taken;

(d) A statement to the effect that the student concerned was notified in writing of the action taken and of his or her right to seek a full hearing before the Hearing Committee of the CSD.

### **B. Procedures for Non-Academic Offences**

59 All references to the Dean of a Faculty in Part V, Section B shall include the Dean of the Centre for Continuing Education, the Director of Libraries, and the Director of Athletics.

60 The Security Office of the University shall, where feasible, investigate reports of the commission of non-academic offences; otherwise the complainant shall forward his or her own report directly to the Dean of Students.

61 (a) Following its investigation and where a student has been identified, the Security Office shall forthwith make a written report to the Dean of Students, which report shall include all of the following:

i) Identification of the student(s);

ii) Statement of facts and allegations, including the names of witnesses;

iii) Where applicable, a statement of the repair bill or estimate;

iv) Any action(s) taken to date.

(b) Where possible, when an individual complainant is filing a report, the above information shall also be included.

62 (a) In the case of a non-academic offence committed by a member of residence in or about one of the residences, the Dean of Students shall transmit the report to the Director of Residences and Student Housing, and the procedures of Part V, Section C, Articles 74 through 82 shall be followed.

(b) In the case of a non-academic offence committed in connection with all activities supervised by the Director of Athletics, the Dean of Students shall transmit the report to the Chair of the CSD and to the Director of Athletics. In the case of a non-academic offence committed on or about a library, the Dean of Students shall transmit the report to the Chair of the CSD and to the Director of Libraries. In the case of any other non-academic offence, the Dean of Students shall transmit the report to the Chair of the CSD and to the Dean(s) of the Faculty(ies) in which the student(s) are registered.

63 Upon receipt of the report described in Article 62(b), the Dean of the Faculty, or the equivalent Disciplinary Officer in non-faculty units, shall inform the Dean of Students whether he or she wishes to assume jurisdiction in the matter.

64 If the Dean assumes jurisdiction, he or she may either convene a summary hearing or interview the student privately in order to inquire into the alleged offence. In convening the interview with the student,



the Dean shall inform the student of the provision under which discussion will take place and of his or her right to an advisor pursuant to Article 29. The provisions of Part V, Section A, Article 50 shall apply to such an interview.

- 65 If the Dean chooses to interview the student, at the conclusion of the interview the Dean shall either:
- (a) dispose of the case under Article 68 of this Section, or;
  - (b) convene a summary hearing, or;
  - (c) cede jurisdiction back to the CSD, which will then proceed under the provisions of Article 71 of this Section.
- 66 The Dean, or disciplinary officer, shall file a written report with the Dean of Students on his or her disposition of the case, including (if applicable) the sub-articles of Article 68 invoked.
- 67 The procedures for a summary hearing are as specified in Part V, Section A, Article 53.
- 68 At the conclusion of the interview or summary hearing mentioned in Articles 65 and 67, the Dean shall:
- (a) Exonerate the student; or
  - (b) Admonish the student; or
  - (c) Reprimand the student; or
  - (d) Refer the case for a hearing to the CSD, in which case the requirements of Article 51(b) shall apply.
- 68.1 If the student is admonished or reprimanded of the offence as per Article 68(b) or (c), the Dean may also:
- (a) Place the student on conduct probation for a specified period of time;
  - (b) Require the student to make restitution for any damage caused, or otherwise rectify any situation which he or she created or helped to create;
  - (c) Require security for good behaviour not exceeding \$250;
  - (d) Levy a fine not exceeding \$250;
  - (e) Require the student to perform up to 10 hours of non-academic work, which shall not be excessively burdensome to the student, to make restitution to remedy any situation that he or she created or helped to create;
  - (f) If the Dean has reasonable grounds to believe that the student's continued presence on campus poses an immediate threat to the safety of other members of the community, he or she may suspend the student for a period not exceeding 30 calendar days. In the notification required in Article 55(a), the Dean must state the specific reasons which led him or her to this action and the CSD must hold a hearing on the suspension as soon as possible and within not more than 30 calendar days after its imposition. The suspension may be extended for an additional period of not more than 30 calendar days by the CSD if needed to complete the hearing. No student shall be barred from taking any examination(s) or submitting any academic paper(s) because of this article, but the Dean may make special arrangements as to time and place for the completion of such work.

The Dean may combine any of the above penalties.

- 68.2 If the student is admonished of the offence as per Article 68(b), whether or not the Dean imposes additional penalties as per Article 68.1, no disciplinary record shall be kept of the offence. If the student is reprimanded of the offence as per Article 68(c), whether or not the Dean imposes additional penalties as per Article 68.1, the infraction shall be documented as a disciplinary record in the student's file maintained by the Dean of Students.

- 68.3 Where a monetary sanction has been imposed, as per Article 68.1(c) or (d), the Dean shall take into consideration the student's financial means to pay. Such fines shall neither be gratuitous nor excessively burdensome to the student.
- 68.4 Any work assigned as per Article 68.1(e) shall be under the direction of the Dean and its content shall be subject to his or her approval. If the student does not fulfill this obligation to the satisfaction of the Dean, he or she shall summon the student to a resumption of the interview held under Article 65 or to a resumption of the summary hearing held under Article 67 to deal with the default, including the possibility of imposing an additional penalty.
- 69 (a) The Dean shall as soon as possible notify the student in writing of the action taken under Articles 68 and 68.1 and of the student's right to a full hearing which is described in 69(b).
- (b) Upon receiving the Dean's notice the student may obtain a full hearing on the charge or charges before the Hearing Committee of the CSD by electing to do so in a written submission sent to the Dean of Students within seven days.
- 70 (a) Referral to the Hearing Committee of the CSD shall suspend the Dean's disposition of the case pending the decision and the disposition of the CSD, except under Article 68.1(f).
- (b) When the matter has been referred to the Hearing Committee by the Dean under Article 68(d), or where the student has elected to obtain a full hearing under Article 69(b), the Hearing Committee shall dispose of the case in accordance with Article 72 of this section.
- 71 (a) Upon receipt of the ceding of jurisdiction by the Dean of the Faculty, either as in Article 63 or as in Article 65(c) of this Section, and any further inquiries the Dean of Students deems necessary, the Dean of Students may, without a hearing, dispense with any further proceedings under this Code, but only when satisfied that:
- i) the act or acts allegedly committed by the student do not constitute a violation of any provision of Section A (the Rules of Conduct); or
  - ii) the available facts and information are insufficient to enable the student's responsibility to be established; or
  - iii) payment of the repair bill or estimate by the student may be considered a sufficient disposition of the matter; or
  - iv) the offence is of such a nature that no further proceedings are necessary.
- (b) Whichever of these grounds is invoked, no offence will be deemed to have been committed by the student and no entry regarding the matter will appear in any dossier of the student.
- (c) Unless the Dean of Students chooses to dispense with further action under Article 71(a), he or she shall refer the case for a hearing before the Hearing Committee of the CSD.
- (d) The Dean of Students shall make an annual report to the members of the CSD describing the particulars of any action(s) taken under this article.
- 72 Where a hearing has been held on the charge(s) against the student, the Hearing Committee shall:
- (a) Exonerate the student; or
  - (b) Admonish the student; or
  - (c) Reprimand the student.
- 72.1 If the student is admonished or reprimanded of the offence as per Article 72(b) or (c), the Committee may also:
- (a) Place the student on conduct probation for a specified period of time;
  - (b) Require the student to make restitution for any damage caused, or otherwise rectify any situation which he or she created or helped to create;

- (c) Require security for good behaviour not exceeding \$500;
- (d) Levy a fine not exceeding \$500;
- (e) Require the student to perform up to 10 hours of non-academic work, which shall not be excessively burdensome to the student, to make restitution to remedy any situation that he or she created or helped to create;
- (f) Suspend the student for a period not exceeding one year;
- (g) Dismiss the student from the University;
- (h) Expel the student from the University.

The Hearing Committee may combine any of the above penalties.

72.2 If the student is admonished of the offence as per Article 72(b), whether or not the Committee imposes additional penalties as per Article 72.1, no disciplinary record shall be kept of the offence. If the student is reprimanded of the offence as per Article 72(c), whether or not the Committee imposes additional penalties as per Article 72.1, the infraction shall be documented as a disciplinary record in the student's file maintained by the Dean of Students.

72.3 Where a monetary sanction has been imposed, as per Article 72.1(c) or (d) the Dean shall take into consideration the student's financial means to pay. Such fines shall neither be gratuitous nor excessively burdensome to the student.

72.4 Any work assigned as per Article 72.1(e) shall be under the direction of the Dean of Students and its content shall be subject to his or her approval. If the student does not fulfill this obligation to the satisfaction of the Dean of Students, he or she shall summon the student to a resumption of the hearing before the CSD to deal with the default, including the possibility of imposing an additional penalty.

73 Appeals from the decision of the Hearing Committee shall be governed by Part IV of this Section.

### **C. Procedures for Residence Offences**

74 (a) The procedures set out in Part V, Section C apply to a student, who, while a member of a residence, allegedly commits a non-academic offence in or about one of the residences. Where a student member of one residence allegedly commits a non-academic offence in or about another residence, the Director of the residence in which the offence was committed shall have jurisdiction to proceed to the Director of the residence of which the student is a member. Any non-academic offence allegedly committed in or about a residence by a student who is not a member of that or any other residence shall be treated under Part V, Section B.

(b) Nothing contained in any part of this Code is intended to affect the internal rules of any residence as regards any behaviour of members of any residence not constituting a non-academic offence under Section A of this Code.

75 (a) Upon being apprised of the alleged commission of a non-academic offence by a member of a residence in or about a residence, the Director of the residence concerned, following any investigation he or she may deem necessary may, without a hearing, dispense with any further proceedings, but only when satisfied that:

- i) The act or acts allegedly committed by the student do not constitute a violation of any provision of Section A (the Rules of Conduct); or
- ii) The available facts and information are insufficient to enable the student's responsibility to be established; or
- iii) Payment of the repair bill or estimate by the student may be considered a sufficient disposition of the matter; or
- iv) The offence is of such a nature that no further proceedings are necessary.

- (b) Whichever of these grounds is invoked, no offence will be deemed to have been committed by the student and no entry regarding the matter will appear in any dossier of the student.
  - (c) The Director of Residences and Student Housing shall make an annual report to the Dean of Students describing the particulars of any action(s) taken under this article.
- 76 The Residence Director of the residence concerned may:
- (a) interview the student privately in order to inquire into the alleged offence, in which case the provisions of Articles 49 and 50 shall apply; or
  - (b) convene a summary hearing, which shall be held as specified in Article 53, after which the Residence Director shall dispose of the case under Article 78; or
  - (c) cede jurisdiction to the Hearing Committee of the CSD, in which case the provisions of Article 51 shall apply.
- 77 If the Residence Director chooses to interview the student, at the conclusion of the interview the Residence Director shall either:
- (a) dispose of the case under Article 78; or
  - (b) convene a summary hearing, which shall be held as specified in Article 53, after which he or she shall dispose of the case under Article 78.
- 78 At the conclusion of the interview mentioned in Article 76(a) or the summary hearing mentioned in Article 76(b) or 77(b), the Residence Director shall:
- (a) Exonerate the student; or
  - (b) Admonish the student; or
  - (c) Reprimand the student; or
  - (d) Refer the case for a hearing to the CSD, in which case the requirements of Article 51(b) shall apply.
- 78.1 If the student is admonished or reprimanded of the offence as per Article 78(b) or (c), the Residence Director may also:
- (a) Place the student on conduct probation for a specified period of time;
  - (b) Require the student to make restitution for any damage caused, or otherwise rectify any situation which he or she created or helped to create;
  - (c) Require security for good behaviour not exceeding \$250;
  - (d) Levy a fine not exceeding \$250;
  - (e) Require the student to perform up to 10 hours of unpaid community service to the residence;
  - (f) Order the student excluded from the residence for a specified period of time.
- The Residence Director may combine any of the above penalties.
- 78.2 If the student is admonished of the offence as per Article 78(b), whether or not the Residence Director imposes additional penalties as per Article 78.1, no disciplinary record shall be kept of the offence. If the student is reprimanded of the offence as per Article 78(c), whether or not the Residence Director imposes additional penalties as per Article 78.1, the infraction shall be documented as a disciplinary record in the student's file maintained by the Dean of Students.
- 78.3 Where a monetary sanction has been imposed, as per Article 78.1(c) or (d), the Residence Director shall take into consideration the student's financial means to pay. Such fines shall neither be gratuitous nor excessively burdensome to the student.

- 78.4 Any service assigned as per Article 78.1(e) shall be under the direction of the Director of Residences and Student Housing and its content shall be subject to his or her approval. If the student does not fulfill this obligation to the satisfaction of the Director of Residences and Student Housing, he or she shall summon the student to a resumption of the interview held under Article 76 or to a resumption of the summary hearing held under Article 77 to deal with the default, including the possibility of imposing an additional penalty.
- 79 (a) The Residence Director shall, as soon as possible, notify the student in writing of the action taken under Articles 78 and 78.1 and of the student's right to a full hearing which is described in 79(b).
- (b) Upon receiving the Residence Director's notice, the student may obtain a full hearing on the charge or charges before the Hearing Committee of the CSD by electing to do so in a written submission sent to the Dean of Students within seven days.
- (c) Should the student seek a full hearing before the Hearing Committee of the CSD, no order of exclusion under Article 78.1(f) from the residence of which the student is a member shall take effect until the case is disposed of by the Hearing Committee of the CSD unless the Director of Residences and Student Housing has reasonable grounds to believe that the continued presence of the student in the residence constitutes an immediate threat to the safety of other residents and is confirmed in this opinion by a sub-committee of the Committee on Student Discipline. This sub-committee shall consist of the Dean or Associate Dean of Students, the Chair or Vice-Chair of the Committee, and a student member of the Committee. At least two of the three members must agree. If the exclusion is approved, the Dean of Students shall arrange for a hearing within five working days of the order of exclusion. In no case shall the members of the sub-committee sit on the Hearing Committee.
- 80 When the matter has been referred to the Hearing Committee of the CSD under Article 76(c) or Article 78(d) or where the student has elected to obtain a full hearing under Article 79(b), the Hearing Committee of the CSD shall hear the case and at the conclusion of the hearing shall:
- (a) Exonerate the student; or
- (b) Admonish the student; or
- (c) Reprimand the student.
- 80.1 If the student is admonished or reprimanded of the offence as per Article 80(b) or (c), the Committee may also:
- (a) Place the student on conduct probation for a specified period of time;
- (b) Require the student to make restitution for any damage caused, or otherwise rectify any situation which he or she created or helped to create;
- (c) Require security for good behaviour not exceeding \$500;
- (d) Levy a fine not exceeding \$500;
- (e) Require the student to perform up to 10 hours of unpaid community service to the residence;
- (f) Order the student excluded from the residence for any specified period of time;
- (g) Suspend the student for a period not exceeding one year;
- (h) Dismiss the student from the University;
- (i) Expel the student from the University.
- The Hearing Committee may combine any of the above penalties.
- 80.2 If the student is admonished of the offence as per Article 80(b), whether or not the Committee imposes additional penalties as per Article 80.1, no disciplinary record of the offence shall be kept. If the student is reprimanded of the offence as per Article 80(c), whether or not the Committee imposes additional penalties as per Article 80.1, the infraction shall be documented as a disciplinary record in the student's file maintained by the Dean of Students.

- 80.3 Where a monetary sanction has been imposed, as per Article 80.1(c) or (d), the Committee shall take into consideration the student's financial means to pay. Such fines shall neither be gratuitous nor excessively burdensome to the student.
- 80.4 Any service assigned as per Article 80.1(e) shall be under the direction of the Director of Residences and Student Housing and its content shall be subject to his or her approval. If the student does not fulfill this obligation to the satisfaction of the Director of Residences and Student Housing, he or she shall refer the student to a hearing before the CSD to deal with the default, including the possibility of imposing an additional penalty.
- 81 Appeals from the decision of the Hearing Committee shall be governed by Part IV of this Section.
- 82 Where the Residence Director has taken any action under Articles 78 and 78.1 and the student has not elected to obtain a full hearing under Article 79, the Residence Director shall, within a reasonable time, file a report with the Dean of Students and the Director of Residences and Student Housing containing the following:
- (a) Identification of the student concerned;
  - (b) A statement of the facts and findings, including the names of the witnesses heard;
  - (c) A statement of the course of action taken;
  - (d) A statement to the effect that the student concerned was notified in writing of the action taken and of his or her right to seek a full hearing before the Hearing Committee of the CSD.

## **Section D: Definition and Administration of Penalties**

### **83 Fines, Restitution and Security**

- (a) Unless otherwise provided by the party or hearing body adjudicating the case, the payment of fines, making of restitution and the posting of security shall be made to the University in cash, money order or by certified cheque, through the Office of the Dean of Students within 21 days of the adjudication imposing the same and the exhaustion of all rights of appeal within the University.
- (b) Failure by the student concerned to remit payment of a fine, make restitution or post security within the period stated in sub-article (a), or without any other suitable arrangements for payment of a fine, restitution or safety deposit having been made with the Dean of Students, shall entail automatic suspension until such payment is made.
- (c) If a student remains suspended for a period exceeding two weeks for failure to pay a fine, make restitution or post security, the case shall be referred to the CSD by the Dean of Students for further action, which may include continuation of the suspension or the imposition of additional penalties.
- (d) If security has been posted by a student who is subsequently found to have committed another offence or offences, the party or hearing body adjudicating the case may order all or part of the security forfeited to the University in addition to any penalty imposed in respect of such other offence or offences.
- (e) Security once posted shall remain posted until wholly forfeited, or until the fulfilment of a stipulated condition or a specified period of time, neither of which is to exceed 12 months from the time it was posted.

### **84 Conduct Probation**

When a student on conduct probation is alleged, by a disciplinary officer, to have committed a further offence, the case shall be referred immediately to the CSD. If the new offence is a violation of the terms of conduct probation, and/or a repetition of the first offence then the CSD shall act as if the hearing is a continuation of the original case from the point at which the penalty was imposed. If the new alleged offence is unrelated to the original offence, no mention of the fact that the student is on conduct probation shall be made to the Hearing Committee until after adjudication of the case. If it is found that a further offence occurred, the Hearing Committee shall be informed of the conduct probation

at the stage of deciding the penalty and shall weigh the import accordingly in choosing the penalty. Conduct probation may also include the imposition of any condition, or conditions, reasonably related to the offence, or offences found to have been committed.

### **85 Suspension**

Suspension shall entail the withdrawal of such University privileges as are specified by the party or the hearing body imposing the suspension. If no particular privileges are specified, suspension shall entail the withdrawal of all University privileges, including the right to enter and be upon University property, in which case the student, during such suspension, may only come upon University property for a specified purpose, previously authorized in writing by a disciplinary officer. Violation of any terms of the suspension shall result in the case being referred to the CSD by the Dean of Students for further action. However, suspension may not be used by the disciplinary officer as a means to withdraw University privileges from the student except as specified in Article 54.1(d). Suspension shall be recorded on the academic transcript as follows: "Required to withdraw. May not resume studies until {date}." At the date for resumption of studies the record shall be removed from the transcript but shall continue to be maintained in the confidential files of the Dean of Students.

### **86 Exclusion from a Residence**

Exclusion from a residence shall entail the withdrawal of such privileges in the residences as are specified by the party or hearing body imposing the exclusion. If no particular privileges are specified, an exclusion from a residence of which the student is a member shall entail the immediate removal of all effects of the student concerned from the residence and his or her exclusion from all parts of the residence, in which case the student, during such term of such exclusion order, may only enter the residence for a specific purpose previously authorized in writing by the Director of the residence.

### **87 Dismissal from the University**

Dismissal from the University for disciplinary reasons entails the termination of all the student's rights and privileges as a student at the University and no application for re-admission by the person will be entertained by the University until after a maximum period of two years from the dismissal, or such other lesser period as the CSD may determine. Dismissal shall be recorded on the academic transcript as follows: "Required to withdraw. May not apply for re-admission until {date}." At the date permitted for application for readmission the record shall be removed from the transcript but shall continue to be maintained in the confidential files of the Dean of Students.

### **88 Expulsion from the University**

Expulsion from the University entails the termination of all the student's rights and privileges as a student at the University, and the University will not entertain any application from that person for re-admission. Expulsion shall be recorded on the academic transcript as follows: "Required to withdraw. May not apply for re-admission."

### **89 Remission, Mitigation and Expunging Record**

The Principal may, when he or she considers it appropriate, remit or mitigate any penalty or condition imposed under this Code or direct the expunging of the disciplinary record of the student maintained by the Dean of Students.

### **90 Debts Due and Monies Paid the University**

Dismissal or expulsion from the University shall not relieve the student from the payment of any debts due the University. Except where the Hearing Committee of the CSD directs otherwise, the student shall not be entitled to the return of fees or other monies paid to the University.

### **91 Disciplinary Records and Confidentiality**

(a) The Dean of Students shall keep a file in respect of each student. He or she shall enter thereon all matters required by this Code to be entered in relation to the student and shall inform the appropriate authorities of all penalties imposed so that the penalties may be enforced.

- (b) Where a student is exonerated or admonished for the commission of an offence under this Code, the matter, as documented in the file held as per Article 91(a), shall not be deemed a disciplinary record and shall never be reported to persons outside the University, except as provided by Article 91(e).
- (c) Where a student is reprimanded for the commission of an offence under this Code, the matter, as documented in the file held as per Article 91(a), shall be deemed a disciplinary record, which shall be reportable to persons outside the University, but only with the student's prior consent for each report.
- (d) The files shall be kept in strictest confidence and shall be communicated only to the student concerned and to other persons within the University having legitimate interest or duty to take communication of them.
- (e) Nothing contained herein shall be interpreted as preventing a disciplinary officer or member of the CSD from responding to a court order requiring the disclosure of information or statements obtained in the course of an interview or hearing conducted under this Code.
- (f) An annual report of the activities of the CSD shall be prepared by the Dean of Students, presented to Senate, and made available to the University community through the campus press. However in any narrative description no mention shall be made of the names of the parties nor of any information which might lead to their identification.





# Policy on Text-matching Software

Approved by Senate - December 1, 2004 - Minute 13

Approved by the Board of Governors - December 13, 2004 - Minute 7

## **THE USE OF TEXT-MATCHING SOFTWARE AT MCGILL**

McGill is committed to promoting the highest levels of academic integrity, which is fundamental to achieving our mission of the advancement of learning. In promoting academic integrity, McGill strives to provide information about the meaning of integrity, about how to foster it, and about the consequences of breaching it.

Because plagiarism is a serious attack on academic integrity, universities are increasingly taking steps to deal with it. Any solution must include providing students with information about proper citation and about how to avoid plagiarism (see "Student Guide to Avoid Plagiarism" at <[www.mcgill.ca/integrity/studentguide/](http://www.mcgill.ca/integrity/studentguide/)>) as well as providing instructors with suggestions about how to prevent plagiarism, such as designing assignments that are difficult to plagiarize (see "Strategies to Reduce Cheating and Plagiarism" at <[www.mcgill.ca/integrity/strategies/](http://www.mcgill.ca/integrity/strategies/)>).

[...]

*In light of the foregoing, Senate, on December 1, 2004 (D04-32) and the Board of Governors on December 13, 2004 (GD04-29 "Appendix D") approved that:*

- (a) McGill University should obtain an institutional license for the use of text-matching software that meets the approval of the CSA. In selecting the software, McGill University shall assure itself that the intellectual property rights of users are protected.
- (b) The Policy and Procedures for Use of Text-matching Software as a Means of Investigating Suspected Plagiarism shall be followed at McGill (D04-33).
- (c) The Policy and Procedures for the Use of Text-matching Software in Courses shall be followed at McGill (D04-34).
- (d) The University shall not oblige instructors to ask their students to submit written work to text-matching software.
- (e) Instructors who require the use of text-matching software in their courses shall follow the Policy and Procedures for the Use of Text-matching Software in Courses.

[...]

- (h) McGill University will review the use of text-matching software two years after the start of the contract.

## **THE USE OF TEXT-MATCHING SOFTWARE AS A MEANS OF INVESTIGATING SUSPECTED PLAGIARISM**

*Approved by Senate, on December 1, 2004 (D04-33) and the Board of Governors on December 13, 2004 (GD04-29 "Appendix E")*

[...]

### **Policy**

[...]

When the University has reasonable cause to suspect that a student has represented the work of another person as his or her own, the University may take any reasonable means to verify the originality of the work. Information from text-matching software can be used as admissible evidence, either to initiate or corroborate an investigation or a charge of plagiarism under Section 15 of the Code of Student Conduct and Disciplinary Procedures.

[...]

### **Procedures**

Upon receiving an allegation of plagiarism, Disciplinary Officers who have reasonable cause to suspect that a student has, in the submitted written work, represented the work of another person as his or her own may submit the suspicious portion(s) of the student's work to text-matching software, as one means of verifying the originality of the student's work. The Disciplinary Officer may ask the student to provide an electronic copy of the work, or may scan the work, for submission.

## **THE USE OF TEXT-MATCHING SOFTWARE IN COURSES**

*Approved by Senate, on December 1, 2004 (D04-34) and the Board of Governors on December 13, 2004 (GD04-29 "Appendix F")*

### **Policy**

Instructors may adopt the use of text-matching software to verify the originality of student's written course work.

### **Procedures**

- 1 Instructors, at the beginning of the course, shall take reasonable steps to inform students of the following:
  - (a) the reasons for which academic integrity is important (e.g., core values; social contract; level playing field; value of degree; value of education; basis of advancement of knowledge, etc.);
  - (b) what constitutes plagiarism;
  - (c) what constitutes appropriate footnotes, citations, and bibliographic references for the course.

Although students can be referred to the web—e.g., <[www.mcgill.ca/integrity](http://www.mcgill.ca/integrity)>—for some of this material, the issue of academic integrity shall be discussed in class to reinforce its importance.

- 2 Students shall be informed in writing before the end of the drop/add period that they are expected to submit written work in the course to a text-matching software service, which is meant to assure students that everyone will be evaluated on the basis of their own work and to warn students that plagiarism is likely to be detected.

Students shall also be informed in writing before the end of the drop/add period that they are free, without penalty of grade, to choose an alternative way of attesting to the authenticity of their work. Instructors shall provide students with at least two possible alternatives that are not unduly onerous and that are appropriate for the type of written work, and the alternatives shall be chosen from the following:

- (a) submitting copies of multiple drafts;
- (b) submitting an annotated bibliography;
- (c) submitting photocopies of sources;
- (d) taking an oral examination directed at issues of originality;
- (e) responding in writing to a quiz or questions directed at issues of originality;
- (f) providing a written report regarding the process of completing the work; other alternatives devised by the instructor, provided that they are not unduly onerous, that they are meant to attest for authenticity of the written work, and that they meet the approval of the Dean or Disciplinary Officer in the faculty in which the course is offered.



# Policy on E-Mail Communication with Students

Approved by Senate - September 17, 2003 - Minute 13

Approved by the Board of Governors - September 29, 2003 - Minute 10

## Introduction

As a service to students, the growing need for timely and efficient communication requires that McGill University institute a policy establishing e-mail as an official means of communicating with students. In order to implement e-mail as an official means of communication between the University administration and students, timely receipt of announcements and notifications must be guaranteed. To this end, e-mail routing must be confined to the University's network, and delivery to the official e-mail address must be verifiable.

## Scope

The policy applies to any student who is, or has been, assigned a Uniform E-Mail Address (UEA), as well as McGill employees who manage official communications with students.

## Policy Statement

E-mail is one of the official means of communication between McGill University and its students. As with all official University communications, it is the student's responsibility to ensure that time-critical e-mail is accessed, read, and acted upon in a timely fashion. If a student chooses to forward University e-mail to another e-mail mailbox, it is that student's responsibility to ensure that the alternate account is viable.

It is a violation for any user of official McGill e-mail addresses to impersonate a University officer, a member of the faculty, staff or student body, in line with the McGill University "Code of Computer User Conduct" and relevant federal and provincial legislation.

## Procedures

McGill University uses e-mail as an official means of notification and for announcements that affect student-university relations, recognizing that

- (a) caution should always be exercised in communicating sensitive matters by e-mail,<sup>1</sup>
- (b) privacy should not be assumed when employing that method of communication,
- (c) great care must be taken to ensure that the e-mail is addressed only to the intended recipients,
- (d) the use of file attachments with email communications is discouraged unless the sender has verified that the attachments will be accessible to and readable by all intended recipients, and
- (e) all official electronic communications are subject to the University Archives/Records Management policies. Offices creating official communications are responsible for consulting with the University Archives to coordinate retention of these communications.

Upon registration, each McGill student will be assigned an official McGill University “uniform e-mail address” (UEA), normally a variation of FirstName.MiddleName.LastName@mail.mcgill.ca. The mailbox will normally be terminated if a student withdraws from the University, but can be re-activated if the student re-enrolls within the time limits established by other relevant University policies. Official University communications may be sent to this e-mail address. Upon graduation, students benefit from a McGill “e-mail for life” account using the same name convention.

While the manner in which e-mail is accessed is left to the student’s discretion, it is recommended that students access the mail sent to their UEA directly from the McGill system. There are considerable risks in forwarding e-mail from the student’s official University e-mail address to another e-mail address (e.g., @aol.com, @hotmail.com, any other internet service provider, or to an address on a departmental server). Forwarded messages may be delayed, lost in transit at various points along the Internet outside the McGill University network, or rejected by the targeted mailbox. In addition, students are encouraged to clear their mailboxes regularly to ensure that there is enough available space for new messages. Failure to receive or read a notification in a timely manner does not release the student from the obligation of knowing and complying with its content.

### **Exception**

In cases of course-related e-mail, faculty may assume that a student’s official UEA is a legitimate means of communicating with students registered in their classes. However, professors may expect students to pick up course-related e-mail through course management software (e.g., WebCT). Students must comply with course requirements communicated to them by e-mail from their course instructor/s or teaching assistant/s, whether it is sent to their official University e-mail address or to their course-related e-mail address.

<sup>1</sup> *Examples of sensitive information include but are not limited to a student’s perm code, date of birth, social insurance number, address or specific grades.*

# Policy on Responsible Use of McGill Information Technology Resources

Approved by Senate - March 24, 2010 - Minute 11B4

Approved by the Board of Governors - April 12, 2010 - Minute 10.1

This Policy replaces the following:

*Code of Conduct for Users of McGill Computing Facilities*

*McGill Computing Facilities Management Guidelines*

## PREAMBLE

McGill information technology resources (hereafter McGill IT Resources) serve the University's mission of the advancement of learning through teaching, scholarship and service to society. The University provides an atmosphere that encourages access to knowledge and sharing of information. The University is responsible for ensuring the effective and reliable operation of our systems and protection of our information technology resources. This policy outlines the responsibilities of the University and members of the University community in the use of McGill IT Resources.

## 1. Definitions:

For the purposes of this Policy:

- 1.1. "Administrative Web Site" means those pages or sites that deal with the administrative aspects of the unit's roles and responsibilities within the institution.
- 1.2. "Authorized User" is a member of the McGill University community who is an employee, student, alumni, appointee or other individual who has been granted permission, by virtue of the individual's role and responsibilities, to access certain data or systems that are part of McGill IT Resources.
- 1.3. "Availability" means the accessibility of McGill IT Resources for their intended use.
- 1.4. "Broadcast Communications" means e-mail or other electronic communications transmitted through McGill IT Resources to a group, including, but not limited to, listservs, distribution lists, and class lists.
- 1.5. "CIO" means the Chief Information Officer.
- 1.6. "Confidentiality" means the non-disclosure of Credentials or Data to unauthorized individuals or systems.
- 1.7. "Confidential Data" means Data that is of a private, proprietary or otherwise sensitive nature, including, but not limited to, Personal Information.
- 1.8. "Credentials" includes usernames, access codes, account numbers, passwords, PINs, tokens or other authentication which have been assigned to Authorized Users to access McGill IT Resources.
- 1.9. "Data" means information stored in or transmitted through McGill IT Resources, including documents, files, databases, e-mails and multimedia.
- 1.10. "Integrity" means protection from modification of Data by unauthorized individuals.
- 1.11. "IT Guidelines" means the set of then current guidelines or standards related to this policy appearing in the IT Knowledge Base on IT Services web site.



- 1.12. "IT Services" means the McGill units that deliver information technology services on campus and report to the CIO.
- 1.13. "McGill e-mail address" means an e-mail address issued by IT Services to an Authorized User, according to the official format as defined by IT Services. For example, the McGill e-mail address for staff members is usually first.last@mcgill.ca, and for students and alumni, first.last@mail.mcgill.ca.
- 1.14. "McGill IT Resources" means all Data, software, hardware, communications systems, storage systems, networks and devices connected to or making use of the University Network, regardless of who administers them.
- 1.15. "McGill-Sponsored Public Web Site" means a web site that is hosted on McGill IT Resources and is accessible by anyone with a web browser and access to the Internet.
- 1.16. "Non-McGill Use" means use that is not in accordance with section 2.1.
- 1.17. "Personal Information" means information concerning a natural person that allows the person to be identified as provided for in applicable Canadian and Quebec privacy legislation.
- 1.18. "Security" means the protection of Data and systems from breaches to or of Availability, Confidentiality or Integrity of McGill IT Resources.
- 1.19. "System Administrator" means an individual responsible through position description or position responsibilities for establishing and maintaining a computer system or network.
- 1.20. "University Network" means the wired and wireless network for Data, voice and video under the control of IT Services.

## **2. Principles**

- 2.1. McGill IT Resources serve the teaching, research and administrative purposes of the University.
- 2.2. Authorized Users shall use McGill IT Resources in an ethical, responsible and lawful manner, in accordance with University policies.
- 2.3. Authorized Users have a reasonable expectation of privacy in their use of McGill IT Resources.
- 2.4. Authorized Users shall take all reasonable steps to protect the Confidentiality, Integrity, and Availability of McGill IT Resources.
- 2.5. Authorized Users shall only access McGill IT Resources in accordance with McGill's policies and procedures. Ability to access McGill IT Resources does not, by itself, imply authorization to do so.
- 2.6. Authorized Users shall respect the intellectual property, including but not limited to, trademarks and copyrights, of owners of software and Data stored in or transmitted through McGill IT Resources, including library and archival resources.

## **3. Credentials**

- 3.1. Authorized Users shall not share their personal Credentials with other individuals. Where it is essential that an account be shared and delegation is not supported by the application, the Authorized User shall use a Credential that is intended for that specific purpose.
- 3.2. Authorized Users shall properly identify themselves in applications, services, or connections that use McGill IT Resources. An Authorized User shall not impersonate another person.
- 3.3. Notwithstanding sections 3.1 and 3.2, Authorized Users may remain anonymous where required and legitimate for a particular purpose, such as certain surveys.

#### **4. Security**

- 4.1. Authorized Users shall take the measures necessary to protect the Security of McGill IT Resources and shall comply with University policies and procedures concerning data protection and records management.
- 4.2. Authorized Users shall not use McGill IT Resources for any purpose that puts the University at risk of compromising Security.
- 4.3. Authorized Users shall comply with all University protocols for reporting threats to Security and shall cooperate with investigations of possible breaches.
- 4.4. Individuals using McGill IT Resources in breach of McGill's policies and procedures or in excess of their authority are subject to having their activities monitored and recorded by System Administrators. In the course of monitoring individuals improperly using McGill IT Resources, or in the course of McGill IT Resources maintenance, the activities of Authorized Users could also be monitored.

#### **5. Data**

- 5.1. Subject to section 5.2, Confidential Data shall only be accessed by Authorized Users or by other individuals with a legitimate need to have access who are granted access by an Authorized User. The Confidentiality of the Data accessed shall be preserved and the Data shall be used solely for the purposes for which it was accessed.
- 5.2. Notwithstanding section 2.3, access to Authorized User Data may be provided to a designated University administrator with a legitimate interest in and responsibility for the matter in the following cases:
  - (i) For continued operation of the University where the Authorized User whose Data are accessed is unavailable or no longer at McGill.
  - (ii) To investigate breaches of University policies or regulations where there exist reasonable grounds to believe that a breach has occurred.
  - (iii) Where permitted by law.
- 5.3. Before entrusting storage, processing or transmission of Personal Information to an information technology vendor controlled by a company or service outside Quebec, an Authorized User shall consult the CIO for guidance who will consult with senior administrators as appropriate.

#### **6. E-mail and Broadcast Communications**

- 6.1. E-mail services are provided to Authorized Users for the purpose of facilitating effective academic and administrative operations.
- 6.2. To ensure that e-mail records are managed according to University Data retention policies, all administrative and support staff shall ensure that their McGill e-mail address forwards to a McGill e-mail server. They shall not configure their McGill e-mail to forward to a non-McGill e-mail address, without prior authorization from the CIO or delegate. Academic staff may forward their e-mail to a non-McGill e-mail server, after they have assured themselves that the e-mail receives protections similar to those of university e-mail accounts and respect standards and laws concerning privacy and retention and destruction of documents.
- 6.3. Authorized Users shall send Broadcast Communications only if the content of the message is related to McGill's academic or administrative functions, and
  - (i) the individual is authorized to send the message by virtue of his or her function or
  - (ii) the broadcast is sent to a list that individuals have knowingly joined.
- 6.4. Authorized Users part of administrative units shall send Broadcast Communications in accordance with IT Guidelines for formats and attachments.

## **7. Public Web Sites**

- 7.1. An Authorized User who publishes information on a McGill-Sponsored Public Web Site shall ensure that the content conforms to University policies and procedures.
- 7.2. Where McGill sponsors a collaborative web site, such as blogs, wikis or social networks, the site shall conform to IT Guidelines.
- 7.3. No external or commercial advertising shall appear in any public McGill web site without the prior approval of the CIO who shall consult the appropriate senior administrator. Notwithstanding this provision, sponsorship of University activities, including, but not restricted to, academic conferences, symposia and the like, may be advertised on the appropriate McGill web sites.
- 7.4. McGill units shall host their Administrative Web Site on the University's web publishing system except in the cases of academic units where functionality requirements cannot be met by the University's web publishing system.
- 7.5. All Administrative Web Sites shall be developed in conformity with the McGill web publishing IT Guidelines, which address Web standards and standards for security, accessibility, and visual identity. In particular, Administrative Web Sites shall be properly identified as associated with and / or belonging to McGill University, and they shall provide ease of navigation to and from University web sites.
- 7.6. Domain names that include the word "McGill" shall not be purchased or registered by individual units or McGill employees without the approval of the Secretary-General.

## **8. Network**

- 8.1. IT Services shall not normally use technology to prevent an Authorized User of McGill IT Resources to access an external web site, where the computer has been configured to have access to the internet.
- 8.2. Notwithstanding section 8.1, the University shall moderate, filter, limit or block internet traffic, where it exposes the University or Authorized Users to threats to Security or where it is necessary to ensure the Confidentiality, Integrity or Availability of McGill IT Resources.
- 8.3. Authorized Users shall not extend or share the University Network with public or other persons beyond what has been authorized by IT Services.
- 8.4. Authorized Users shall not connect any network devices or systems (including switches, routers, wireless access points, VPNs, and firewalls) to the University Network without prior approval of IT Services. Standard exceptions outlined in IT Guidelines shall not require approval.
- 8.5. Authorized Users may only connect devices to the University Network that comply with IT Guidelines related to malware.

## **9. Systems Administration**

- 9.1. All McGill IT Resources shall have a duly appointed System Administrator. Where an academic unit has not made other arrangements, researchers or their delegates are System Administrators of research systems that they control.
- 9.2. Systems Administrators shall respect the policies, procedures and protocols established by the University and configure and manage systems according to best practices in the University and in conformity with the provisions of this policy.
- 9.3. In the performance of their duties, Systems Administrators may routinely monitor or access accounts or use software and hardware tools, (including surveillance or monitoring tools, cookies, audit trails and logs, backups and archives) to track or preserve activity on the system. They shall only use such Data within their legitimate authority, and will treat any Data accessed for this purpose as confidential.

## **10. Non-McGill Use**

- 10.1. The University does not warrant any service or Confidentiality levels for Non-McGill Use of McGill IT Resources.
- 10.2. McGill University reserves the right to limit or stop Non-McGill Use where the use exposes the University to risk.

## **11. Compliance**

- 11.1. A violation of the provisions of this policy may constitute a disciplinary offence and, where appropriate, shall be dealt with under the regulations, policies, code or collective agreement to which the Authorized User is subject.
- 11.2. Any individual who has reasonable cause to believe that there has been a breach of this policy shall report the matter to the Office of the CIO.
- 11.3. An annual report identifying the type of access granted by IT Services under Section 5 (Data) shall be prepared by the CIO or delegate and provided to the Provost. The annual report shall contain aggregated information, and shall not identify individuals by name.



# Library Users' Code of Behaviour

Approved by the Trenholme Director of Libraries - March 20, 2009

Access to library resources, services and facilities for everyone is a vital part of university life and the University seeks to provide services and collections of excellence to benefit all. Library users are required in return to show consideration for the rights of others and to behave in a manner which does not inconvenience, offend, or limit the rights of other users to have access to library resources, services or facilities. In order to provide a friendly and safe place in which to study, the Library has established the following rules.

1. Bring your valid McGill ID with you. It is required for identification, borrowing materials and access purposes and must be produced on request.
2. For your own protection do not leave your personal belongings unattended. Security and library staff wake students who are sleeping to prevent theft of their belongings.
3. Library materials, facilities or equipment must not be removed without authorization; familiarize yourself with borrowing conditions (<http://www.mcgill.ca/library-using/mcgillloans/>) and the use of computers in the Library (<http://www.mcgill.ca/library-using/computers/>) and respect them. Failure to follow the conditions may result in library fines or sanctions.
4. Food and beverages (except for bottled water) are not permitted in the Library as they attract insects and may damage books and other library materials.
5. Do not deface, mutilate, inappropriately use or willfully deprive other users of library materials, facilities or equipment. Do not highlight, underline or write on printed content.
6. Do not disturb other users through such activities as discussions or telephone conversations, particularly in quiet study zones. There are specially designated areas for group study and other areas where quiet conversations and cell phone use are permitted.
7. Do not harass library staff and others users, or threaten the well-being or dignity of library staff and others.
8. Observe copyright, (<http://www.mcgill.ca/library-assistance/copyright/>), intellectual property rights and academic integrity, (<http://www.mcgill.ca/library-assistance/plagiarism/>) when using library materials.

Failure to follow the Library Code of Behaviour may result in sanctions or disciplinary action.



# Regulation on the Conduct of Research

Approved by Senate - March 24, 2010 - Minute 11B3

Approved by the Board of Governors - April 12, 2010 - Minute 10.1

This Regulation replaces the following:

*Policy on Research Ethics*

*Regulations on Research Policy*

## **PREAMBLE**

Research and scholarship is central to the mission of the University. It is the cornerstone of the continuing creation of the knowledge which is the foundation of all disciplines. It directly contributes to social well-being, health, culture, economic development and the advancement of society.

Research and scholarship can flourish only in a climate of academic freedom which includes freedom of inquiry and the right to disseminate the results thereof, freedom to challenge conventional thought, freedom from institutional censorship, and the privilege of conducting research on human and animal subjects. However, with academic freedom comes the responsibility to ensure that all research and scholarship: is informed by the principles of honesty, integrity, trust, accountability and collegiality; meets high scientific and ethical standards; is conducted with honest and thoughtful inquiry, rigorous analysis, and accountability for the use of professional standards; and seeks to increase knowledge in ways that do not harm but which benefit society.

The cultivation of these values in the University community are advanced by the ongoing education of its members in matters of research integrity, and by adopting and following appropriate policies within which research and scholarship should be conducted, policies which all major funding agencies require universities to have in place.

This Regulation, therefore, establishes a general framework for the conduct of research. It is premised on individual responsibility for the selection and conduct of research and scholarship as individual members of the University community are best positioned, through special knowledge, to be aware of both the manner in which their Research and scholarly activity is being conducted and the consequences of such activity. Special responsibility rests with Researchers to remain aware of the consequences of their Research and to balance the potential benefits against the possibility of harmful applications.

This Regulation should be interpreted in a manner that is consistent with the vision of the University as a research and scholarly community committed to the principles of academic freedom, honesty, integrity, trust, accountability and collegiality, and the idea that fair play must prevail at all times.

This Regulation does not replace the policies and guidelines of agencies sponsoring research or which have oversight of particular research activities.

## **1. DEFINITIONS**

1. For the purposes of this Regulation:

1.1 "Agency" means the funding agency, foundation, organization, sponsor or other Person, public or private, international, national, provincial or foreign, supporting in whole or in part any Research, or which has oversight of any Research.



- 1.2 "Chair" means the chair or director of a department, school, institute or centre and includes the chairs of all such units within which a Researcher undertakes Research.
- 1.3 "Corresponding Author" means:
- (i) the Researcher so identified by agreement of Research Collaborators; or
  - (ii) in the absence of agreement, the Researcher who submits a manuscript for publication.
- 1.4 "Data" means the recorded factual information and material, both physical and electronic, commonly accepted in the relevant scientific community as necessary to validate research findings including, but not limited to, research proposals, laboratory records, progress reports, internal reports, and presentations.
- 1.5 "Dean" includes, as appropriate to the context, the Dean of Graduate and Postdoctoral Studies, the Dean of Continuing Education, the Dean of Students, and the Director of Libraries.
- 1.6 "Gift" means a voluntary transfer of property without valuable consideration or benefit of any kind to the donor, or to any Person designated by the donor.
- 1.7 "Legal Person" includes corporations, partnerships, associations, foundations, organizations, government agencies, and any other entity or body.
- 1.8 "Person" means, as the context requires, natural and Legal Persons.
- 1.9 "Plagiarism" means the representation of another's work, published or unpublished, as one's own or assisting another in representing another's work, published or unpublished, as his or her own.
- 1.10 "Principal Investigator" means the Researcher who is so identified to an Agency or, in the absence of such identification, the Researcher who has primary responsibility for the design, conduct and supervision of Research.
- 1.11 "Regulatory Framework" the regulations, policies and guidelines of the University concerning the conduct of Research and related matters as they may exist from time to time.
- 1.12 "Research" includes all forms of funded and unfunded scholarly, scientific and professional work and related activities based on intellectual investigation aimed at discovering, interpreting, revising, disseminating or publishing knowledge.
- 1.13 "Research Related Agreement" includes international project agreements, licensing agreements, Research agreements, Research contracts, Research grant applications, Research grant agreements, service agreements, shareholder agreements, clinical trial agreements, confidentiality agreements, material transfer agreements, partnership program agreements, collaborative Research development agreements, inter-institutional Research agreements and industrial Research chair agreements and any document accessory to such agreements.
- 1.14 "Research Misconduct" includes, but is not limited to the definitions of the funding agencies for such misconduct, for example: fabrication, falsification, plagiarism, misappropriation of intellectual property rights of another, or any other conduct that constitutes a significant departure from the ethical and other standards that are commonly accepted within the relevant research community for proposing, performing, reporting or reviewing research or treating human and animal research subjects, but does not include honest errors or differences of interpretation or judgment relating to Data or Results that are reasonable in light of the circumstances in which they are made or reached.
- 1.15 "Researcher" means any member of the University community who engages in or supervises Research.
- 1.16 "Student" means a student as defined in the *Code of Student Conduct and Disciplinary Procedures*.
- 1.17 "University" includes institutions affiliated with the University.

## **2. SCOPE**

2.1 This Regulation applies to all Research conducted by a Researcher.

## **3. BASIC OBLIGATIONS**

3.1 The primary responsibility for the selection and conduct of Research shall rest with the Researcher and to this end he or she shall:

- (i) maintain the highest standards of honesty, integrity and ethical behaviour in all Research;
- (ii) familiarize himself or herself with and abide by the Regulatory Framework and the regulations, policies and guidelines of any Agency relevant to his or her Research;
- (iii) not misrepresent his or her academic, professional or employment credentials or experience;
- (iv) obtain necessary approvals including, but not limited to, ethics, protocol and standard operating procedure approvals, before engaging in a Research activity for which prior approval is necessary; and
- (v) use scholarly and scientific rigor and integrity in obtaining, recording and analyzing Data, and in reporting and publishing results.

3.1.1 The University shall take reasonable measures to ensure that Researchers are made aware of, and kept informed of changes to the Regulatory Framework relevant to Research.

3.2 In the case of collaborative or team Research, the Principal Investigator shall take reasonable measures to ensure that the members of the Research group or team are aware of and comply with the Regulatory Framework relevant to the Research being undertaken.

3.3.1 The Office of the Dean of Graduate and Postdoctoral Studies and graduate program directors shall put in place reasonable measures to ensure that Students who may engage in Research are aware of

- (i) their obligations in respect of academic integrity and the ethical conduct of Research;
- (ii) the Regulatory Framework relevant to their Research.

3.3.2 A supervisor of Students engaged in Research shall take reasonable measures to:

- (i) ensure that the Students have been advised of their obligations in respect of academic integrity and the ethical conduct of Research;
- (ii) ensure that the Students have received a copy of the Regulatory Framework relevant to their particular Research;
- (iii) provide the Students with a copy of any Research related documents which the Students have been asked to sign; and
- (iv) disclose to the Students any special conditions concerning such matters as constraints on publication, limitations on future use of Data, and ownership of intellectual property that may influence a Student's decision to participate in the Research.

3.4 A Researcher engaged in Research external to the University which is not part of her or his academic duties shall act with integrity and adhere to the highest ethical standards.

3.5 A Researcher who engages in Research which is not part of his or her academic duties for Persons external to the University shall:

- (i) comply with the disclosure requirements of the Regulatory Framework governing conflicts of interest, and conflicts of commitment and consulting activities; and
- (ii) advise in writing the Person on behalf of whom such activities are undertaken that the Researcher is acting in his or her private capacity, and not as an employee or representative of the University unless the Researcher has been expressly authorized in writing so to act by his or her Chair;

(iii) not make use of University personnel or Students, or more than minimal use of services, facilities, equipment or supplies in such Research without, in advance of such use:

(a) obtaining written approval for such use from the Chair and Dean; and

(b) making appropriate written financial arrangements to reimburse the University in advance of such use.

3.5.1 Where appropriate, prior to granting approval pursuant to section 3.5, the Chair shall consult with the Dean, Vice-Principal (Research and International Relations) and/or Vice-Principal (Administration and Finance).

3.6 A Researcher shall ensure that publications do not misrepresent data or images and that the nature and purpose of any image manipulation is explained.

3.7 A Researcher shall comply with the accepted practice of his or her discipline relating to the publication of Research including those constraining:

(i) the submission of manuscripts to two or more journals; and

(ii) the duplicate publication of Data or a manuscript.

3.8 A Researcher shall not enter into or participate in any arrangement whereby an Agency or Person with a vested interest in the findings of Research may:

(i) suppress any findings of the Research; or

(ii) withhold information that may have a bearing on the interpretation of the findings

3.8.1 Section 3.8 shall not override the rights of human subjects of the Research.

3.9 A Researcher normally shall not enter into an arrangement with a Person to write or contribute to a publication without the Researcher's contribution being publicly acknowledged. Such an arrangement is only acceptable if the Researcher, if so requested, is prepared to be publicly associated with the publication.

3.10.1 Subject to section 3.5, a Researcher shall acknowledge his or her affiliation with the University in all publications resulting from Research undertaken while a member of the University community.

3.10.2 A Researcher who is no longer a member of the University community shall cease to indicate in publications, other than those resulting from Research performed while a member of the University community, his or her affiliation with the University in the absence of prior written approval of the chair.

#### **4. RESEARCH DATA**

4.1 A Researcher shall collect Data concerning human and animal subjects in accordance with the Regulatory Framework governing the use of such subjects.

4.2 A Researcher shall respect the laws governing access to personal information and privacy in his or her collection and use of Data.

4.3 A Student may engage in Research in which use of certain kinds of Data, in the custody of a government or Person, is restricted provided that:

(i) the eventual publication of Research based on the Data is permitted; and

(ii) subject to section 4.3.1, any delay in publication does not exceed one (1) year.

4.3.1 A request by a third party for a delay in publication of Research undertaken by a Student for his or her thesis that exceeds one (1) year may be agreed to only in exceptional cases and shall require:

(i) the written consent of the Student; and

(ii) the written approval of:

(a) the Vice-Principal (Research and International Relations); and

(c) the Dean of Graduate and Postdoctoral Studies.

4.4 A Researcher shall not use or publish Data which he or she knows to be, or has reasonable grounds to believe are, false or of unknown provenance unless it is so identified.

4.5 A Researcher shall organize his or her Data in a manner that allows for its verification by third parties.

#### 4.6 *Retention of Research Data*

4.6.1 A Researcher shall retain Data in conformity with best practice in his or her discipline and for:

- (i) the period specified by the Agency supporting the Research; or
- (ii) in the absence of an Agency specification, a period of seven (7) years from publication of the Data.

4.6.2 Each department or research unit shall establish procedures appropriate to its needs for the retention and recording of Data.

4.6.2.1 Data shall be retained by a Principal Investigator or the department or research unit in which they were generated as agreed to by the Principal Investigator and his or her Chair.

4.6.2.2 A Researcher who ceases to be a member of the University shall deposit his or her Data with the department or research unit where the Data were generated unless alternative written arrangements are made with his or her Chair.

4.6.3 In the event that Data obtained from a limited access database or under a Research Related Agreement cannot be retained by a Principal Investigator, the Principal Investigator must provide the Chair in writing with the location of the Data or the limited-access database.

#### 4.7 *Access to Research Data*

4.7.1 Subject to exceptions based on a duty of confidentiality and the laws respecting intellectual property and access to information, a Researcher shall make his or her Data available after publication to an Agency or established scientific or scholarly journal presenting a reasonable and legitimate written request to examine the Data.

4.7.2 Where there is a disagreement between the Researcher and the Agency or journal requesting the Data, the disagreement shall be referred for resolution:

- (i) first to the Chair;
- (ii) then, if necessary, to the Dean; and
- (iii) finally, if necessary, to the Office of the Vice-Principal (Research and International Relations).

#### 4.8 *Collaborative Data*

4.8.1 Research collaborators, at the commencement of their collaboration, shall make all reasonable efforts to reach agreement, preferably in writing, that is consistent with the law and the Regulatory Framework relating to intellectual property, on their rights to, and future use of, Data.

4.8.2 In the absence of an agreement between Research collaborators, their rights to and future use of the Data shall be governed by the law and the Regulatory Framework relating to intellectual property.

4.8.3 In the event that a dispute should arise between Research collaborators concerning rights to and future use of the Data, the University shall assist in facilitating the resolution of dispute in accordance with section 6.5.

### **5. USE OF OTHERS' WORK**

5.1 A Researcher shall not knowingly engage in Plagiarism.

5.1.1 Upon the demonstration that a Researcher has engaged in Plagiarism it shall be presumed that the Researcher did so knowingly and he or she shall bear the burden of rebutting the presumption by evidence satisfying the Person or body investigating the matter that no such knowledge existed.

- 5.2 A Researcher shall obtain the prior permission of another Person before using, even with proper attribution, the unpublished work or Data of the other Person.
- 5.2.1 Notwithstanding section 5.2, where a Researcher has obtained access to unpublished information, concepts or Data through access to confidential information or documents, including material obtained by the Researcher as part of processes such as peer review, the Research shall not use such information, concepts or Data without the prior written permission of the author.
- 5.3 A Researcher shall not enter into, or participate in, any arrangement whereby an Agency or other Person may have exclusive use of, or access to, the Data of a Research collaborator, whether with or without proper attribution, without the Research collaborator's prior written informed consent.
- 5.4 A Researcher shall use archival material in accordance with the rules of the archival source.

## **6. COLLABORATIVE RESEARCH**

6.1 A Researcher shall recognize in an appropriate form or manner in his or her publications the substantive contributions of all Research collaborators including Students.

### *6.2 AUTHORSHIP*

6.2.1 A Researcher shall ensure that authorship of published work includes all those and only those who have made significant scholarly contributions to the work and who share responsibility and accountability for the results.

6.2.2 A Researcher shall ensure that where a co-authored publication is based primarily on the work of a Student, including a dissertation or thesis the Student is granted due prominence in the list of co-authors in accordance with the established practices of the discipline.

6.2.3 In the absence of an agreement between Research collaborators, the following rules shall govern the order of attribution of authorship:

- (i) authorship shall be attributed to all those Researchers who have made significant scholarly contributions to the work and who share responsibility and accountability for the results;
- (ii) attribution of authorship shall be determined according to:
  - (a) the quality and quantity of a Researcher's contribution;
  - (b) the extent of a Researcher's responsibility and accountability for the results; and
  - (c) the best practices of the discipline;
- (iii) the order of attribution of authorship shall not be affected by whether a Researcher was paid for his or her contribution or by his or her employment status.

6.2.4 A person who provides only administrative and/or managerial services to a collaborative Research endeavour shall not qualify for co-authorship.

### *6.3 RESPONSIBILITIES OF CORRESPONDING AUTHOR*

6.3.1 Prior to the submission of a manuscript for publication, the Corresponding Author shall:

- (i) ensure all persons who are entitled to co-authorship are included as co-authors;
- (ii) make a reasonable attempt to obtain the consent of the co-authors to the order of attribution of authorship;
- (iii) ensure that persons who have made useful contributions to the Research which do not qualify them for co-authorship, are appropriately acknowledged in accordance with the standards of the discipline and the publisher;

(iv) provide each co-author an opportunity to comment on the manuscript prior to its submission for publication; and

(v) provide each co-author with a copy of the manuscript submitted for publication.

#### 6.4 *OWNERSHIP OF INTELLECTUAL PROPERTY*

6.4.1 Subject to section 6.4.3, Research collaborators shall endeavour to reach an agreement, consistent with the Regulatory Framework concerning the allocation of intellectual property.

6.4.2 Subject to section 6.4.3, in the absence of agreement between Research collaborators, the allocation of copyright shall be governed by the law and the Regulatory Framework relating to intellectual property.

6.4.3 In the event that an external Person has an interest in the Research, the Research collaborators, the University and such Person shall, following negotiations with the Office of Technology Transfer, establish by contract:

(i) ownership of intellectual property arising out of any Research Related Agreement;

(ii) the rights and obligations of the parties to seek patents; and

(iii) the entitlement of the parties to share in any associated royalties.

#### 6.5 *DISPUTES RESOLUTION IN COLLABORATIVE RESEARCH*

6.5.1 The University shall assist in facilitating the resolution of disputes between Research collaborators ("the disputants"), in accordance with section 6.5.

The University, however, has no obligation to ensure that such disputes are resolved.

6.5.2 Disputants shall first seek to resolve their dispute amicably between themselves using the good offices of the Principal Investigator if he or she is not a party to the dispute.

6.5.3 In the event that an amicable resolution of the dispute is not or cannot be achieved in accordance with section 6.5.2, the disputants shall refer the dispute to the Chair or the Dean of the faculty, if it is one without departments, who shall attempt to resolve the dispute.

The Chair or Dean, as the case may be, may appoint a senior member of the academic staff of the department or Faculty to act in his or her stead.

6.5.4 In the event that the dispute is not resolved in accordance with section 6.5.3, the disputants shall seek the assistance of the Vice-Principal (Research and International Relations) in achieving a resolution.

The Vice-Principal (Research and International Relations) may appoint a senior member of the academic staff to act in his or her stead.

6.5.5 The Vice-Principal (Research and International Relations), or appointee, may assist the disputants in selecting an internal or external mechanism for the resolution of their dispute on the understanding that their involvement in any of these processes is without prejudice to the disputants' rights in any subsequent internal or external process.

6.5.6 Notwithstanding section 6.5.5, in the event that a resolution acceptable to the disputants is reached:

(i) it shall be acknowledged by them in writing and in sufficient detail to allow for its implementation; and

(ii) it shall be deemed to be final and the disputants thereby waive any further internal and external recourse based on the facts having given rise to the dispute.

6.5.7 Sections 6.5.1 through 6.5.6 do not apply to disputes that may arise because of alleged Research Misconduct or disagreement as to the ownership of intellectual property rights which disputes shall be resolved respectively in accordance with the Regulatory Framework relating to:

(i) the investigation of research misconduct; and

(ii) intellectual property.

## **7. RESEARCH FUNDS**

- 7.1 A Researcher shall ensure that all research funds administered by him or her are used with honesty, integrity and accountability.
- 7.2 A Researcher, and those with oversight of funds and their use, shall comply with the Regulatory Framework and applicable Agency policies and guidelines relating to the management and disbursement of funds and reimbursements for expenses.
- 7.3 A Researcher shall not approve payment from any Agency or University funds to, or the use of any University personnel or any University administered resources, services or materials for, a Person developing or using a Researcher's invention, software or other discovery unless such payment or use is expressly authorized in writing by the Agency and the University.
- 7.4 A Researcher shall acknowledge, in all published works resulting from his or her Research, all Agencies and other public and private funding sources which supported his or her Research.

## **8. RESEARCH INVOLVING HUMAN SUBJECTS**

- 8.1 A Researcher conducting Research involving human subjects shall:
- (i) conduct such Research in accordance with the highest ethical standards;
  - (ii) respect the legal and moral rights of the persons who are the subjects of the Research; and
  - (iii) comply with the Regulatory Framework governing such Research.
- 8.2 A Researcher shall not use the premises, facilities or publications of the University to recruit in any manner a member of the University community as a participant in medical testing or in clinical trials involving human subjects related to non-University Research projects.
- 8.3 A Researcher shall obtain the prior approval of a research ethics board before engaging in self-experimentation involving any element of risk to the Researcher whether or not the Researcher is the sole or one of the human subject participants.
- 8.4 A Researcher shall not accept any personal benefit (including a bonus or milestone payment) for:
- (i) enrolling a particular number of patients or for meeting a deadline in recruiting human subjects;
  - (ii) a particular number of human subjects successfully completing the study or trial or for successfully completing it within a specific timeframe;
  - (iii) assessing potential recruits for a study or a clinical trial in which the Researcher is involved.

## **9. RESEARCH INVOLVING ANIMALS**

- 9.1 A Researcher conducting Research involving animals shall:
- (i) conduct such Research in accordance with the highest ethical standards; and
  - (ii) comply with the Regulatory Framework, including the policies and guidelines of the Canadian Council on Animal Care.

## **10. SECRET RESEARCH**

- 10.1 A Researcher shall not enter into any arrangement with any Person to conduct any Research under the auspices of the University, or on University premises or using s Students, academic, administrative or support staff, or University resources or facilities on the understanding that the conduct of the Research is to be kept secret.

## **11. HAZARDOUS RESEARCH**

- 11.1 A Researcher proposing to engage in Research activities that pose a recognizable inherent risk of accidental injury to persons or property shall:
- (i) comply with the Regulatory Framework governing the conduct of such activities;
  - (ii) obtain all necessary approvals before accepting delivery of hazardous materials, or embarking on the activities in question; and
  - (iii) prior to the commencement of the activities, notify those who it is reasonably foreseeable may be placed at risk.
- 11.2 A Researcher engaged in a Research activity which poses a significant recognizable inherent risk of physical injury to persons or property who has reasonable cause to believe that injury to person or property has occurred or is imminent shall:
- (i) take appropriate measures to address the situation in accordance with the University's emergency policies and guidelines; and
  - (ii) report the incident or potential threat to the Researcher's chair.

## **12. COMMERCIALIZATION OF RESEARCH**

- 12.1 Without prejudice to the rights of a Researcher's collaborators or sponsors of Research, a Researcher shall not be obliged to seek commercial development of his or her invention, software or other discovery. The University shall respect the decision of a Researcher not to commercialize his or her invention, software or other discovery.
- 12.2 A Researcher who elects not to seek the commercial development of an invention, software or other discovery may, in accordance with the Regulatory Framework governing intellectual property, permit its commercial development by his or her collaborators.
- 12.3 A Researcher who elects to develop an invention, software or other discovery or to become involved directly in its commercial application shall comply with the Regulatory Framework governing intellectual property.

## **13. NEGOTIATION OF RESEARCH RELATED AGREEMENTS**

- 13.1 All Research Related Agreements must be approved and executed according to the Regulatory Framework relating to the conclusion of such agreements.

## **14. CONFLICT OF INTEREST**

- 14.1 A Researcher shall comply with the Regulatory Framework governing conflicts of interest, and consulting activities.
- 14.2 A Researcher shall disclose to all relevant Persons (including other institutions, Agencies, conference organizers and participants, and journals and publishers) any conflict of interest that might influence such Persons' decisions such as whether a Researcher should be asked:
- (i) to review Research proposals, funding applications or manuscripts;
  - (ii) to test inventions, software or other discoveries;
  - (iii) to present Research results; or
  - (iv) to be permitted to undertake Research sponsored by outside Persons.



## **15. RESEARCH MISCONDUCT**

- 15.1 Any action that is inconsistent with integrity, honesty or the Regulatory Framework, including this Regulation, may constitute a disciplinary offence and, where appropriate, shall be investigated in accordance with the Regulatory Framework relating to the investigation of research misconduct or, where appropriate, the *Code of Student Conduct and Disciplinary Procedures*.
- 15.2 Nothing in the provisions of this Regulation is intended to impugn a Researcher for honest errors or for differences of interpretation or judgment relating to Data or results that are reasonable in light of the circumstances in which they are made or reached.

## **16. REVIEW OF REGULATION**

- 16.1 This Regulation shall be reviewed at the end of the third full year of its operation by the a working group composed of three members appointed by the Vice-Principal (Research and International Relations), the Provost and the Dean of Graduate and Postdoctoral Studies; three members of the academic staff nominated by the Senate Nominating Committee; and two Students nominated by the PGSS and SSMU.

# **Policy on the Ethical Conduct of Research Involving Human Subjects**

Approved by the Executive Committee - April 28, 2003 - Minute 6

Amended by Senate - May 23, 2007 - Minute 6

Amended by the Board of Governors - June 5, 2007 - Minute 14

Amended by Senate - May 7, 2008 - Minute 5

Amended by Executive Committee - May 15, 2008 - Minute 1.3

To view this policy, please see:

<http://www.mcgill.ca/secretariat/policies/research/>



# Regulations Concerning Investigation of Research Misconduct

Approved by Senate - January 23, 2008 - Minute 2  
Approved by the Board of Governors - April 7, 2008 - Minute 4.2  
Amended by Senate - February 11, 2009 - Minute 4  
Amended by the Executive Committee - March 23, 2009 - Minute 5.2

To view this policy, please see:

<http://www.mcgill.ca/secretariat/policies/research/>



# **Policy on Conflicts of Interest in Academic Supervision and Evaluation**

Received by Senate - March 28, 1990 - Minute 108

Approved by the Board of Governors - May 28, 1990 - April 16, 2007 - Minute 7719

- 1 Where a member of the academic staff or a teaching assistant and a student are in a close personal relationship such that there is, or may be perceived to be, a conflict of interest or possible favouritism, then the staff member or teaching assistant shall decline or terminate a supervisory or evaluative role with respect to that student, and, where necessary, make appropriate alternative arrangements for the supervision and evaluation of the student's work.
- 2 For the purposes of this chapter, a close personal relationship shall include spouses, parent and child, siblings, and consensual amorous relationships.
- 3 The alternative arrangements for supervision and evaluation shall be made in confidence and shall not prejudice the status of the student, staff member or teaching assistant.
- 4 Nothing in this chapter shall be construed as condoning consensual amorous relationships between academic staff or teaching assistants and students.



# **Policy on Safe Disclosure**

Approved by Senate - May 23, 2007 - Minute 6  
Approved by the Board of Governors - October 30, 2007 - Minute 7

To view this policy, please see:

<http://www.mcgill.ca/secretariat/policies/research/>





# Ombudsperson for Students

Approved by Senate - April 23, 1986 - Minute 84  
Approved by the Board of Governors - May 26, 1986 - Minute 6085  
Amended by Senate - December 9, 1992 - Minute 32  
Amended by Senate - January 21, 2009 - Minute 5  
Amended by the Executive Committee - May 19, 2009 - Minute 4.2

## 1. Terms of Reference

- 1.1 The mandate of the Ombudsperson for Students (OFS) shall be to:
  - (i) provide an independent, impartial and confidential process through which a student may seek the just, fair and equitable resolution of any university-related concern where normal non-adversarial administrative channels for addressing such matters are inappropriate in the circumstances or prove ineffective;
  - (ii) where appropriate, review University policies, guidelines and procedures affecting students and make recommendations for change normally to the relevant University administrative officer;
  - (iii) where appropriate, promote discussion of University-wide student related concerns.
- 1.2 "Student" means a person who is, or within the past twelve months was, registered in the University as a student, whether or not as a candidate for a degree, diploma or certificate.

## 2. Appointment

- 2.1 The Board of Governors, on the recommendation of a joint Senate/ Board Committee one-quarter of whose members shall be students, shall appoint the OFS preferably from among members of the tenured academic staff of the University who are well respected by both students and other members of the McGill community.

## 3. Terms of Appointment

- 3.1 The appointment of the OFS shall be half time for a non-renewable term of five years.
- 3.2 During the term of the appointment, the OFS shall not hold other than a half-time academic appointment in addition to his or her appointment as OFS.
- 3.3 The OFS shall be independent of all existing institutional administrative structures while acting within the mandate of the position.
- 3.4 To further ensure the independence of the OFS:
  - (i) the salary of the OFS shall initially be shared equally by the unit in which the OFS holds an academic appointment and by the University;
  - (ii) the OFS shall be subject to academic salary policy and receive as annual merit increases the merit increase allocated by the unit in which the OFS holds an academic appointment, prorated for a half-time position, and the greater of:
    - (a) the prorated increase; and
    - (b) 50% of the University's average academic merit.

- (iii) the OFS shall be provided with a separate office, appropriate secretarial support, and dedicated full service telephone and internet facilities;
- (iv) the OFS shall be provided with a reasonable budget to support the mandated functions of the position.

#### **4. Functions**

##### *General:*

##### 4.1.1 The OFS may:

- (i) discuss an issue with students who prefer to consult a neutral party;
- (ii) advise students on their rights and responsibilities within the University context;
- (iii) provide guidance to students on institutional policies and procedures;
- (iv) assist students in identifying the various informal and formal administrative channels available for addressing an issue that may become the object of a complaint;
- (v) assist students in accessing non-adversarial administrative channels available for addressing particular issues; or
- (vi) help resolve an issue for students who, having utilized established non-adversarial administrative channels, have reasonable grounds for believing that the procedures, rules or criteria used to reach a decision were inappropriate or inadequate.

The University shall render all reasonable assistance to the OFS in the performance of the mandate of the position and in particular shall provide the OFS with timely and reasonable access:

- (i) to appropriate University authorities;
- (ii) subject to the laws governing the protection of private and confidential information, to the files, records and other documents needed to fulfill the functions of the mandate as herein described.

##### *Concerning Individual Student Complaints:*

##### 4.2.1 The OFS shall only accept complaints from students who personally present their complaints (see <http://www.mcgill.ca/ombudsperson>).

##### 4.2.1.1 The OFS shall inform a third party seeking to initiate complaints on behalf of a student of this policy and request the third party to advise the student to contact the OFS personally.

##### 4.2.2 Subject to Section 5, the OFS is vested with the sole discretion to determine:

- (i) whether a student's complaint warrants intervention by the OFS;
- (ii) the nature and scope of the intervention, keeping within the framework of this mandate; and
- (iii) when to discontinue the intervention.

##### 4.2.2.1 On the written request of a student, the OFS shall provide written reasons for not initiating or for discontinuing an intervention regarding the student's complaint.

##### 4.2.3 With the written consent of the student filing a complaint, the OFS shall have the discretion to attempt an informal resolution of the complaint through any one or more of the following methods:

- (i) meeting with the parties;
- (ii) facilitating communication and meetings between the parties;
- (iii) making informal inquiries into a matter including reviewing any relevant University record;
- (iv) requesting that a University official meet with a member of the University community; and
- (v) offering recommendations for a fair resolution.

- 4.2.3.1 In determining the appropriate intervention, the OFS shall be guided by the goal of obtaining a resolution in a timely and efficient manner, at the lowest administrative level possible within the University.
- 4.2.4 The OFS may make recommendations, normally in writing, regarding a complaint to the appropriate University official and, if appropriate, to that person's superior(s).
- 4.2.5 The University official receiving the recommendations shall normally respond in writing, outlining the steps, if any, that will be taken to address the issue, or the reasons why the recommendations cannot be implemented.
- 4.2.6 Subject to the retention schedule outlined in 7.1, the OFS normally shall retain a confidential written summary for each complaint, which respects the confidentiality of the parties, containing a statement of:
- (i) the complaint;
  - (ii) the facts;
  - (iii) the findings;
  - (iv) the recommendations, if any, supported by reasons;
  - (v) the response, if any, of the appropriate University official.
- 4.2.7 The OFS shall deal with student complaints with reasonable promptness and taking into account all information received.

*Concerning Systemic Issues:*

- 4.3.1 The OFS may, without receiving a complaint from a student, investigate what may appear to be systemic inadequacies in existing University policies, guidelines, procedures, or practices that may prejudice the rights of students and make recommendations concerning such policies, guidelines or procedures.
- 4.3.2 The recommendations of the OFS shall be in writing, supported by reasons, and directed to the University official charged with responsibility for the administration of the policy, guideline or procedure at issue.
- 4.3.3 The University official receiving the report shall respond in writing, outlining the steps, if any, that will be taken to address the issue, or the reasons why the recommendations cannot be implemented.

*Concerning Community Education:*

- 4.4 The OFS shall make every reasonable effort to inform the members of the University community of the existence, role and functions of the OFS.

**5. Limitation of Functions:**

- 5.1 The Ombudsperson exercises no powers that are beyond the legal scope of the University.
- 5.2 The Office of the OFS is not a University "office of notice", and communication of a complaint or of any other issue to the OFS does not constitute communication to the University.
- 5.3 The OFS shall act solely in an advisory and intermediary role receiving student complaints and trying to facilitate their resolution through a number of non-adversarial means and, to this end, the OFS:
- i) shall not act as an advocate for any party in any matter;
  - (ii) shall not act as an advisor for a student under the provisions of the *Code of Student Conduct and Disciplinary Procedures, the Code of Student Grievance Procedures; the Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law*; or any other analogous University policy;
  - (iii) may make recommendations only regarding matters that are within the control of the University;
  - (iv) shall not make University policy;
  - (v) shall not replace proper disciplinary, grievance, or other formal channels;

(vi) shall not intervene in any matter covered by a collective agreement unless all parties agree to the informal involvement of the OFS.

5.5 The OFS shall not, or shall cease to, intervene in a student's complaint, if the subject matter of the complaint is or becomes the object of:

(i) proceedings before the Senate Committee on Student Grievances or the Appeal Committee for Student Discipline and Grievance, pursuant to the *Code of Student Grievance Procedures*;

(ii) proceedings under the *Code of Student Conduct and Disciplinary Procedures*;

(iii) a formal complaint under the *Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law*; or

(iv) any proceeding external to the University involving the subject matter of the complaint.

5.6 The OFS shall not intervene in a student complaint based on matters that occurred more than twelve (12) months prior to the making of the complaint unless the student has a reasonable explanation for the delay in pursuing the matter.

## **6. Confidentiality**

6.1 All dealings with, and reports or other documents concerning individual student complaints issued by the OFS are strictly confidential and may be revealed only with the written consent of all the parties, or on a "need-to-know" basis, or where required by law.

6.2 The OFS shall respect the confidentiality of any confidential information obtained from any officer of the University or other person.

6.3 The OFS will not be compelled to testify or produce evidence before any University tribunal or in any University proceeding.

6.4 No report or summary thereof prepared by the OFS shall be admissible before any University tribunal or in any University proceeding.

## **7. Retention of Working Files**

7.1 All reports, summaries, records and other documents concerning an individual student's complaint shall be retained by the OFS for a minimum of five (5) years after the closing of the complaint and then destroyed.

## **8. Protection from Reprisals**

8.1 No person who seeks the services of, files a complaint with, or cooperates in any manner with, the OFS shall be subject to reprisals or denied any rights, privileges or benefits because of such actions and shall be entitled to all of the same protections afforded by the *Policy on Safe Disclosure*.

## **9. Recusal of the OFS**

9.1 In the event that the OFS must recuse herself or himself from a complaint or other matter because of a conflict of interest or bias, the position will be assumed by the Dean of Students or delegate.

## **10. Reports**

### *Annual Report to Senate*

10.1 The OFS shall annually provide to Senate a report, including relevant statistics, concerning such matters as:

- (i) the number of inquiries for information, advice or assistance;
- (ii) the general subject matter of such inquiries;
- (iii) the number of complaints;
- (iv) the nature of the complaints;
- (v) the source of the complaints;
- (vi) the resolution or other disposition of the complaints; and
- (vii) other information deemed appropriate by the OFS

### *Ad hoc Reports*

10.2 The OFS may from time to time submit *ad hoc* reports and recommendations to relevant University administrators and, if appropriate, to Senate or its committees concerning systemic issues prejudicial to students.



# Code of Student Grievance Procedures

Approved by Senate - October 23, 1985 - Minute 20

Amended by Senate - January 20, 1993 - Minute 59

Amended by Senate - October 20, 1993 - Minute 36

Amended by Senate - May 1, 1996 - Minute 112

Amended by Senate - March 13, 2002 - Minute 11

## 1.0 General

- 1.1 The Senate Committee on Student Grievances (hereafter the Committee) shall consist of nine voting members, being four academic staff and four students (two graduate and two undergraduate), plus a Chair, none of whom need be members of Senate. A legal assessor who shall act as a non-voting member of the Committee shall be nominated by Senate. Staff members shall serve staggered three-year, renewable terms, and the student members shall serve one-year terms, renewable twice. As far as possible the members shall be drawn from different faculties. The Senate shall designate one member as Chair. The term of office for both staff and student members shall begin the first day of September. Committee members shall stay on past the end of their terms in order to complete a case where a hearing has begun or proceeded before then.
- 1.1.1 In the event that a suitable committee from the membership of the Senate Committee on Student Grievances cannot be convened, the Principal shall designate membership of the Committee.
- 1.2 No meeting may proceed unless at least two voting members, at least one of whom shall be a student, and the Chair are present. Decisions of the Committee shall be by a simple majority of the voting members present.
- 1.3 No member of the Committee, voting or non-voting, shall act or shall previously have acted as an advisor for either party concerning any matter brought before the Committee. If a committee member has to be replaced for this or any other reason, an alternate from the same constituency (student or academic staff) shall be called to serve as his or her replacement by the Chair. If at any stage of the proceedings, the Chair perceives that he or she has a conflict of interest, an acting chair shall be appointed by the Committee from within its ranks and an alternate from the same constituency shall be brought in as a Committee member for that case.
- 1.4 All meetings and hearings of the Committee shall be closed unless the Committee directs otherwise and both parties agree. All documents submitted to the Committee shall be confidential.
- 1.5 In all proceedings under this Code, the student and the University are entitled to have an advisor present. Such advisor must be a member of the University community and must not be paid for these services.
- 1.6 The word "days" as used in this Code is inclusive of weekends, but not holidays.

## 2.0 Jurisdiction

- 2.1 Any student has a right to lodge a grievance resulting from an act or a failure to act by a member of the University occupying a position of authority vis-à-vis the student in a University-related matter.
- 2.2 Any student who believes that a right accorded to him or to her under the Charter of Students' Rights has been infringed by a member of the University may apply to the Committee for appropriate redress.



- 2.2.1 Should the Committee be of the opinion that the general application of a rule, procedure or practice, as defined in the Charter, is in violation of the obligations of the University defined in the Charter, it shall refer the observed violation to the Senate Advisory Council on the Charter of Students' Rights. Such reference shall state the reasons for the opinion.
- 2.2.2 The Senate Committee on Student Grievances may suspend temporarily the application of the rule, procedure or practice referred to in 2.2.1 in the case before it without awaiting a disposition from the Senate Advisory Council on the Charter of Students' Rights.

### **3.0 Preliminary Procedures**

- 3.1 It is preferable for all parties that an aggrieved student resolve the grievance informally through departmental, faculty or University channels, through the Ombudsperson for Students or through the Dean of Students' Office. However, once the student has sought redress through established review or appeal procedures he or she may lodge a grievance under the Code of Student Grievance Procedures.
- 3.2 Any grievance shall be directed in writing to the Chair of the Committee. The submission must contain a clear statement of the grievance alleged, the procedures already followed, and the redress sought. As soon as possible after receiving a grievance, the Chair shall either request further clarification from the student in the form of a resubmission, or make the submission of the student available to the Committee and to the other parties involved, requesting a response from such parties within 15 calendar days. The Chair may extend this period in circumstances in which delay is unavoidable. Such response shall be distributed to the members of the Committee and to the student.
- 3.3 Where any decision of a faculty or department has prejudiced the student concerned, the Chair may, after consultation with the Dean of the faculty involved, order the student reinstated or otherwise relieved of the prejudice pending the final decision of the Committee on the grievance. Failure of the student to grieve the case within a reasonable time after the prejudice has accrued shall be a ground for the Chair to refuse to exercise the power granted in this paragraph.
- 3.4 In exercising the powers under Sections 3.2 or 3.3, the Chair may consult with the legal assessor.
- 3.5 (a) Upon compliance with Section 3.2, a meeting of the Committee shall be held. The Committee may at that time request submissions from additional parties if it considers them useful or necessary for its deliberations.
- b) The Committee may dispense with a hearing if the submitted materials indicate that there are no material facts in dispute.
- (c) Prior to deciding the case without a hearing, the Committee shall allow each party and advisor to appear before the Committee in the presence of the other party and make an oral argument which may include a contention that a hearing be held. Prior to such oral argument, the Committee may indicate to the parties specific areas which should be addressed in their arguments.
- 3.6 If there are material facts in dispute, or for any other reason the Committee considers sufficient, the Committee shall hold a hearing.

### **4.0 Hearing Rights and Procedures**

- 4.1 A logged audiotape recording of the proceedings shall be made at the University's expense for the use of the Committee and may be made available to the participants. This logged audiotape shall be retained by the University for a two-year period subsequent to the rendering by the Committee of its decision, after which it may be destroyed.
- 4.2 The Chair, in consultation with the legal assessor, shall determine the procedures to be followed during the hearing including such items as the order of presentations by the parties, the order of witnesses and the exclusion of witnesses, subject to the following provisions:
- 4.2.1 Each party shall have the right to introduce oral or written evidence, to call and cross-examine witnesses, to examine the evidence submitted by the other party, and to question that party.

- 4.2.2 The rules of evidence applicable in civil and criminal court proceedings shall not apply to the hearing. Evidence which is not substantially relevant shall be excluded.
- 4.2.3 Each party and that party's advisor may address the Committee, question and cross-examine the other party and any witnesses who may have been called.
- 4.2.4 Any member of the Committee, voting or non-voting, may suggest that a witness be recalled. Any member of the Committee, voting or non-voting, may put questions to the parties or to the witnesses.
- 4.3 The legal assessor is neutral between the parties. The role of the legal assessor is to advise the Committee as to the fair conduct of proceedings, but the legal assessor shall not participate in the decision. The Chair shall inform the parties as to the substance of this provision.
- 4.4 If either party fails, without reasonable excuse, to attend the hearing, the Chair may proceed with the hearing and a decision in the party's absence or, at the Chair's discretion, postpone the start of the hearing. If the hearing proceeds in the party's absence, all rights contingent on the party's presence are forfeited.
- 4.5 Other questions of procedure and evidence that may arise during the hearing, including any challenge to the procedures antedating the hearing, shall be resolved by the Chair after consultation with the legal assessor. No error in procedure shall result in annulment of the proceedings if in the Chair's judgement the error did not cause prejudice to either party.

## **5.0 Disposition**

- 5.1 The Committee shall be empowered to order such final or interim actions as it sees fit, having due regard to the circumstances of the case.
- 5.2 The Committee shall not be empowered to substitute its judgement for the academic evaluation of any instructor, department or faculty. In the event the Committee is of the opinion that such academic evaluation was arrived at improperly, that is, arbitrarily, without fair procedure, through bias, or for any other reason amounting to a failure of natural justice, the Committee shall set aside said academic evaluation. It may then fashion any remedy it considers appropriate under the circumstances, including reassessment of the academic work in question by an impartial and competent person or persons acceptable to both parties within a reasonable period of time determined by the Chair and who may, if necessary, be from outside the University. If agreement is not achieved within the specified period, the Chair shall appoint the person or persons.
- 5.3 The decision of the Committee and the reasons for the decision shall be communicated in writing through the Secretary of Senate to the Principal and the two parties.
- 5.4 The Principal or the Principal's delegate shall ensure that the decisions of the Committee are implemented without delay.
- 5.5 Copies of the decision, with the names of parties, persons directly affected, and departments deleted, shall be placed on file in the office of the Dean of Students.
- 5.6 The decision of the Committee shall be final within the jurisdiction of the University, save for a challenge taken to the Appeal Committee for Student Discipline and Grievance.

## **6.0 Appeals**

- 6.1 The Appeal Committee shall consist of nine voting members, being five academic staff and four students (two graduate and two undergraduate). A legal assessor shall also be appointed as a non-voting member of the Committee. The Senate shall designate one member as Chair. The members of the Appeal Committee shall be nominated by Senate, the staff members to serve staggered three-year, renewable terms and the student members to serve one-year terms, renewable twice. All terms shall commence on the first day of September. Committee members shall stay on past the end of their terms in order to complete a case where a hearing has begun or proceeded before then. The following additional provisions apply:

- 6.1.1 In the event that a suitable Appeal Committee cannot be convened, the Principal shall designate the membership of the Appeal Committee.
- 6.2.1 As far as possible, members shall be drawn from different faculties. In no case shall voting members also be members of the Senate Committee on Student Grievances which heard the original grievance.
- 6.2.2 The legal assessors for the Committee on Student Discipline and the Committee on Student Grievances shall in rotation act as legal assessor for the Appeal Committee. The legal assessor on an appeal shall in no instance be the same individual who served as an assessor on the original grievance procedure.
- 6.2.3 The legal assessor is neutral between the parties. The role of the legal assessor is to advise the Committee as to the fair conduct of proceedings, but the legal assessor shall not participate in the decision. The Chair shall inform the parties as to the substance of this provision.
- 6.2.4 Decisions of the Appeal Committee shall be by a simple majority of the voting members.
- 6.2.5 All meetings and hearings of the Appeal Committee shall be closed unless the Committee directs otherwise and both parties consent. All documents submitted to the Appeal Committee shall be confidential.
- 6.2.6 All hearings of the Appeal Committee shall be audiotaped at the expense of the University. The University retains the right to dispose of the audiotape once final judgement of the Appeal Committee has been rendered.
- 6.3 Either party may appeal the decision of the Senate Committee on Student Grievances under the following circumstances:
- (1) Where new evidence which was not available to a party at the time of the original hearing has been discovered; or
  - (2) Where a breach of natural justice has occurred;
- AND where the outcome of the case at the original hearing might have been substantially affected by any of the above circumstances.
- 6.4.1 A party wishing to appeal must notify the Secretary of Senate of the intention to do so within 14 days of receiving official notice of the decision of the Senate Committee on Student Grievances. The notice of appeal must be accompanied by a concise written statement that identifies precisely the grounds upon which the appeal is based. Neither the notice of appeal nor the accompanying statement shall contain argument.
- 6.4.2 Where the basis of the appeal is new evidence, such new evidence shall be described clearly and the names of any witnesses shall be provided.
- 6.4.3 The respondent shall submit a concise written reply to the appellant's notice of appeal and the grounds invoked within 14 days of receiving the notice of appeal. This statement shall identify the respondent's position on each ground of appeal but shall not contain argument.
- 6.4.4 Only those portions of the record of the Senate Committee on Student Grievances (i.e. audiotape recording, documents submitted, judgement) identified by the parties as relevant to the grounds of appeal shall be released by the Secretary of Senate to the sub-committee of the Appeal Committee for the purpose of deciding whether leave to appeal should be granted.
- 6.4.5 All parties to the appeal shall have access to the audiotape recording for the purpose of preparing their statements.
- 6.4.6 When requested to do so by the sub-committee, the Chair of the Senate Committee on Student Grievances shall submit a statement to the sub-committee clarifying any issues relevant to the grounds of appeal.

- 6.5 No action ordered nor finding made under Section 5.2 shall take effect until the appeal has been disposed of.
- 6.6 A sub-committee of the Appeal Committee, consisting of three members of the Committee (one of whom shall be a student) and the legal assessor, shall be convened by the Chair of the Committee to determine whether the appeal should be heard on its merits. Such meeting shall take place within 40 days of the notification of appeal under Section 6.4.1, unless the parties agree otherwise or in circumstances in which delay is unavoidable. The months of July and August shall not be taken into account when calculating the above delays. The sub-committee shall base its decision on the record as defined in Section 6.4.1 through 6.4.6 and oral representations by the parties. The decision of the sub-committee is not subject to appeal.
- 6.7.1 If the sub-committee grants leave to appeal, the appeal shall be heard by the Appeal Committee as defined in Section 6.1. The Appeal Committee shall conduct this hearing represented by five of its voting members: the Chair, two academic staff, and two students (one graduate and one undergraduate). The Appeal Committee shall be convened within 40 days of the decision of the sub-committee unless the parties agree otherwise, or in circumstances in which delay is unavoidable. The months of July and August shall not be taken into account when calculating the above delays. In its consideration of the appeal, the Appeal Committee shall hear oral submissions by the parties and may review any relevant information in the written record and/or in the audiotape recording of the original hearing as directed by the parties. Witnesses shall not be called except those authorized by the sub-committee to produce new evidence.
- 6.7.2 If the Appeal Committee determines that the decision of the Senate Committee on Student Grievances was reasonable, the original decision shall remain undisturbed.
- 6.7.3 In the event that the sub-committee finds that substantial new evidence has been discovered or if it rules that exceptional circumstances of the case require it, the Appeal Committee shall rehear the case in its entirety and shall have all the powers of the original Senate Committee on Student Grievances. In such cases the parties shall have a minimum of 14 days to prepare.
- 6.8 The Principal or the Principal's delegate shall ensure that the decisions of the Appeal Committee are implemented without delay.
- 6.9 Within the jurisdiction of the University, the decision of the Appeal Committee is final.

