



Memorandum

Office of the Dean of Students
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TO: Senate
FROM: Dean of Students
SUBJECT: Proposed Revisions to the *Charter of Students' Rights*
DATE: October 25, 2017
DOCUMENT #: D17-13
ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE Revisions to the *Charter of Students' Rights* are presented for approval.

BACKGROUND & RATIONALE

An ad hoc committee of Senate was struck in Fall 2016 to review McGill's *Charter of Students' Rights* (Charter), with the Dean of Students as Chair. The Charter was deemed to require modernization, re-organization, and general revision, in part to reflect developments regarding other policies at the University. The committee generally met monthly throughout the 2016-2017 academic year. Following an extensive process of review and consultation with the McGill community, the Charter was presented to Senate in May 2017 for information. The proposed revisions include feedback from Senators.

As per section 32 of the Charter, written notice of the presentation of this item was sent to all members of Senate on October 11, 2017.

As stated in the current Charter: any amendments to the *Charter of Students' Rights* shall require a two-thirds majority vote.

PRIOR CONSULTATION

Chair of the Committee on Student Grievances
Student Advocacy Branch of the Legal Information Clinic of McGill
Chair of the *Charter of Student Rights' Senate Advisory Council*
Student Societies (via the SSMU and PGSS representatives on the ad hoc review committee)
All members of the McGill Community, using an online webform (open from 6-17 March 2017)
Faculty Deans
McGill Senior Administration
McGill Senate (May 2017) for information

SUSTAINABILITY CONSIDERATIONS

Bringing this policy into line with contemporary practices and policies at the University further the sustainable operation of governance instruments.

**IMPACT OF
DECISION AND
NEXT STEPS**

The McGill community will be made aware of the revised Charter.
In 2017-2018, work will be conducted to ensure the careful alignment of governing documents affecting students' rights and responsibilities. Notably, the *Code of Student Conduct and Disciplinary Procedures* ("the Code"), which is the the corollary document to the Charter, will be revised over this academic year to ensure the compatibility of these two documents. The committee charged with the Code's review will refer to the Charter throughout its process so that the Code accords with the Charter.

**MOTION OR
RESOLUTION
FOR APPROVAL**

Be it resolved that Senate approve the proposed revisions to the Charter of Students' Rights, as presented in Appendix A of D17-13.

APPENDICES

Appendix A: Revised *Charter of Students' Rights*
Appendix B: Side-by-Side comparison between the proposed revisions and current Charter
Appendix C: Current *Charter of Students' Rights*

Charter of Students' Rights – Revised Version

September 2017

PART I: Interpretation and Scope

1. The word “Student” shall include:
 - (i) Any person registered in the University for a course, courses, or research, whether or not they are a candidate for a degree, diploma or certificate.
 - (ii) Persons previously registered in the University under (i) above who are on a leave of absence.
2. For the purpose of a grievance under this Charter, the individual need only have been a Student at the time of the alleged violation of any right.
3. The word “University” includes, unless the context warrants otherwise, any of McGill University’s constituent entities, and staff, appointees and representatives of the University.
4. A “Member of the University Community” is the following:
 - (i) Anyone holding office under the University Charter and Statutes;
 - (ii) An appointee or employee of the University; or
 - (iii) A Student.
5. The “University Context” is defined as activities or events organized and supported by the University, whether or not on University properties.
6. “Personal information” is defined as information, which combined with the name or student number of a student, serves to identify the student, and which is contained in records concerning such student and held by the University.
7. The rights established by this Charter apply to all Students in the University Context.
8. The Charter shall not be interpreted so as to:
 - (i) Deny or restrict any advantage which by reason of a University regulation is enjoyed by a Student;
 - (ii) Deny or restrict any right or advantage granted to Members of the University Community pursuant to the Statement of Principles Concerning Freedom of Expression and Peaceful Assembly and the Statement of Academic Freedom; or
 - (iii) Give authority to the Committee on Student Grievances to award damages and interest.

PART II: Fundamental Rights and Freedoms

9. Students enjoy within the University all rights and freedoms recognized by law.
10. Students have the right to be treated with equality, dignity and respect, including the right to be free from harassment and from discrimination on the basis of race, colour, sex or gender, gender identity or expression, pregnancy, sexual orientation, civil status, age (except as provided by law), political conviction, language, ethnicity, religion, social condition, family status, a disability or the use of any means to palliate a disability.
 - 10.1 A distinction, exclusion or preference based on academic or physical requirements established in good faith is deemed non-discriminatory.
 - 10.2 The determination by the University of the language of instruction for any course shall be deemed not to infringe Section 10.
11. The University will take reasonable efforts to ensure students are free from violence, including sexual violence.
12. Students enjoy the freedoms of opinion, of expression and of peaceful assembly.
13. Students have a right to be free from vexatious conduct displayed by a representative of the University acting in an official capacity.
14. The University's administrative decisions and actions that affect students must be taken with due regard to the best interest of the student body.
15. University decisions may not violate the rights conferred upon students by any University policies or regulation.
16. The University shall take adequate measures to protect the personal security and health of students.
17. No University policy or regulation may be changed retroactively to the detriment of any student.

PART III – Academic Rights

18. Students have a right to a quality education. The University's corresponding obligation is fulfilled where:
 - (i) The University offers an education that provides students with an adequate level of competence in the relevant field of study, and
 - (ii) The University makes every reasonable effort to maintain the quality of education it dispenses, and
 - (iii) The University makes every reasonable effort to provide an appropriate environment for learning and assessment activities for the student body, including the provision of safe and suitable conditions for learning and study.
19. Students have the right to complete their graded written course work in either French or English, except in courses where language proficiency is an objective.

20. Students have the right to be provided with sufficient information to make informed decisions about course selection and registration. This information should include where appropriate:

- (i) Course descriptions,
- (ii) Pre-requisites for courses,
- (iii) Course availability,
- (iv) The method of evaluation.

21. Students have a right to a detailed and complete course outline for every course in which they are registered, to be provided during the first week of class. This information should include, where appropriate:

- (i) A description of the topics to be considered in the course,
- (ii) A list of required and recommended readings or other materials,
- (iii) A description of the means of evaluation to be used in the course,
- (iv) 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),
- (v) The instructor's contact information, office location, and office hours as appropriate.

22. Students have a right to fair and reasonable assessment of their performance in a course, and these assessments shall reflect the content of the course.

23. Students have a right to be informed, in a timely fashion, of their current academic standing or performance in a course unless the method of evaluation renders such a determination impossible.

24. Students have a right to consult any written submission for which they have received a mark, and discuss this submission with an examiner, provided the request is made within a reasonable time after notification of the grade, and subject to reasonable administrative arrangements.

25. Students have right to an impartial and competent review of any mark, provided the request is made within a reasonable time after notification of the grade, and subject to reasonable administrative arrangements.

26. Where students are permitted a choice of courses or course loads, the University shall provide a reasonable change of course period.

27. Students have a right to quality supervision of graduate work.

28. In the event that a change in supervisor is required, the University has an obligation to make reasonable efforts to identify a supervisor, with due regard to the preference of the student.

29. Students have a right to have access to relevant information concerning financial assistance offered by public funding bodies for the pursuit of higher education.

30. Students have a right to equal access to sources of funding for which they are eligible, and to have funding determinations made on a fair and impartial basis.

31. Students have the right to the recognition and protection of their scholarly work, contributions, and intellectual property.

PART IV: Procedural Rights

32. Students have the right to have access to University mechanisms for the possible resolution of disputes through informal means.

33. Every student who is charged with a disciplinary offence has a right to present a full and complete defence.

34. Every student is presumed innocent of a disciplinary offence unless they are found responsible on the basis of clear, convincing and reliable evidence brought against them.

35. Students have a right to a full, equal and fair hearing by an impartial committee, for the determination of their rights under this Charter and the determination of the merits of any allegation of a disciplinary offence brought against them.

36. Any grievance under this Charter must be filed within three years of the event giving rise to the grievance, or within one year of a Student last being registered, whichever comes later, unless, in the opinion of the Committee on Student Grievances, exceptional circumstances precluded the timely filing of the grievance.

PART V: Rights of Association and Representation

37. Students have a right to belong to any lawful association of their choice and shall not be subject to any prejudice from the University by reason of their belonging to such an association.

38. Every group of students has a right to organize and promote the interests of its members, provided that the purposes of such a group are lawful. Every such group shall have the right to publicize and hold meetings, to debate any matter and to engage in lawful and peaceful demonstration.

39. All University bodies constituted to make decisions of policy in matters pertaining directly to students must provide for student membership.

40. 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 VI: Access to Personal Information

41. Students have a right to consult any record kept by the University containing their personal information, 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, unless it is prevented by law from doing so, shall inform the student of the existence of this information and of the reasons preventing its disclosure.

42. No personal information shall be disclosed by the University to a third party in a manner which permits the identification of the student unless such disclosure is required by law, or unless the Student has consented to such disclosure.

PART VII: Amendment

43. Except for amendments to Division B of Part IX, any amendment to this Charter shall require notice to all members of Senate at least 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 VIII: Implementation

44. The University shall ensure that students have access to this Charter and other policies related to students. The University's obligation under this section is fulfilled when the University ensures policies are available online¹, and communicated to Members of the University Community.

45. The University Senate shall establish and maintain appropriate committees to give effect to this Charter.

46. The University may consider the application of this Charter in individual grievances brought before it pursuant to the Code of Student Grievance Procedures.

PART IX: Senate Advisory Council on the Charter of Students' Rights

DIVISION A – Mandate and Composition

47. The Senate Advisory Council on the Charter of Students' Rights (hereafter 'the Council') is established to consider allegations that regulations or policies of the University are in breach of, or incompatible with the provisions of this Charter. The Council shall review any allegation that the general application of a regulation or policy of the University is in violation of this Charter.

48. The Council is not empowered to arbitrate or adjudicate a specific grievance made by a student against the University.

49. The Council shall consist of five members and a Chair who shall be appointed by Senate for staggered two-year terms. Three members (including the Chair) are drawn from Academic Staff, one member shall be an undergraduate student and one member shall be a graduate student.

50. Three members of the Council (including the Chair and one student member) shall constitute quorum.

DIVISION B – Terms of Reference and Applicable Procedures

51. A request for review may be made by a member of the University community (hereafter 'the complainant'), or may be referred to the Council by either the Committee on Student Grievances or the Appeals Committee for Student Discipline and Grievances. When a review is referred to the Council by either committee, that committee shall not be a party to the proceedings before the Council. The complainant must be a member of the University community at the time the request for review is made.

52. Any request for a review shall be directed to the Chair. The Chair may meet with the complainant before or after the complainant requests a review, in order to explain the mandate

of the Council and to answer any questions the complainant may have about the procedure. Within 30 days of receiving a request, the Chair shall convene a meeting of the Council to determine whether the allegation merits review. If the review is considered unnecessary, the complainant shall be informed of the decision and the reasons for the decision within 30 days.

52.1 If the Council decides to review the complaint, it shall call for written submissions from the complainant, the University, and any other party it considers useful or necessary for its deliberations, to be received within 30 days. The Council may also hold hearings.

52.2 After all submissions have been received, the Council shall determine whether the University has violated the Charter in its general application of a regulation or policy.

53. 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, within 30 days of that decision. If the Council is of the opinion that a violation has occurred, it shall meet with appropriate members of the University to attempt a reconciliation of the regulation or policy and the Charter. Reconciliation is to be within one year of the initial complaint being brought to the Council.

53.1 If the regulation or policy is not changed, or if the Council is not satisfied that the change renders the regulation or policy in conformity with the Charter, it shall report immediately to the Secretary-General to ensure proposed changes are submitted to the appropriate governance body at the University. 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 regulation or policy.

54. An annual report of the activities of the Council shall be prepared by the Chair and presented to Senate annually. The report shall include a summary of each investigation and its final outcome. No mention shall be made of the names of the individual parties nor of any information that might lead to their identification. The report shall also include a summary of requests for which an investigation was denied.

54.1 The Council shall also report to Senate of any changes arising from the process described in article 53.1. The Principal, or the Principal's delegate, shall ensure that the decisions of Senate are implemented without delay.

55. Requests to the Council, and records of Council meetings and reviews, shall be maintained and housed in the Secretariat.

¹ Relevant policies and guidelines are housed online in the Secretariat:

<https://www.mcgill.ca/secretariat/policies-and-regulations>

Side-by-Side comparison between Revised Charter of Students’ Rights (left) and current Charter of Students’ Rights (*note*: given the restructuring of the Charter, Article numbers for current Charter [right] are not sequential).

<i>Revised Charter of Students’ Rights</i>	<i>Current Charter of Students’ Rights</i>
<p>1. The word “Student” shall include:</p> <ul style="list-style-type: none"> (i) Any person registered in the University for a course, courses, or research, whether or not they are a candidate for a degree, diploma or certificate. (ii) Persons previously registered in the University under (i) above who are on a leave of absence. 	<p>33. The word “student” includes any person registered in the University, whether or not a candidate for a degree, diploma or certificate.</p>
<p>2. For the purpose of a grievance under this Charter, the individual need only have been a Student at the time of the alleged violation of any right.</p>	<p>33. (<i>continued</i>) 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.</p>
<p>3. The word “University” includes, unless the context warrants otherwise, any of McGill University’s constituent entities, and staff, appointees and representatives of the University.</p>	<p>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.</p>
<p>4. A “Member of the University Community” is the following:</p> <ul style="list-style-type: none"> (i) Anyone holding office under the University Charter and Statutes; (ii) An appointee or employee of the University; or (iii) A Student. 	<p>(<i>Not in current Charter</i>)</p>
<p>5. The “University Context” is defined as activities or events organized and supported by the University, whether or not on University properties.</p>	<p>(<i>Not in current Charter</i>)</p>
<p>6. “Personal information” is defined as information, which combined with the name or student number of a student, serves to identify the student and which is contained in records concerning such student and held by the University.</p>	<p>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.</p>
<p>7. The rights established by this Charter apply to all Students in the University Context.</p>	<p>(<i>Not in current Charter</i>)</p>

<p>8. The Charter shall not be interpreted so as to:</p> <ul style="list-style-type: none"> (i) Deny or restrict any advantage which by reason of a University regulation is enjoyed by a Student; (ii) Deny or restrict any right or advantage granted to Members of the University Community pursuant to the Statement of Principles Concerning Freedom of Expression and Peaceful Assembly and the Statement of Academic Freedom; or (iii) Give authority to the Committee on Student Grievances to award damages and interest. 	<p>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.</p> <p>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.</p> <p>37. This Charter shall not be interpreted so as to extend the University's civil liability in damages and interest.</p>
<p>9. Students enjoy within the University all rights and freedoms recognized by law.</p>	<p>1. Every student enjoys within the University all rights and freedoms recognized by law.</p>
<p>10. Students have the right to be treated with equality, dignity and respect, including the right to be free from harassment and from discrimination on the basis of race, colour, sex or gender, gender identity or expression, pregnancy, sexual orientation, civil status, age (except as provided by law), political conviction, language, ethnicity, religion, social condition, family status, a disability or the use of any means to palliate a disability.</p>	<p>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.</p>
<p>10.1. A distinction, exclusion or preference based on academic or physical requirements established in good faith is deemed non-discriminatory.</p>	<p>2.2. A distinction, exclusion or preference based on relevant academic or physical aptitudes or qualifications required in good faith is deemed non-discriminatory.</p>
<p>10.2. The determination by the University of the language of instruction for any course shall be deemed not to infringe Section 10.</p>	<p>36. The determination by the University of the language of instruction for any course shall be deemed not to infringe Section 2.</p>
<p>11. The University will take reasonable efforts to ensure students are free from violence, including sexual violence.</p>	<p>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.</p> <p>4.2. Every student has a right to be free from a reprisal or threat of reprisal for the rejection</p>

	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.
12. Students enjoy the freedoms of opinion, of expression and of peaceful assembly.	25. Every student enjoys within the University the freedoms of opinion, of expression and of peaceful assembly.
13. Students have a right to be free from vexatious conduct displayed by a member of the University acting in an official capacity.	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.
14. The University's administrative decisions and actions that affect students must be taken with due regard to the best interest of the student body.	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.
15. University decisions may not violate the rights conferred upon students by any University policies or regulation.	6. Rights conferred upon students by regulations may not be infringed upon by administrative decisions.
16. The University shall take adequate measures to protect the personal security and health of students.	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.
17. No University policy or regulation may be changed retroactively to the detriment of any student.	23. No University regulation may be changed retroactively to the detriment of any student.
18. Students have a right to a quality education. The University's corresponding obligation is fulfilled where: <ul style="list-style-type: none"> (i) The University offers an education that provides students with an adequate level of competence in the relevant field of study, and (ii) The University makes every reasonable effort to maintain the quality of education it dispenses, and (iii) The University makes every reasonable effort to provide an appropriate environment for learning and assessment activities for the student body, including the provision of safe and suitable conditions for learning and study. 	9. Every student has a right to a quality education. The University's corresponding obligation is fulfilled where: <ul style="list-style-type: none"> (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.
19. Students have the right to complete their graded written course work in either French	15. Every student has the right to submit in English or in French written work that is to be

<p>or English, except in courses where language proficiency is an objective.</p>	<p>graded. This does not apply to courses in which acquiring proficiency in a language is one of the objectives.</p>
<p>20. Students have the right to be provided with sufficient information to make informed decisions about course selection and registration. This information should include where appropriate:</p> <ul style="list-style-type: none"> (i) Course descriptions, (ii) Pre-requisites for courses, (iii) Course availability, (iv) The method of evaluation. 	<p>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:</p> <ul style="list-style-type: none"> (a) Pre-requisites for courses, (b) Course descriptions, (c) Course availability, (d) The method of evaluation, and (e) Change of course periods.
<p>21. Students have a right to a detailed and complete course outline for every course in which they are registered, to be provided during the first week of class. This information should include, where appropriate:</p> <ul style="list-style-type: none"> (i) A description of the topics to be considered in the course, (ii) A list of required and recommended readings or other materials, (iii) A description of the means of evaluation to be used in the course, (iv) 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), (v) The instructor's contact information, office location, and office hours as appropriate. 	<p>10.2. Every instructor shall provide students during the first week of lectures with a written course outline. This information should include, where appropriate:</p> <ul style="list-style-type: none"> (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.
<p>22. Students have a right to fair and reasonable assessment of their performance in a course, and these assessments shall reflect the content of the course.</p>	<p>12. The evaluation of a student's performance in a course shall be fair and reasonable, and shall reflect the content of the course.</p>
<p>23. Students have a right to be informed, in a timely fashion, of their current academic standing or performance in a course unless the method of evaluation renders such a determination impossible.</p>	<p>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.</p>
<p>24. Students have a right to consult any written submission for which they have received a mark, and discuss this submission with the examiner, provided the request is</p>	<p>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:</p>

<p>made within a reasonable time after notification of the grade.</p>	<p>(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.</p>
<p>25. Students have right to an impartial and competent review of any mark, provided the request is made within a reasonable time after notification of the grade, and subject to reasonable administrative arrangements.</p>	<p>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: (b) Every student has a right to an impartial and competent review of any mark.</p>
<p>26. Where students are permitted a choice of courses or course loads, the University shall provide a reasonable change of course period.</p>	<p>11. Where students are permitted a choice of courses or course loads, the University shall provide a reasonable change of course period.</p>
<p>27. Students have a right to quality supervision of graduate work.</p>	<p>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.</p>
<p>28. In the event that a change in supervisor is required, the University has an obligation to make reasonable efforts to identify a supervisor, with due regard to the preference of the student.</p>	<p>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.</p>
<p>29. Students have a right to have access to relevant information concerning financial assistance offered by public funding bodies for the pursuit of higher education.</p>	<p>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.</p>
<p>30. Students have a right to equal access to sources of funding for which they are eligible, and to have funding determinations made on a fair and impartial basis.</p>	<p>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.</p>
<p>31. Students have the right to the recognition and protection of their scholarly work, contributions, and intellectual property.</p>	<p><i>(Not in current Charter)</i></p>
<p>32. Students have the right to have access to University mechanisms for the possible resolution of disputes through informal means.</p>	<p><i>(Not in current Charter)</i></p>
<p>33. Every student who is charged with a disciplinary offence has a right to present a full and complete defense.</p>	<p>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:</p>

	<p>(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.</p>
<p>34. Every student is presumed innocent of a disciplinary offence unless they are found guilty on the basis of clear, convincing and reliable evidence brought against them.</p>	<p>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.</p>
<p>35. Students have a right to a full, equal and fair hearing by an impartial committee, for the determination of their rights under this Charter and the determination of the merits of any allegation of a disciplinary offence brought against them.</p>	<p>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.</p> <p>20.2. The tribunal may decide to sit in closed session where University regulations so provide.</p>
<p>36. Any grievance under this Charter must be filed within three years of the event giving rise to the grievance, or within one year of a Student last being registered, whichever comes later, unless, in the opinion of the Committee on Student Grievances, exceptional circumstances precluded the timely filing of the grievance.</p>	<p><i>(Not in current Charter)</i></p>
<p>37. Students have a right to belong to any lawful association of their choice and shall not be subject to any prejudice from the University by reason of their belonging to such an association.</p>	<p>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.</p>
<p>38. Every group of students has a right to organize and promote the interests of its members, provided that the purposes of such</p>	<p>26. Every group of students has a right to organize and to promote the interests of its members, provided that the purposes of such</p>

<p>a group are lawful. Every such group shall have the right to publicize and hold meetings, to debate any matter and to engage in lawful and peaceful demonstration.</p>	<p>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.</p>
<p>39. All University bodies constituted to make decisions of policy in matters pertaining directly to students must provide for student membership.</p>	<p>27. All University bodies constituted to make decisions of policy in matters pertaining directly to students must provide for student membership.</p>
<p>40. 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.</p>	<p>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.</p>
<p>41. Students have a right to consult any record kept by the University containing their personal information, 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, unless it is prevented by law from doing so, shall inform the student of the existence of this information and of the reasons preventing its disclosure.</p>	<p>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.</p>
<p>42. No personal information shall be disclosed by the University to a third party in a manner which permits the identification of the student unless such disclosure is required by law, or unless the Student has consented to such disclosure.</p>	<p>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.</p>
<p>43. Except for amendments to Division B of Part IX, any amendment to this Charter shall require notice to all members of Senate at least two weeks before the meeting at which it is to be considered. To be adopted, an amendment shall require a two-thirds majority vote.</p>	<p>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.</p>

<p>44. The University shall ensure that students have access to this Charter and other policies related to students. The University's obligation under this section is fulfilled when the University ensures policies are available online¹, and communicated to Members of the University Community.</p>	<p>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.</p>
<p>45. The University Senate shall establish and maintain appropriate committees to give effect to this Charter.</p>	<p>42. The University Senate shall establish and maintain appropriate committees to give effect to this Charter.</p>
<p>46. The University may consider the application of this Charter in individual grievances brought before it pursuant to the Code of Student Grievance Procedures.</p>	<p>43. The Committee on Student Grievances may consider the application of this Charter in individual grievances brought before it.</p>
<p>47. The Senate Advisory Council on the Charter of Students' Rights (hereafter 'the Council') is established to consider allegations that regulations or policies of the University are in breach of, or incompatible with the provisions of this Charter. The Council shall review any allegation that the general application of a regulation or policy of the University is in violation of this Charter.</p>	<p>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.</p>
<p>48. The Council is not empowered to arbitrate or adjudicate a specific grievance made by a student against the University.</p>	<p>48. The Council is not empowered to arbitrate or adjudicate a specific grievance made by a student against the University.</p>
<p>49. The Council shall consist of five members and a Chair who shall be appointed by Senate for staggered two-year terms. Three members (including the Chair) are drawn from Academic Staff, one member shall be an undergraduate student and one member shall be a graduate student.</p>	<p>45. The Council shall consist of five members and a Chair who shall be appointed by Senate for staggered two-year terms.</p>
<p>50. Three members of the Council (including the Chair and one student member) shall constitute quorum.</p>	<p>46. Two members of the Council and the Chair shall constitute quorum.</p>

<p>51. A request for review may be made by a member of the University community (hereafter ‘the complainant’), or may be referred to the Council by either the Committee on Student Grievances or the Appeals Committee for Student Discipline and Grievances. When a review is referred to the Council by either committee, that committee shall not be a party to the proceedings before the Council. The complainant must be a member of the University community at the time the request for review is made.</p>	<p>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 complain-ant) or may be referred to the Council by the Committee on Student Grievances.</p> <p>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.</p>
<p>52. Any request for a review shall be directed to the Chair. The Chair may meet with the complainant before or after the complainant requests a review, in order to explain the mandate of the Council and to answer any questions the complainant may have about the procedure. Within 30 days of receiving a request, the Chair shall convene a meeting of the Council to determine whether the allegation merits review. If the review is considered unnecessary, the complainant shall be informed of the decision and the reasons for the decision within 30 days.</p>	<p>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.</p>
<p>52.1 If the Council decides to review the complaint, it shall call for written submissions from the complainant, the University, and any other party it considers useful or necessary for its deliberations, to be received within 30 days. The Council may also hold hearings.</p>	<p>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.</p>
<p>52.2 After all submissions have been received, the Council shall determine whether the University has violated the Charter in its general application of a regulation or policy.</p>	<p>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.</p>
<p>53. If the Council is of the opinion that there is no violation, it shall inform the complainant</p>	<p>50.2. After all submissions have been received, the Council shall determine whether a violation of the Charter has occurred. If the</p>

<p>of the decision and the reasons for the decision, within 30 days of that decision. If the Council is of the opinion that a violation has occurred, it shall meet with appropriate members of the University to attempt a reconciliation of the regulation or policy and the Charter. Reconciliation is to be within one year of the initial complaint being brought to the Council.</p>	<p>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.</p>
<p>53.1 If the regulation or policy is not changed, or if the Council is not satisfied that the change renders the regulation or policy in conformity with the Charter, it shall report immediately to the Secretary-General to ensure proposed changes are submitted to the appropriate governance body at the University. 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 regulation or policy.</p>	<p>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.</p>
<p>54. An annual report of the activities of the Council shall be prepared by the Chair and presented to Senate annually. The report shall include a summary of each investigation and its final outcome. No mention shall be made of the names of the individual parties nor of any information that might lead to their identification. The report shall also include a summary of requests for which an investigation was denied.</p>	<p>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.</p>
<p>54.1 The Council shall also report to Senate of any changes arising from the process described in article 51.2. The Principal, or the Principal's delegate, shall ensure that the decisions of Senate are implemented without delay.</p>	<p>50.3. If the mediation produces a change in the rule, the University shall inform the Senate of such change.</p>
<p>55. Requests to the Council, and records of Council meetings and reviews, shall be maintained and housed in the Secretariat.</p>	<p><i>(Not in current Charter)</i></p>

Section Comparison

Revised Charter of Students’ Rights

PART I: Interpretation and Scope	Articles 1 - 8
PART II: Fundamental Rights and Freedoms	Articles 9 - 17
PART III – Academic Rights	Articles 18 - 31
PART IV: Procedural Rights	Articles 32 - 36
PART V: Rights of Association and Representation	Articles 37 - 40
PART VI: Access to Personal Information	Articles 41 - 42
PART VII: Amendment	Article 43
PART VIII: Implementation	Articles 44 - 46
PART IX: Senate Advisory Council on the Charter of Students’ Rights	Articles 47 - 55

Current Charter of Students’ Rights

PART I: FUNDAMENTAL RIGHTS AND FREEDOMS	Articles 1 - 8
PART II: ACADEMIC RIGHTS	Articles 9 - 19
PART III: PROCEDURAL RIGHTS	Articles 20.1 - 23
PART IV: RIGHTS OF ASSOCIATION AND REPRESENTATION	Articles 24 - 28
PART V: ACCESS TO PERSONAL INFORMATION	Articles 29 - 31
PART VI: AMENDMENT	Article 32
PART VII: INTERPRETATION	Articles 33 - 40
PART VIII: IMPLEMENTATION	Articles 41 - 52

Articles in the current charter but not included in the revised charter, and explanations
(italics)

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. *The spirit of this Article is now reflected in Article 31, in the revised Charter*

35 The word “course” includes a programme of courses and programme leading to a degree. *It is believed this is not required in the revised Charter.*

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. *It is believed this is not required in the revised Charter.*

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. *It is believed this is not required in the revised Charter because “rule” is not used in the revised charter.*

¹ Relevant policies and guidelines are housed online in the Secretariat:
<https://www.mcgill.ca/secretariat/policies/students/handbook-student-rights-and-responsibilitiesle-recueil-des-droits-et-obligations-de-letudiant>

Charter of Students' Rights

Approved:
Senate

January 21, 2009

Minute 3

Full history appears at the end of this document.

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.

<i>History</i>		
<i>Approved:</i>		
Senate	April 4, 1984	Minute 64
<i>Amended</i>		
Senate	January 13, 1988	Minute 70
Senate	May 24, 2001	Minute 8
Senate	May 4, 2005	Minute 10
Senate	January 21, 2009	Minute 3