

Report of the Senate Advisory Council on the Charter of Students' Rights

September 1, 2012 to August 31, 2013

During this period, the Council received one request to investigate the question of whether “the general application of McGill’s International Policy violates University’s obligations under the Charter of Students’ Rights” (Senate Committee on Student Grievances, hereby, “the Committee”, Feb.11, 2013)

The specific concern raised by the Committee focused on McGill International Travel Policy’s prohibition of travel to countries under a level---4 DFAIT advisor (Department of Foreign Affairs, Trade and Development Canada) (see "University---Related International Travel Activity by Students and University Staff Accompanying Them," McGill University). The Committee referred this issue to the Advisory Council “to determine whether it should be revised to include the possibility of – and application process for—travel to a country under a level 4 DFAIT advisory.” (Senate Committee on Student Grievances, Feb.11, 2013).

The Senate Advisory Council on the Charter of Students’ Rights met on May 13, 2013 to review this issue. Given our mandate, the Advisory Council on Student Rights did not consider itself to be in a position “to determine whether it should be revised to include the possibility of —and application process for—travel to a country under a level 4 DFAIT advisory.” There were concerns about unwarranted constraints imposed on students by a categorical prohibition of travel to countries with high-level DFAIT advisories. Travel policies in other large research universities in Canada do allow for exemptions to level 4 DFAIT advisories under exceptional circumstances.

However, the Advisory Council did not deem the imposition of travel restrictions based on level 4 DFAIT advisories to be a clear violation of the Charter of Student Rights. In this area, University policies attempt to strike a balance between University commitments to ensure the safety of students and its commitment to quality education. Arguably, there can be a valid margin of discretion related to the ways in which universities factor DFAIT travel advisories into the design of their travel policies.

Some of the concerns that were raised in the Advisory Council’s deliberations include the following:

- While McGill’s “Go Abroad” program seems to be well suited for most undergraduate university-related travel (exchange, field studies and internships), it does not seem to cover independent and graduate research

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travel.

- The procedures for preparing graduate students to travel for field research seem to be scattered across units and faculties within the University. It may be advisable to survey different practices in such a way to consolidate efforts and to generate consistency across the university. Universities such as Queen's and UBC have centralized, harmonized, procedures and may provide excellent models for McGill.
- To our knowledge, there are no detailed risk evaluation or informed consent forms that are required at McGill, other than the more general "Student Acceptance Form Acknowledgement and Consent." For example, Queen's has detailed risk evaluation and informed consent forms to be completed prior to departure. This can be a particularly useful tool to ensure that field placements align with students' rights and responsibilities as set out in the Charter, as well as to handle liability issues.
- Given rapid changes occurring in an increasingly globalized educational context, McGill's policies on international travel require ongoing revision and oversight in order to be consistent with the best practices, policies and systems in other major research universities. Ongoing revision and oversight is also required to keep McGill's policy consistent with changes at DFAIT, for instance with respect to language and risk ratings. Furthermore, it should be noted that this coding itself is now dated since DFAIT no longer uses the Levels 1--4 coding for its advisories.
- Concerns were also raised about proper communication of rules and procedures by administrators, faculty and supervisors.

Professor Daniel Cere, Chair of the Senate Advisory Council on the Charter of Students' Rights.