

TO: Senate

FROM: Senators Werber, Tureli, Levey, and Vaillancourt

SUBJECT: Question Regarding the New Vic Project and Kanien'kehá:ka
Kahnistensera

MEETING DATE: February 15, 2023

PREAMBLE: At its October 19, 2022 meeting, Senate received a [question](#) regarding the New Vic Project. Specifically, the question concerned allegations by the Kanien'kehá:ka Kahnistensera, the Mohawk Mothers, who play a crucial role in social and political life in traditional Kanien'kehá:ka society, including maintaining communal knowledge.

Discussions regarding the New Vic Project have historically been within the purview of the University's Senate. Beyond the October 2022 question, Senate heard an [informative presentation](#) on the project from the then Provost and Vice-Principal (Academic) in 2017. Further, in 2013, when the project was in its infancy, Senate heard a [question](#) on the project from an officer of the Students Society of McGill University. The questions below are thus a continuation of a practice historically held to be within Senate's jurisdiction.

Simultaneously, the social responsibility of projects that advance the University's academic and research mission is appropriately the concern of the Senate. Discussing allegations which risk impeding such advancement is instrumental to the furthering of the University's academic mission and thus a shared concern of senators.

Further, the questions below are asked in a spirit of good faith and transparency. The questioners submit the questions below due to concern raised by members of the McGill community. The questioners' intent is not to unduly interfere or delay the project, nor is it to speak on behalf of any Indigenous communities. Rather, the questions are submitted to better understand the University's plans and approach to academic advancement.

The Kahnistensera allege that Indigenous people were subject to inhumane treatment and experiments performed by Dr. Donald Ewen Cameron 1950's and 1960's at the Allen Memorial Institute, which adjoins the New Vic site. As such, they believe that pre-colonial Indigenous artifacts may be buried beneath the site of the Royal Vic slated for excavation. They allege that archeological evidence of this recent and pre-colonial past, including potential unmarked graves, is at risk of irrevocable destruction, should excavation for the project proceed without further archeological inspection.

Further, as recent discoveries of unmarked graves at residential schools across Canada have shown, burial sites may be slightly removed from the exact locations where violence occurred (in this case, allegedly at the Allen Memorial Institute). Healthcare facilities, including those in the academic context, have historically been venues for colonial violence, so questions regarding the wider Royal Victoria Hospital site are appropriate in this context.

In the written answer to the questions submitted by Senators Werber, Vaillancourt, and Londono, in October 2022, University leadership stated it that was moving the matter forward in a manner aligned with its [commitments](#) to reconciliation—including commitments made explicitly on the [New Vic website](#)—and claimed that the methodology for the present archaeological work, which is limited to excavation by hand, “reflects professional and scholarly best practices”. The administration’s response further stated that remote sensing technologies “would not provide any additional information or benefit.”

However, [guidelines](#) developed by the Canadian Archaeological Association—the preeminent archaeological organization in Canada—on the investigation of potential unmarked grave sites, indicate that excavation by hand is not the first step in best practices. These guidelines were the subject of discussion during the October 19, 2022 Senate meeting.

Following the October 19, 2022 Senate discussion, lawyers for McGill and SQI, and the Kahnistensera appeared before the Quebec Superior Court on October 26 and 27, 2022. Following these hearings, the Honorable Judge Moore granted an injunction ordering all excavation halted “until the parties have completed discussions, undertaken in a spirit of reconciliation, regarding the archeological investigations that must be conducted.”

Specifically, the Court called for the development of an archeological plan to “ensure that the work proceeds in a manner that respects the plaintiffs’ legitimate concerns about identifying any unmarked graves before they are disturbed”, which could re-traumatize the Kahnistensera and other Kanien’kehá:ka community members.

QUESTION:

In light of Judge Moore’s court order on October 27, 2022 halting the excavation by McGill and its partners until further consultation and negotiations occur;

1. Given that reconciliation with Indigenous peoples is at the core of the University’s academic mission, including its plans to establish new research centers, how has the University’s consultation methods changed with Indigenous communities on this project after the court order, particularly with the Kanien’kehá:ka Kahnistensera?
2. Seeing as it is in the interest of advancing the University’s academic mission that the New Vic Project not be interrupted by archeological discoveries after construction has already begun, can the University commit to following the Canadian Archaeological Association’s [guidelines for best practices](#), which is widely seen as the proper way to proceed at sites where allegations of unmarked graves have been made?
3. Does the University believe that permitting the Kanien’kehá:ka Kahnistensera to conduct their own archeological investigations of the New Vic site may be the proper approach in light of the ruling from the Quebec Superior Court?

Response provided by Professor Fabrice Labeau, Co-Acting Provost and Vice-Principal (Academic) and Deputy Provost (Student Life and Learning), and Professor Angela Campbell, Co-acting Provost and Vice-Principal (Academic) and Associate Provost (Equity and Academic Policies).

"Thank you for your questions, Senators Werber, Tureli, Levey, and Vaillancourt. I will answer each in turn. Prior to doing so I would like to clarify one point. The second paragraph of the preamble begins: 'Discussions regarding the New Vic Project have historically been within the purview of the University’s Senate'. We note that informational updates on the New Vic Project have been provided to Senate from time to time.

However, decisions regarding the financing, design, and construction of the New Vic Project fall within the purview of the Board of Governors.

Turning to the actual questions, the University has been actively engaged in discussions with the Kanien'kehá:ka Kahnistensera. There were 7 meetings held between the end of October 2022 and now, with the last one taking place on February 7, 2023. There was also email communication between the Kanien'kehá:ka Kahnistensera, the University and the SQI between meetings.

The CAA guidelines are nuanced and apply in a variety of circumstances. Any archaeological work conducted on the site will be informed by these guidelines. The University has relied, and will rely, on the advice of professional archaeologists to conduct the archaeological work on the New Vic site. Given that the New Vic site is not the site of a former Indian Residential School, nor is it known as a site of unmarked graves, and in view of the geology of the site (notably the proximity of the bedrock to the site's surface), the University believes that the likelihood of finding unmarked graves on the site is very low. We are prepared to do archeological work appropriate to the site to verify this matter and we are working in consultation with Indigenous communities in this regard.

The University believes that archaeological work must be conducted by expert archaeologists in consultation with the parties and their experts, including the Kanien'kehá:ka Kahnistensera, the governing bodies of the relevant Indigenous communities, the University, and the SQI. The work would have to be done in accordance with authorizations that must be obtained from the Ministry of Culture of Quebec."