

Question

TO: Senate

QUESTION FROM: Senators Rourke and Brunot

RESPONSE FROM: Mr. Stephen Strople, Secretary-General

SUBJECT: Question Regarding the Resolution of Grievances under the Committee of Student Grievances

MEETING DATE: April 20, 2016

PREAMBLE: Whereas, students have indicated that it takes a long time to issue a decision once a student grievance is filed;

Whereas, appeals of grievances involve an additional process;

Whereas, pursuing informal resolution is a pre-requisite to filing a grievance as described in the Code of Student Grievance Procedures and may be a lengthy process in it of itself;

Whereas, the time and effort required may deter some students from filing a grievance;

Whereas, similar concerns were raised in a question submitted to Senate in 2007¹;

QUESTION:

- 1) What is the process for considering:
 - a) A grievance?
 - b) An appeal?
- 2) How long, on average, has it taken to issue a decision once a student grievance was filed with the Committee on Student Grievances over the past five years?
- 3) How long, on average, has it taken to issue a decision once an appeal was filed over the past five years?
- 4) What are the process and variables that affect timing?

¹ https://www.mcgill.ca/senate/files/senate/question_re_student_grievances.pdf

- 5) What is the proportion of grievance cases, in the past five years, where students filed an appeal? How long did it take for the leave for appeal to be granted or denied?
 - 6) What are the processes and mechanisms in place to examine the efficiency of the grievances and appeals processes?
 - 7) Has the University attempted to evaluate the satisfaction of students who have pursued recourses through informal channels (e.g. Ombudsperson, Dean of Students) or formal channels (e.g. Committee on Student Grievances, Appeals Committee)?
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RESPONSE:

- 1 a) Once a student files a grievance with Secretariat, it is provided to the Chair of the Student Grievance Committee for consideration. As provided for in the regulations, the Chair directs the process. After review, the Chair may indicate to Secretariat that there are key details missing from the original grievance documents or that clarifications are necessary. Clarification is often sought regarding descriptions of the steps towards resolution that were taken by the grievor prior to the filing of the grievance. In some cases, the Chair may suggest that the grievor explore additional steps towards resolution through the Ombudsperson, the appropriate Faculty, Service Point, the Dean of Students or through other means, before starting the grievance process.

The Secretariat coordinates and administers the implementation of the grievance process in accordance with the regulations and the direction provided by the Chair and the subcommittee. Such support includes the transmission of grievance materials to all parties and to the subcommittee, the scheduling of the hearing, notification of the parties of the hearing and other grievance-related communication, and the dissemination of the decision report.

A subcommittee comprised of two academics and a student, supported by the Legal Assessor and the Secretary, will hear the oral presentation and arguments of the grievor and the respondents. Each of the parties may be accompanied by an advisor and each may call witnesses. The committee deliberates following the hearing and reaches a decision by consensus, or by a majority vote. The Chair drafts a written decision with reasons and circulates the draft to the subcommittee for their feedback and eventual sign-off. The decision, once signed, is communicated to the parties by the Secretariat.

- 1 b) An appeal to a student grievance may be filed by either party to the grievance. Once filed with Secretariat, a copy is transferred to the Chair of the Appeal Committee for Student Discipline and Grievances for consideration. After review, the Chair may indicate to Secretariat that there are key details missing from the appeal documents or clarifications that are necessary.

The Secretariat coordinates and administers the implementation of the appeal process in accordance with the regulations and the direction provided by the Chair and the subcommittee. Such support includes the transmission of grievance materials to all parties and to the subcommittee, the scheduling of the hearing, notification of the parties of the hearing and other appeal-related communication, and the dissemination of the decision report.

A first level of hearing is held by a three member subcommittee of two academics and one student on whether the appeal should be heard. If the subcommittee determines a full or partial hearing should be scheduled, a new committee of two students, two academics, a Legal Assessor and the Dean of Students (or Associate Dean), supported by the Secretary, is struck to hear the case. The decision of this committee cannot be appealed. For both levels of hearings, advisors can accompany the parties, and witnesses may be called.

- 2) While the regulations set out timelines for various stages of the grievance process, each case is assessed on its own merits through a process that is appropriate to the particular circumstances of the case. Consequently, generalities, comparisons, or averages may not be meaningful measures of the process.

Table I appended to this response provides summary information on each of the grievances filed since 2011.

- 3) As with grievances, the length of the process depends on the particular circumstances of the case. Table II appended to this response provides summary information on each of the grievances filed since 2011.

- 4) Variables that affect timing include:

- Timing of the Senate nominations and approval of student committee members;
- Requirement and availability of committee members for annual training;
- Availability of the parties and the committee members;
- Requests for extensions by either party for the submission of documentation;
- Finding a date for the hearing that is acceptable to the committee;
- Requests from either party to reschedule a hearing;
- The time of year the grievance is filed, as hearings do not occur during the months of July and August;
- Matters or requests arising from the subcommittee preliminary review;
- Complexity and consultation involved in the writing of the decision;
- Number of grievances or appeals occurring at the same time;
- Other unforeseen circumstances;

- 5) During the last five years, approximately one-quarter of the student grievance decisions have been appealed.

- 6) There is a review from time to time of the *Charter of Students' Rights* and a review is currently in progress by a committee chaired by the Dean of Students. Reviews made to the charter would lead to a subsequent review of the *Code of Student Conduct and Disciplinary Procedures*. In each case, Secretariat monitors the process and will remind the Chair of any further steps required to bring a process to its conclusion.

7) We are unaware of any evaluation process of this nature.

TABLE I

Table I indicates the timing of the student grievances of the last five years.

Grievance number	Date Filed	Original Hearing Date	Actual Hearing Date	Decision Issued
1	August 6, 2011		November 14, 2011	December 19, 2011
2	September 30, 2011		February 13, 2013	March 8, 2012
3	February 8, 2012		May 14, 2012	July 18, 2012
4	February 26, 2012		March 7, 2012	March 17, 2012
5	February 26, 2012		May 9, 2012	July 9, 2012
6	May 8, 2012		October 22, 2012	February 18, 2012
7	July 9, 2012		January 21, 2013	April 30, 2013
8	July 16, 2012		November 29, 2012	February 10, 2013
9	July 30, 2012	June 14, 2012	October 5, 2012	November 8, 2012
10	September 18, 2012		November 21, 2012	January 21, 2013
11	November 14, 2012		April 3, 2013, May 24, 2013	July 24, 2013
12	January 17, 2013		March 11, 2013	November 23, 2013
13	December 14, 2012	April 22, 2013	May 22, 2013	March 17, 2014
14	March 28, 2013		May 13, 2013	August 15, 2013
15	January 9, 2013		October 23, 2013	January 15, 2014
16	November 27, 2013		January 22, 2014	April 9, 2014
17	December 9, 2013		March 26, 2014	May 15, 2014
18	February 6, 2014		March 27, 2014	June 20, 2014
19	February 14, 2014	March 18, 2014	April 14, 2014	October 2, 2014
20	March 21, 2014	June 19, 2014	November 3, 2014	May 5, 2015
21	April 1, 2014		November 3, 2014	March 15, 2015
22	November 7, 2014		January 12, 2015	March 15, 2015
23	December 6, 2014		February 3, 2015	March 9, 2015
24	December 7, 2014		February 3, 2015	March 23, 2015
25	December 7, 2014		February 3, 2015	April 15, 2015
26	February 26, 2015		May 27, 2015	January 25, 2016
27	May 5, 2015	October 9, 2015	November 24, 2015	April 5, 2016
28	June 8, 2015		July 16, 2015	September 30, 2015
29	December 1, 2015		February 9, 2016	In progress
30	March 3, 2016		Scheduled/ in progress	TBD

TABLE II

Table II indicates the timing of the appeals to student grievances of the last five years.

Grievance number	Date Filed	Original Hearing Date	Actual Hearing Date	Decision Issued
1	January 9, 2012		March 12, 2012	March 21, 2012
2	February 5, 2012		April 11, 2012	April 19, 2012
3	August 1, 2012		February 28, 2013	March 14, 2013
4	May 14, 2013		October 21, 2013	November 1, 2013
5	March 24, 2015		May 12, 2015	July 1, 2015
6	March 24, 2015		May 12, 2015	July 1, 2015
7	March 24, 2015		May 12, 2015	July 1, 2015
8	October 14, 2015		December 8, 2015	January 12, 2016