

AGENDA

NOTE: Members who wish to have items moved from the Consent to the Regular Agenda should contact the University Secretariat before the Senate meeting. Members may also request to have items moved when the Agenda is presented for approval.

Page

A. OPEN SESSION

OPENING REMARKS

1. APPROVAL OF AGENDA – OPEN SESSION

CONSENT

2. MINUTES OF PREVIOUS MEETING – NOVEMBER 13, 2019 (OPEN SESSION)

3. REPORT FROM THE COMMITTEE ON APPOINTMENTS

3 - 4 [Report from the Committee on Appointments \(INFORMATION\)](#)

REGULAR

4. BUSINESS ARISING

5. ENQUIRIES

6. COMMUNICATIONS

5 - 14 [a. Enrolment Figures \(INFORMATION\)](#)

7. REPORT FROM THE UNIVERSITY PLANNING COMMITTEE

15 - 32 [Report from University Planning Committee \(APPROVAL\)](#)

8. REPORT FROM THE COMMITTEE ON APPOINTMENTS

33 - 35 [i. Revisions to SPS A9 - Allocation of Teaching-Stream Positions Across Faculties](#)

36 - 37 [Current Version - SPS A9 - Allocation of Teaching-Stream Positions Across Faculties](#)

9. REPORT FROM THE COMMITTEE ON STUDENT AFFAIRS

38 - 72 [a. Revisions to the Code of Student Rights and Responsibilities \(APPROVAL\)](#)

73 - 113

[c. Current Version - Code of Student Rights and Responsibilities](#)

10. REVIEW OF UPDATED SEXUAL VIOLENCE POLICY AND POLICY ON DISCRIMINATION AND HARASSMENT

114 - 116

[Memo - Review of Updated Sexual Violence Policy and Policy on Discrimination and Harassment](#)

117 - 154

[a. Revisions to the Sexual Violence Policy \(APPROVAL\)](#)

155 - 188

[Current Version - Sexual Violence Policy](#)

189 - 221

[b. Revisions to the Discrimination and Harassment Policy \(APPROVAL\)](#)

222 - 259

[Current Version - Discrimination and Harassment Policy](#)

11. OTHER BUSINESS

B. CLOSED SESSION

REPORT TO THE SENATE
FROM THE
COMMITTEE ON APPOINTMENTS

Open Session (Consent)

Ad-Hoc Drafting Committee to Revise the Faculty General Grievance Procedure

At its meeting on December 9, 2019, the Senate Committee on Appointments approved the revised membership for the Ad-Hoc Drafting Committee to Revise the Faculty General Grievance Procedure, and now recommends it to Senate for information.

SENATE: FOR INFORMATION
December 11, 2019

Joint MUFA-SCA Ad-Hoc Drafting Committee to Revise the Faculty General Grievance Procedure

Revised Committee Membership

SCA Appointees:	Dr. Carlos Filipe	Professor, Chemical Engineering
	Dr. Carl Richards	Professor, Pathology and Molecular Medicine
	Dr. John Weaver	Professor, History
MUFA Appointees:	Dr. Nicholas Kevlahan	Professor, Mathematics and Statistics
	(Chair) Dr. Rafael Kleiman	Professor, Engineering Physics
	Dr. Michelle Dion	Associate Professor, Political Science

Full Time and Part Time Undergraduate Enrolment by Faculty and Level, as of November 1st.

FACULTY/LEVEL	2018/2019										2019/2020										
	Fall										Fall										
	Full Time							Part Time		Grand Total	Full Time							Part Time		Grand Total	Grand Total Δ in %
	I	II	III	IV	V	OTHER	Total	Total	Total		I	II	III	IV	V	OTHER	Total	Total	Total		
BUSINESS	959	788	850	580		2	3179	87	87	3266	945	813	773	742		60	3333	63	63	3396	4.0%
BACHELOR OF TECHNOLOGY	264	301	396	442			1403	231	231	1634	285	296	418	509			1508	262	262	1770	8.3%
CHEMICAL ENGINEERING		79	94	114	48		335	5	5	340		77	72	109	45		303	5	5	308	-9.4%
CIVIL ENGINEERING		115	120	118	30		383	5	5	388		146	107	123	32		408	9	9	417	7.5%
COMPUTING & SOFTWARE	59	263	254	267	27		870	19	19	889	85	250	256	254	42		887	29	29	916	3.0%
ELECTRICAL & COMPUTER ENGINEERING		174	183	186	19		562	10	10	572		195	157	176	31		559	13	13	572	0.0%
ENGINEERING PHYSICS		43	46	36	9		134	4	4	138		67	45	47	10		169			169	22.5%
FACULTY OF ENGINEERING	985	12	1			33	1031	15	15	1046	910	4	1			41	956	13	13	969	-7.4%
IBEHS	141	119					260			260	146	148	107				401	1	1	402	54.6%
MATERIAL SCIENCE & ENGINEERING		34	39	46	7		126	3	3	129		47	33	39	5		124	2	2	126	-2.3%
MECHANICAL ENGINEERING		125	181	115	51		472	6	6	478		142	134	124	52		452	7	7	459	-4.0%
ENGINEERING TOTAL	1449	1265	1314	1324	191	33	5576	298	298	5874	1426	1372	1330	1381	217	41	5767	341	341	6108	4.0%
BACHELOR HEALTH SCIENCES	243	257	267	159		2	928	2	2	930	263	253	253	222		3	994	3	3	997	7.2%
BIOCHEMISTRY & BIOMEDICAL SCI			53	51			104	1	1	105			57	50			107	1	1	108	2.9%
HONOURS BIOLOGY & PHARMACOLOGY (BIOPHARM)			15	12	5		32			32			22		5		27			27	-15.6%
MIDWIFERY	32	28	25	41			126	2	2	128	25	29	26	29			109	1	1	110	-14.1%
PEDIATRICS						117	117			117						121	121			121	3.4%
ANAESTHESIOLOGY						56	56			56						61	61			61	8.9%
FAMILY MEDICINE						229	229			229						232	232			232	1.3%
HEALTH RESEARCH METHODS, EVIDENCE AND IMPACT						2	2			2						2	2			2	0.0%
MEDICINE						319	319			319						342	342			342	7.2%
MULTIPLE DEPARTMENTS						1	1			1						4	4			4	300.0%
OBSTETRICS & GYNECOLOGY	202	208	202			46	658			658	204	204	202			49	659			659	0.2%
ONCOLOGY						28	28			28						29	29			29	3.6%
PATHOLOGY & MOLECULAR MEDICINE						27	27			27						30	30			30	11.1%
PHYSICIAN ASSISTANT EDUCATION PROGRAM	25	22					47			47	25	24					49			49	4.3%
PSYCHIATRY & BEHAVIOURAL NEUROSCIENCES						58	58			58						63	63			63	8.6%
RADIOLOGY						44	44			44						45	45			45	2.3%
SURGERY						53	53			53						40	40			40	-24.5%
RESIDENTS						136	136			136						148	148			148	8.8%
NURSING	136	111	196	201			644	9	9	653	129	129	177	193			628	7	7	635	-2.8%
COLLABORATIVE NURSING	274	338	330	359			1301	70	70	1371	261	406	300	344			1311	42	42	1353	-1.3%
FHS CONTINUING						4	4	2	2	6						2	2	7	7	9	50.0%
HEALTH SCI TOTAL	912	964	1088	823	5	1122	4914	86	86	5000	907	1045	1037	838	5	1171	5003	61	61	5064	1.3%
HUMANITIES	544	600	529	429		31	2133	129	129	2262	558	587	528	409		29	2111	128	128	2239	-1.0%
SCIENCE	1897	1855	1716	1478	14	93	7053	116	116	7169	2174	1855	1729	1675	13	56	7502	124	124	7626	6.4%
SOCIAL SCIENCES	1211	1175	959	657		36	4038	218	218	4256	1233	1173	1056	699		35	4196	200	200	4396	3.3%
ARTS & SCIENCE	70	59	71	71			271	4	4	275	62	67	52	78		1	260	5	5	265	-3.6%
DIVINITY	11	19	2			17	49	139	139	188	13	11				13	37	145	145	182	-3.2%
GRAND TOTAL	7053	6725	6529	5362	210	1334	27213	1077	1077	28290	7318	6923	6505	5822	235	1406	28209	1067	1067	29276	3.5%

Note 1: Undergraduate Headcount enrolment includes Fall as reported to MCU on each year.

Note 2: Headcount Total excludes students on Co-op work term.

Note 3: Faculty of Engineering Other includes: Continuing Student-Engineering, Exchange Student (Incoming)-EN, LOP (Incoming)-EN, LOP/Visiting (Incoming)-EN, Transition Student-Engineering.

Note 4: Effective Summer 2015, McMaster's definition of a part time student chagned from 12 units to 9 units per four month term.

SOURCE: STUDENT RECORDS DATABASE (PeopleSoft Campus Solutions)
PREPARED BY THE OFFICE OF INSTITUTIONAL RESEARCH AND ANALYSIS



Enrolment Management Update
Headcounts of Level 1 students

FACULTY/PROGRAM			Total	2018												Grand Total	2019												Grand Total
				101			105			Grand	RETURNING			Grand	101			105			Grand	RETURNING							
Target	Full-Time	Part-Time	Total	Full-Time	Part-Time	Total	Full-Time	Part-Time	Total		Full-Time	Part-Time	Total		Target	Full-Time	Part-Time	Total	Full-Time	Part-Time		Total	Full-Time	Part-Time	Total	Full-Time	Part-Time	Total	
ARTS & SCIENCE PROGRAM	Arts & Science 1	ASCIENCE1	70	49		49	18		18	67	3		3	-3	71	52		52	9		9	61	1	1	2	-10			
	Total		70	49		49	18		18	67	3		3	-3	71	52		52	9		9	61	1	1	2	-10			
FACULTY OF BUSINESS	Business 1	BUSINESS1	785	668	2	670	92	2	94	764	139	12	151	-21	735	614	2	616	105		105	721	161	5	166	-14			
	Integrated Business&Humanities	HIBH	50	50		50	1		1	51	1		1	1	50	45		45	4		4	49	2		2	-1			
	Transition Student-Business	TRANSSB									8	3	11	0								14	1		15	0			
	Total		835	718	2	720	93	2	95	815	148	15	163	-20	785	659	2	661	109		109	770	177	6	183	-15			
FACULTY OF ENGINEERING	B Tech 1 - BioTechnology CO-OP	BTECH_BIO1	43	42		42	6		6	48	9		9	5	39	58		58	10		10	68	6		6	29			
	BTech1-Auto&Veh Eng Tech CO-OP	BTECH_AV1	80	88		88	11		11	99	17		17	19	81	80		80	8		8	88	12	1	13	7			
	BTech1-Automatn Eng Tech CO-OP	BTECH_PA1	80	81		81	3		3	84	7		7	4	84	89		89	7		7	96	15	1	16	12			
	Computer Science 1	COMPSC1	3	3		3	2		2	5	3		3		7	7		7	4		4	11	1		1				
	Computer Science 1 CO-OP	COMPSC1CO1	45	41		41	8		8	49	2		2	9	52	41		41	27	1	28	69	5	1	6	28			
	Engineering 1	ENGINEER1	899	107		107	17	1	18	125	14	2	16	14	833	65	1	66	25		25	91	24		24	-42			
	Engineering 1 CO-OP	ENGINEERC1		692	1	693	99	1	100	793	53	3	56		568			568	132		132	700	93	7	100				
	Integr Biomed Eng&Hth Sc1CO-OP	IBEHS1		102		102	11		11	113				-9	145	117		117	5		5	122	3		3	-3			
	Integrated Biomed Eng & HthSc1	IBEHS1		25		25	3		3	28					18			18	2		2	20	1	1	2				
	Transition Student-Engineering	TRANSEN									3	2	5	0									3	1	4	0			
	Total		1297	1181	1	1182	160	2	162	1344	108	7	115	47	1234	1043	1	1044	220	1	221	1265	163	12	175	31			
FACULTY OF HEALTH SCIENCES	Bach. of Health Sciences Hon	BHSC1	240	216		216	25		25	241	2		2	1	242	230		230	29		29	259	4		4	17			
	Total		240	216		216	25		25	241	2		2	1	242	230		230	29		29	259	4		4	17			
FACULTY OF HUMANITIES	Humanities 1	HUM1	450	325	1	326	120	7	127	453	50	7	57	3	444	342	1	343	77	3	80	423	86	5	91	-21			
	Music 1	MUSIC1	25	11		11	4		4	15	6		6	-10	20	19		19	2	1	3	22	6		6	2			
	Studio Art 1	STUDIOART1	26	23		23	4	1	5	28	1	1	2	2	25	16		16	6		6	22	4	1	5	-3			
	Total		501	359	1	360	128	8	136	496	57	8	65	-5	489	377	1	378	85	4	89	467	96	6	102	-22			
FACULTY OF SCIENCE	Chemical &Physical Sci Gateway	PHYSALSC1	105	79		79	12		12	91	21	3	24	-14	90	91		91	20		20	111	20	1	21	21			
	Enviro & Earth Sci Gateway	ENVEARTH1	63	53		53	13	1	14	67	12		12	4	54	67		67	16		16	83	7	1	8	29			
	Integrated Science Gateway	HINTEGSCI	60	63		63	5		5	68	1		1	8	60	49		49	6		6	55				-5			
	Kinesiology	HKINESIOL	205	232	1	233	11		11	244	7		7	39	200	186		186	19		19	205	4		4	5			
	Life Sciences Gateway	LIFESC1	1018	903		903	68	2	70	973	43	3	46	-45	990	1082	1	1083	82		82	1165	41	3	44	175			
	Math & Statistics Gateway	MATHSTAT1	202	189		189	37		37	226	37		37	24	239	180	1	181	97		97	278	99		99	39			
	Medical Radiation Sciences Gateway	MEDRADSCI	110	98		98	10		10	108	3		3	-2	110	90		90	11		11	101	7		7	-9			
	Total		1763	1617	1	1618	156	3	159	1777	124	6	130	14	1743	1745	2	1747	251		251	1998	178	5	183	255			
	Economics 1	ECONOMICS1												0	125	68		68	31		31	99				-26			
	Health and Society 1	HHLTHSCTY1												0	60	43		43	2		2	45				-15			
FACULTY OF SOCIAL SCIENCES	Social Sciences 1	SOCSC1	992	867	4	871	173	6	179	1050	171	16	187	58	788	731	2	733	166	3	169	902	192	22	214	114			
	Total		992	867	4	871	173	6	179	1050	171	16	187	58	973	842	2	844	199	3	202	1046	192	22	214	73			
MIDWIFERY	Midwifery	MIDWIFERY	30	6		6	25		25	31	1		1	1	30			24			24	1			1	-30			
	Total		30	6		6	25		25	31	1		1	1	30			24			24	1			1	-30			
SCHOOL OF NURSING	Nursing - McMaster	NURS_MCM	120	107		107	8	1	9	116	21	2	23	-4	121	115		115	7		7	122	7	2	9	1			
	Total		120	107		107	8	1	9	116	21	2	23	-4	121	115		115	7		7	122	7	2	9	1			
Grand Total			5848	5120	9	5129	786	22	808	5937	635	54	689	89	5688	5063	8	5071	933	8	941	6012	819	54	873	324			

Note 1: 101 - students registered in previous academic year at Ontario Secondary School.
Note 2: 105 - all other applicants including students that came indirectly from an Ontario Secondary School.
Note 3: Returning - internal transfers, students repeating Level 1, students readmitted, and students with course deficiency.
Note 4: Headcounts as of November 1 and as reported to MCU.
Note 5: Headcounts exclude Divinity, Mohawk & Conestoga Nursing.
Source: Student Records Database.
PREPARED BY THE OFFICE OF INSTITUTIONAL RESEARCH AND ANALYSIS
UPDATED ON: 03DEC2019

Enrolment Management Update
Headcounts of Level 1 Domestic students

FACULTY/PROGRAM			2018												Grand Total - Target	2019												Grand Total - Target
			Domestic Target	101			105			Grand Total	RETURNING			Domestic Target		101			105			Grand Total	RETURNING					
			Full-Time	Part-Time	Total	Full-Time	Part-Time	Total	Full-Time	Part-Time	Total	Full-Time	Part-Time	Total	Full-Time	Part-Time	Total	Full-Time	Part-Time	Total	Full-Time	Part-Time	Total	Full-Time	Part-Time	Total		
ARTS & SCIENCE PROGRAM	Arts & Science 1	ASCIENCE1	70	49		49	17	17	66	3	3	-4	70	52		52	7	7	59	1	1	2	-11					
	Total		70	49		49	17	17	66	3	3	-4	70	52		52	7	7	59	1	1	2	-11					
FACULTY OF BUSINESS	Business 1	BUSINESS1	585	562	2	564	42	1	43	607	50	8	58	22	565	519	2	521	48		48	569	34	2	36	4		
	Integrated Business&Humanities Transition Student-Business	HIBH	50	50		50	1	1	51	1	1	1	1	50	44		44	4		4	48	2		2	-2			
		TRANSSB										4	1	5	0							9	1	10	0			
	Total		635	612	2	614	43	1	44	658	55	9	64	23	615	563	2	565	52		52	617	45	3	48	2		
FACULTY OF ENGINEERING	B Tech 1 - BioTechnology CO-OP	BTECH_BIO1	34	38		38	3	3	41	7	7	7	7	30	51		51	4		4	55	4		4	25			
	BTech1-Auto&Veh Eng Tech CO-OP	BTECH_AVT1	65	75		75	6	6	81	8	8	16	61	70		70	5		5	75	5	1	6	14				
	BTech1-Automatn Eng Tech CO-OP	BTECH_PA1	72	69		69	2	2	71	3	3	-1	70	75		75	4		4	79	6		6	9				
	Computer Science 1	COMPSCI1	25	1		1	2	2	3	2	2	2		6	2	2	8											
	Computer Science 1 CO-OP	COMPSCIC01			25		25	1	1	26	1	1	4	25	30	1	1	31	3	1	4	14						
	Engineering 1	ENGINEER1	690	97		97	10	10	107	8	2	10	78	650	50	1	51	10		10	61	13		13	-36			
	Engineering 1 CO-OP	ENGINEERC1			610		610	50	1	51	661	38			1	39	507	46		46	553	65	7	72				
	Integr Biomed Eng&Hth Sc1CO-OP	IBEHSC1	140	101		101	11	11	112				-4	140	114		114	5		5	119	3		3	-2			
	Integrated Biomed Eng & HthSc1	IBEHS1			21		21	3	3	24						18		18	1		1	19						
	Transition Student-Engineering	TRANSEN									2	2	4	0								3	1	4	0			
	Total		1026	1037		1037	88	1	89	1126	69	5	74	100	976	921	1	922	78		78	1000	102	10	112	24		
FACULTY OF HEALTH SCIENCES	Bach. of Health Sciences Hon	BHSCH	238	215		215	25	25	240	2	2	2	2	240	227		227	27		27	254	4		4	14			
	Total		240	215		215	25	25	240	2	2	0	240	227		227	27		27	254	4		4	14				
FACULTY OF HUMANITIES	Humanities 1	HUM1	410	304	1	305	115	7	122	427	38	5	43	17	415	328	1	329	66	3	69	398	56	5	61	-17		
	Music 1	MUSIC1	25	11		11	4	4	15	5	5	-10	20	18		18	2	1	3	21	4		4	1				
	Studio Art 1	STUDIOART1	25	20		20	4	1	5	25	1	1	0	25	15		15	6		6	21	4	1	5	-4			
Total		460	335	1	336	123	8	131	467	43	6	49	7	460	361	1	362	74	4	78	440	64	6	70	-20			
FACULTY OF SCIENCE	Chemical &Physical Sci Gateway	PHYSALSCI1	70	63		63	7	7	70	5	1	6	0	71	83		83	7		7	90	8		8	19			
	Enviro & Earth Sci Gateway	ENVEARTH1	48	48		48	10	1	11	59	8	8	11	47	63		63	7		7	70	1	1	2	23			
	Integrated Science	HINTEGSCI	58	63		63	5	5	68	1	1	10	60	49		49	5		5	54				-6				
	Kinesiology	HKINESIOL	200	230		230	11	11	241	7	7	41	198	184		184	11		11	195	4		4	-3				
	Life Sciences Gateway	LIFESC1	953	868		868	56	56	924	35	3	38	-29	938	1046	1	1047	44		44	1091	35	2	37	153			
	Math & Statistics Gateway	MATHSTAT1	125	100		100	15	15	115	7	7	-10	120	117		117	18		18	135	14		14	15				
	Medical Radiation Sciences	MEDRADSCI	108	96		96	10	10	106	3	3	-2	108	86		86	9		9	95	7		7	-13				
	Total		1562	1468		1468	114	1	115	1583	66	4	70	21	1542	1628	1	1629	101		101	1730	69	3	72	188		
	Economics 1	ECONOMICS1										0	85	42		42	8		8	50				-35				
	Health and Society 1	HHLTHSCTY1										0	58	42		42	1		1	43				-15				
	Social Sciences 1	SOCSCI1	870	814	3	817	140	5	145	962	102	15	117	92	727	703	2	705	121	3	124	829	106	21	127	102		
Total		870	814	3	817	140	5	145	962	102	15	117	92	870	787	2	789	130	3	133	922	106	21	127	52			
MIDWIFERY	Midwifery	MIDWIFERY	30	6		6	25	25	31	1	1	1	1	30			24		24			1	1	1	-30			
	Total		30	6		6	25	25	31	1	1	1	1	30			24		24			1	1	1	-30			
SCHOOL OF NURSING	Nursing - McMaster	NURS MCM	120	106		106	8	1	9	115	21	2	23	-5	120	114		114	7		7	121	7	2	9	1		
	Total		120	106		106	8	1	9	115	21	2	23	-5	120	114		114	7		7	121	7	2	9	1		
Grand Total			5011	4642	6	4648	583	17	600	5248	362	41	403	237	4923	4653	7	4660	500	7	507	5167	399	46	445	244		

Note 1: 101 - students registered in previous academic year at Ontario Secondary School.
Note 2: 105 - all other applicants including students that came indirectly from an Ontario Secondary School.
Note 3: Returning - internal transfers, students repeating Level 1, students readmitted, and students with course deficiency.
Note 4: Headcounts as of November 1 and as reported to MCU.
Note 5: Headcounts exclude Divinity, Mohawk & Conestoga Nursing.
Source: Student Records Database.
PREPARED BY THE OFFICE OF INSTITUTIONAL RESEARCH AND ANALYSIS
UPDATED ON: 03DEC2019

Enrolment Management Update
Headcounts of Level 1 VISA students

FACULTY/PROGRAM			Visa Target	2018									Grand Total - Target	Visa Target	2019									Grand Total - Target				
				101			105			Grand Total	RETURNING				101			105			Grand Total	RETURNING						
Arts & Science Program	Arts & Science 1	ASCIENCE1		Full-Time	Part-Time	Total	Full-Time	Part-Time	Total		Full-Time	Part-Time	Total		Full-Time	Part-Time	Total	Full-Time	Part-Time	Total		Full-Time	Part-Time	Total		Full-Time	Part-Time	Total
FACULTY OF BUSINESS	Total						1		1	1		1		1		1	2		2	2		2		1			1	
	Business 1	BUSINESS1	200	106		106	50	1	51	157	89	4	93	-43	170	95		95	57		57	152	127	3	130	-18		
	Integrated Business & Humanities	HIBH												0		1		1				1				1		
	Transition Student-Business	TRANSSB									4	2	6	0								5			5	0		
FACULTY OF ENGINEERING	Total		200	106		106	50	1	51	157	93	6	99	-43	170	96		96	57		57	153	132	3	135	-17		
	B Tech 1 - BioTechnology CO-OP	BTECH_BIO1	9	4		4	3		3	7	2		2	-2	9	7		7	6		6	13	2		2	4		
	BTech1-Auto&Veh Eng Tech CO-OP	BTECH_AVT1	15	13		13	5		5	18	9		9	3	20	10		10	3		3	13	7		7	-7		
	BTech1-Automatn Eng Tech CO-OP	BTECH_PA1	8	12		12	1		1	13	4		4	5	14	14		14	3		3	17	9	1	10	3		
	Computer Science 1	COMPSCI1		2		2			2	1			1			1	2		2	3	1			1				
	Computer Science 1 CO-OP	COMPSCIC01	20	16		16	7		7	23	1		1	5	27	11		11	26	1	27	38	2		2		14	
	Engineering 1	ENGINEER1		10		10	7	1	8	18	6		6			15	15		15	30	11			11				
	Engineering 1 CO-OP	ENGINEERC1	209	82	1	83	49		49	132	15	2	17	-59	183	61		61	86		86	147	28		28		-6	
	Integr Biomed Eng&Hth Sc1CO-OP	IBEHSC1		1		1			1					-5	5	3		3			3						-1	
	Integrated Biomed Eng & HthSc1	IBEHS1	10	4		4			4								1		1	1	1	1	1	2				
	Transition Student-Engineering	TRANSEN										1		1	0												0	
	Total		271	144	1	145	72	1	73	218	39	2	41	-53	258	122		122	142	1	143	265	61	2	63	7		
FACULTY OF HEALTH SCIENCES	Bach. of Health Sciences Hon	BHSCH	2	1		1			1					-1	2	3		3	2		2	5				3		
	Total		2	1		1			1					-1	2	3		3	2		2	5				3		
FACULTY OF HUMANITIES	Humanities 1	HUM1	40	21		21	5		5	26	12	2	14	-14	29	14		14	11		11	25	30		30	-4		
	Music 1	MUSIC1									1		1	0		1		1			1	2			2	1		
	Studio Art 1	STUDIOART1	1	3		3			3	1			1	2		1		1			1					1		
	Total		41	24		24	5		5	29	14	2	16	-12	29	16		16	11		11	27	32		32	-2		
FACULTY OF SCIENCE	Chemical & Physical Sci Gateway	PHYSALSCI1	35	16		16	5		5	21	16	2	18	-14	19	8		8	13		13	21	12	1	13	2		
	Enviro & Earth Sci Gateway	ENVEARTH1	15	5		5	3		3	8	4		4	-7	7	4		4	9		9	13	6		6	6		
	Integrated Science	HINTEGSCI	2											-2				1			1	1				1		
	Kinesiology	HKINESIOL	5	2	1	3			3					-2	2	2		2	8		8	10				8		
	Life Sciences Gateway	LIFESCI1	65	35		35	12	2	14	49	8		8	-16	52	36		36	38		38	74	6	1	7	22		
	Math & Statistics Gateway	MATHSTAT1	77	89		89	22		22	111	30		30	34	119	63	1	64	79		79	143	85		85	24		
	Medical Radiation Sciences	MEDRADSCI	2	2		2			2					0	2	4		4	2		2	6				4		
	Total		201	149	1	150	42	2	44	194	58	2	60	-7	201	117	1	118	150		150	268	109	2	111	67		
	Economics 1	ECONOMICS1												0	40	26		26	23		23	49				9		
FACULTY OF SOCIAL SCIENCES	Health and Society 1	HHLTHSCTY1												0	2	1		1	1		1	2				0		
	Social Sciences 1	SOCSCI1	122	53	1	54	33	1	34	88	69	1	70	-34	61	28		28	45		45	73	86	1	87	12		
	Total		122	53	1	54	33	1	34	88	69	1	70	-34	103	55		55	69		69	124	86	1	87	21		
SCHOOL OF NURSING	Nursing - McMaster	NURS_MCM		1		1			1					1	1	1		1			1					0		
	Total			1		1			1					1	1	1		1			1					0		
Grand Total			837	478	3	481	203	5	208	689	273	13	286	-148	765	410	1	411	433	1	434	845	420	8	428	80		

Note 1: 101 - students registered in previous academic year at Ontario Secondary School.
Note 2: 105 - all other applicants including students that came indirectly from an Ontario Secondary School.
Note 3: Returning - internal transfers, students repeating Level 1, students readmitted, and students with course deficiency.
Note 4: Headcounts as of November 1 and as reported to MCU.
Note 5: Headcounts exclude Divinity, Mohawk & Conestoga Nursing.
Source: Student Records Database.
PREPARED BY THE OFFICE OF INSTITUTIONAL RESEARCH AND ANALYSIS
UPDATED ON: 03DEC2019

Total Graduate Headcount Enrolment by associated Faculty and Department, as of November 1, 2018-2019 to 2019-2020

ASSOCIATED FACULTY/DEPARTMENT		Full Time						Part Time						CO-OP Work Term			
		DOCTORAL		MASTERS		DIP/CERT		DOCTORAL		MASTERS		DIP/CERT		DOCTORAL		MASTERS	
		2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020
BUSINESS	BUSINESS	75	78			25	17	3	5			3	1				
	EMBA			30	23						1						
	FINANCE			143	129												
	MBA			348	344					147	174					95	110
	TOTAL	75	78	521	496	25	17	3	5	147	175	3	1			95	110
ENGINEERING	BIOMEDICAL ENGINEERING	35	36	29	28					1						1	
	CHEMICAL ENGINEERING	56	62	34	34			1	2								
	CIVIL ENGINEERING	60	58	26	25			3	3	6	5						
	COMPUTING AND SOFTWARE	45	50	66	69			6	7	7	5				2	1	1
	ELECTRICAL AND COMPUTER ENGINEERING	80	93	74	86			1	2	6	6				2	1	5
	ENGINEERING PHYSICS	35	40	27	32				2	10	8						
	ENGINEERING PRACTICE			198	209					21	12					5	13
	FACULTY OF ENGINEERING					45	47						1				
	MATERIAL SCIENCE & ENGINEERING	32	45	32	14					1	2						1
	MECHANICAL ENGINEERING	73	81	57	51			4	5	1	4						1
	TOTAL	416	465	543	548	45	47	15	21	53	42		1		4	8	21
HEALTH SCIENCES	BIOCHEMISTRY	75	85	47	52												
	BIOMEDICAL DISCOVERY AND COMMERCIALIZATION			18	35												
	CLINICAL BEHAVIOURAL SCIENCE											19	11				
	EHEALTH			75	63					31	25						
	FACULTY OF HEALTH SCIENCES					9	5					5	7				
	GLOBAL HEALTH			84	114												
	HEALTH MANAGEMENT			17	19					133	132						
	HEALTH POLICY	31	29														
	HEALTH RESEARCH METHODOLOGY	62	67	70	75	2		21	24	36	32	52	50				
	HEALTH SCIENCE EDUCATION			27	20					46	39						
	MEDICAL SCIENCES	68	72	104	99					1	1						
	NEUROSCIENCE	25	30	26	30					1	1						
	NURSING	13	13	63	82	2	2	7	4	22	21	1					
	OCCUPATIONAL THERAPY			132	129												
	PEDIATRICS			32	30					11	12						
	PHYSIOTHERAPY			127	123												
	PUBLIC HEALTH			49	52					10	9						
	REHABILITATION SCIENCE	25	28	86	78			12	7	47	53						
	SCHOOL OF MEDICINE		1														
	TOTAL	299	325	957	1001	13	7	40	35	338	325	77	68				
HUMANITIES	CLASSICS	6	9	4	10												
	COMMUNICATION MANAGEMENT				1					51	41						
	COMMUNICATION STUDIES & MULTIMEDIA	9	12	13	14												
	ENGLISH	55	51	27	32					1							
	FACULTY OF HUMANITIES					4	7										
	FRENCH	13	13	4	3												
	HISTORY	29	28	13	15			2	2								
	INTERDISCIPLINARY STUDIES			10	12												
	LINGUISTICS AND LANGUAGES	16	12	9	11												
	PHILOSOPHY	35	34	15	20					2	2						
	TOTAL	163	159	95	118	4	7	2	2	54	43						
INTERDISCIPLINARY	INTERDISCIPLINARY (RESEARCH)					4	1										
	TOTAL					4	1										
SCIENCE	BIOLOGY	37	36	47	50					1	1						
	CHEMICAL BIOLOGY	14	12	15	17												
	CHEMISTRY	48	46	19	21				1								
	COMPUTATIONAL SCIENCE AND ENGINEERING	19	14	17	16			2	4		2						
	FACULTY OF SCIENCE					11	14										
	GEOGRAPHY AND EARTH SCIENCES	40	44	36	36			5	6	2	3						
	KINESIOLOGY	22	23	26	22			2	2	1	1						
	MATH AND STATISTICS	30	32	48	53												
	MEDICAL PHYSICS	9	8	9	10			1		5	3						
	PHYSICS & ASTRONOMY	39	40	27	28												
	PSYCHOLOGY	71	71	36	27			1	1								
	TOTAL	329	326	280	280	11	14	11	14	9	10						

ASSOCIATED FACULTY/DEPARTMENT		Full Time						Part Time						CO-OP Work Term			
		DOCTORAL		MASTERS		DIP/CERT		DOCTORAL		MASTERS		DIP/CERT		DOCTORAL		MASTERS	
		2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020
SOCIAL SCIENCES	ANTHROPOLOGY	23	24	17	13			1	1								
	ECONOMICS	23	22	20	34				2	1				1		2	5
	FACULTY OF SOCIAL SCIENCES					2	5										
	GLOBALIZATION			16	13					1	1						
	HEALTH, AGING & SOCIETY	16	21	8	8						1						
	LABOUR STUDIES	4	8	12	13					2	2						
	POLITICAL SCIENCE	31	32	22	25						1						
	RELIGIOUS STUDIES	28	24	10	13			1									
	SOCIAL WORK	20	22	13	28	2	1			11	6		2				
	SOCIOLOGY	27	22	15	16												
TOTAL		172	175	133	163	4	6	2	3	15	11		2	1		2	5
GRAND TOTAL		1454	1528	2529	2606	106	99	73	80	616	606	80	72	1	4	105	136

Note 1: Headcount is as of November 1st of each year and as reported to MCU.

Note 2: Headcount enrolment of McMaster interdisciplinary programs is counted under their designated associated Faculty.

Note 3: Interdisciplinary (No Faculty) contains students in Academic Plans - Interdisciplinary (Post Degr) and Interdisciplinary (Research) who take courses from any Faculty and have not been associated with a specific Faculty.

SOURCE: STUDENT RECORDS DATABASE (PeopleSoft Campus Solutions)

PREPARED BY THE OFFICE OF INSTITUTIONAL RESEARCH AND ANALYSIS

UPDATED DATE:04DEC2019



BRIGHTER WORLD

Total Domestic Graduate Headcount Enrolment by associated Faculty and Department, as of November 1, 2018-2019 to 2019-2020

ASSOCIATED FACULTY/DEPARTMENT		Full Time						Part Time						CO-OP Work Term		
		DOCTORAL		MASTERS		DIP/CERT		DOCTORAL		MASTERS		DIP/CERT		DOCTORAL	MASTERS	
		2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2018/2019	2019/2020
BUSINESS	BUSINESS	42	39			1		3	5			3	1			
	EMBA			29	21						1					
	FINANCE			1	1											
	MBA			213	203					147	174				85	77
	TOTAL	42	39	243	225	1		3	5	147	175	3	1		85	77
ENGINEERING	BIOMEDICAL ENGINEERING	25	23	21	22					1					1	
	CHEMICAL ENGINEERING	19	22	20	26			1	1							
	CIVIL ENGINEERING	15	11	20	11			3	3	6	5					
	COMPUTING AND SOFTWARE	27	29	38	36			6	6	7	5					
	ELECTRICAL AND COMPUTER ENGINEERING	19	16	33	30			1	2	6	6					3
	ENGINEERING PHYSICS	22	23	21	20				2	10	8					
	ENGINEERING PRACTICE			36	31					21	12				2	
	FACULTY OF ENGINEERING					1							1			
	MATERIAL SCIENCE & ENGINEERING	8	10	18	9					1	2					
	MECHANICAL ENGINEERING	13	17	24	26			4	5	1	4					
	TOTAL	148	151	231	211	1		15	19	53	42		1		3	3
HEALTH SCIENCES	BIOCHEMISTRY	63	70	44	48											
	BIOMEDICAL DISCOVERY AND COMMERCIALIZATION			17	35											
	CLINICAL BEHAVIOURAL SCIENCE											18	11			
	EHEALTH			66	54					31	25					
	FACULTY OF HEALTH SCIENCES											5	7			
	GLOBAL HEALTH			80	111											
	HEALTH MANAGEMENT			17	19					131	130					
	HEALTH POLICY	22	21													
	HEALTH RESEARCH METHODOLOGY	51	52	58	60	2		20	23	35	31	43	36			
	HEALTH SCIENCE EDUCATION			25	18					44	38					
	MEDICAL SCIENCES	62	62	96	91					1	1					
	NEUROSCIENCE	24	28	26	30					1	1					
	NURSING	13	13	63	82	2	2	7	4	22	21	1				
	OCCUPATIONAL THERAPY			131	127											
	PEDIATRICS			30	30					10	12					
	PHYSIOTHERAPY			127	123											
	PUBLIC HEALTH			47	51					9	8					
	REHABILITATION SCIENCE	18	22	81	76			12	7	46	52					
	SCHOOL OF MEDICINE		1													
	TOTAL	253	269	908	955	4	2	39	34	330	319	67	54			
HUMANITIES	CLASSICS	6	9	3	9											
	COMMUNICATION MANAGEMENT				1					51	41					
	COMMUNICATION STUDIES & MULTIMEDIA	6	7	12	14											
	ENGLISH	48	44	26	28					1						
	FRENCH	8	8	3	3											
	HISTORY	26	25	11	14			2	2							
	INTERDISCIPLINARY STUDIES			8	10											
	LINGUISTICS AND LANGUAGES	13	9	7	10											
	PHILOSOPHY	33	30	15	19					2	2					
	TOTAL	140	132	85	108			2	2	54	43					
SCIENCE	BIOLOGY	22	25	42	43					1	1					
	CHEMICAL BIOLOGY	12	12	15	16											
	CHEMISTRY	35	29	13	13				1							
	COMPUTATIONAL SCIENCE AND ENGINEERING	8	5	7	8			1	3		2					
	FACULTY OF SCIENCE					1	1									
	GEOGRAPHY AND EARTH SCIENCES	31	33	35	35			5	6	2	3					
	KINESIOLOGY	22	22	26	22			2	2	1	1					
	MATH AND STATISTICS	16	15	34	37											
	MEDICAL PHYSICS	8	7	8	7					5	3					
	PHYSICS & ASTRONOMY	26	28	22	23											
	PSYCHOLOGY	66	65	31	23			1	1							
	TOTAL	246	241	233	227	1	1	9	13	9	10					

ASSOCIATED FACULTY/DEPARTMENT		Full Time						Part Time						CO-OP Work Term		
		DOCTORAL		MASTERS		DIP/CERT		DOCTORAL		MASTERS		DIP/CERT		DOCTORAL	MASTERS	
		2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2018/2019	2019/2020
SOCIAL SCIENCES	ANTHROPOLOGY	21	22	17	13			1	1							
	ECONOMICS	18	16	17	23				2	1				1	2	5
	GLOBALIZATION			15	13					1	1					
	HEALTH, AGING & SOCIETY	14	18	8	8						1					
	LABOUR STUDIES	4	7	12	12					2	2					
	POLITICAL SCIENCE	27	27	21	24						1					
	RELIGIOUS STUDIES	18	13	10	12			1								
	SOCIAL WORK	20	22	13	27	1				11	6		2			
	SOCIOLOGY	26	21	15	14											
	TOTAL	148	146	128	146	1		2	3	15	11		2	1	2	5
GRAND TOTAL		977	978	1828	1872	8	3	70	76	608	600	70	58	1	90	85

Note 1: Headcount is as of November 1st of each year and as reported to MCU.

Note 2: Headcount enrolment of McMaster interdisciplinary programs is counted under their designated associated Faculty.

Note 3: Interdisciplinary (No Faculty) contains students in Academic Plans - Interdisciplinary (Post Degr) and Interdisciplinary (Research) who take courses from any Faculty and have not been associated with a specific Faculty.

SOURCE: STUDENT RECORDS DATABASE (PeopleSoft Campus Solutions)

PREPARED BY THE OFFICE OF INSTITUTIONAL RESEARCH AND ANALYSIS

UPDATED DATE:04DEC2019



BRIGHTER WORLD

Total International Graduate Headcount Enrolment by associated Faculty and Department, as of November 1, 2018-2019 to 2019-2020

ASSOCIATED FACULTY/DEPARTMENT		Full Time						Part Time						CO-OP Work Term		
		DOCTORAL		MASTERS		DIP/CERT		DOCTORAL		MASTERS		DIP/CERT		DOCTORAL	MASTERS	
		2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2019/2020	2018/2019	2019/2020
BUSINESS	BUSINESS	33	39			24	17									
	EMBA			1	2											
	FINANCE			142	128											
	MBA			135	141										10	33
	TOTAL	33	39	278	271	24	17								10	33
ENGINEERING	BIOMEDICAL ENGINEERING	10	13	8	6											
	CHEMICAL ENGINEERING	37	40	14	8				1							
	CIVIL ENGINEERING	45	47	6	14											
	COMPUTING AND SOFTWARE	18	21	28	33				1					2	1	1
	ELECTRICAL AND COMPUTER ENGINEERING	61	77	41	56									2	1	2
	ENGINEERING PHYSICS	13	17	6	12											
	ENGINEERING PRACTICE			162	178										3	13
	FACULTY OF ENGINEERING					44	47									
	MATERIAL SCIENCE & ENGINEERING	24	35	14	5											1
	MECHANICAL ENGINEERING	60	64	33	25											1
	TOTAL	268	314	312	337	44	47		2					4	5	18
HEALTH SCIENCES	BIOCHEMISTRY	12	15	3	4											
	BIOMEDICAL DISCOVERY AND COMMERCIALIZATION			1												
	CLINICAL BEHAVIOURAL SCIENCE											1				
	EHEALTH			9	9											
	FACULTY OF HEALTH SCIENCES					9	5									
	GLOBAL HEALTH			4	3											
	HEALTH MANAGEMENT									2	2					
	HEALTH POLICY	9	8													
	HEALTH RESEARCH METHODOLOGY	11	15	12	15			1	1	1	1	9	14			
	HEALTH SCIENCE EDUCATION			2	2					2	1					
	MEDICAL SCIENCES	6	10	8	8											
	NEUROSCIENCE	1	2													
	OCCUPATIONAL THERAPY			1	2											
	PEDIATRICS			2						1						
	PUBLIC HEALTH			2	1					1	1					
	REHABILITATION SCIENCE	7	6	5	2					1	1					
	TOTAL	46	56	49	46	9	5	1	1	8	6	10	14			
HUMANITIES	CLASSICS			1	1											
	COMMUNICATION STUDIES & MULTIMEDIA	3	5	1												
	ENGLISH	7	7	1	4											
	FACULTY OF HUMANITIES					4	7									
	FRENCH	5	5	1												
	HISTORY	3	3	2	1											
	INTERDISCIPLINARY STUDIES			2	2											
	LINGUISTICS AND LANGUAGES	3	3	2	1											
	PHILOSOPHY	2	4		1											
	TOTAL	23	27	10	10	4	7									
INTERDISCIPLINARY	INTERDISCIPLINARY (RESEARCH)					4	1									
	TOTAL					4	1									
SCIENCE	BIOLOGY	15	11	5	7											
	CHEMICAL BIOLOGY	2			1											
	CHEMISTRY	13	17	6	8											
	COMPUTATIONAL SCIENCE AND ENGINEERING	11	9	10	8			1	1							
	FACULTY OF SCIENCE					10	13									
	GEOGRAPHY AND EARTH SCIENCES	9	11	1	1											
	KINESIOLOGY		1													
	MATH AND STATISTICS	14	17	14	16											
	MEDICAL PHYSICS	1	1	1	3			1								
	PHYSICS & ASTRONOMY	13	12	5	5											
	PSYCHOLOGY	5	6	5	4											
	TOTAL	83	85	47	53	10	13	2	1							

ASSOCIATED FACULTY/DEPARTMENT		Full Time						Part Time						CO-OP Work Term		
		DOCTORAL		MASTERS		DIP/CERT		DOCTORAL		MASTERS		DIP/CERT		DOCTORAL	MASTERS	
		2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2019/2020	2018/2019	2019/2020
SOCIAL SCIENCES	ANTHROPOLOGY	2	2													
	ECONOMICS	5	6	3	11											
	FACULTY OF SOCIAL SCIENCES					2	5									
	GLOBALIZATION			1												
	HEALTH, AGING & SOCIETY	2	3													
	LABOUR STUDIES		1		1											
	POLITICAL SCIENCE	4	5	1	1											
	RELIGIOUS STUDIES	10	11		1											
	SOCIAL WORK				1	1	1									
	SOCIOLOGY	1	1		2											
TOTAL		24	29	5	17	3	6									
GRAND TOTAL		477	550	701	734	98	96	3	4	8	6	10	14	4	15	51

Note 1: Headcount is as of November 1st of each year and as reported to MCU.

Note 2: Headcount enrolment of McMaster interdisciplinary programs is counted under their designated associated Faculty.

Note 3: Interdisciplinary (No Faculty) contains students in Academic Plans - Interdisciplinary (Post Degr) and Interdisciplinary (Research) who take courses from any Faculty and have not been associated with a specific Faculty.

SOURCE: STUDENT RECORDS DATABASE (PeopleSoft Campus Solutions)

PREPARED BY THE OFFICE OF INSTITUTIONAL RESEARCH AND ANALYSIS

UPDATED DATE:04DEC2019



BRIGHTER WORLD

REPORT TO SENATE
FROM THE
UNIVERSITY PLANNING COMMITTEE

a. Proposal for the Establishment of the Centre for Research in Empirical Social Sciences (CRESS)

At its meeting of November 20, 2019, the University Planning Committee approved, for recommendation to Senate, the establishment of the Centre for Research in Empirical Social Sciences.

The University Planning Committee now recommends,

that Senate approve the establishment of the Centre for Research in Empirical Social Sciences (CRESS), as circulated.

Senate: FOR APPROVAL
December 11, 2019

October 8, 2019



TO: University Planning Committee

FROM: Dr. Jim Dunn, Acting Vice-President, Research

RE: **Centre for Research on Empirical Social Sciences (CRESS)**

The Committee on Research Institutes and Centres has reviewed the attached Proposal for Centre for Research on Empirical Social Sciences, as per the policies and guidelines, and has been unanimously approved.

Please include this as an agenda item for the next University Planning Committee Meeting on October 16, 2019.

JD:jt

Attach.

cc: Susan Searls-Giroux
Doug Welch
Andrea Thyret-Kidd
Jeremiah Hurley

Proposal to create Centre for Research in Empirical Social Sciences (CRESS)

1. Objectives and activities	1
1.1 Name	1
1.2 Objectives	1
1.2 Activities	2
2. Rationale	4
3. Participants and membership	5
3.1 Affiliated labs	5
3.2 Individual members	5
4. CRESS Business plan	7
4.1 Space and research infrastructure	7
4.2. Human resources	7
4.3. Financial resources	7
5. CRESS's organizational structure and relationships	7
5.1. CRESS's organizational structure	7
5.2 CRESS's relationships	9

1. Objectives and activities

1.1 Name

Centre for Research in Empirical Social Sciences (CRESS)

1.2 Objectives

Many of today's most pressing challenges, including population health and aging, diminished confidence in core institutions of democracy, climate change, unequal economic growth, and global security, are fundamentally complex, dynamic, and inter-related. This creates both immense opportunity and real challenges for socially relevant research. Interdisciplinarity, dynamic/responsive research designs, transparency, and careful layering of methods that reveal different dimensions of a challenge are all critical to modern, leading-edge social science research.

Advances in digital technologies support modern social science research methods. These advances, and the associated computational power and proliferation of new data types and sources, both require social scientists to develop new methods for analyzing such data, and enable them to analyze old data with new methods. Taking advantages of these advances requires both new physical infrastructure—data labs and related facilities—and new research networks: the complexity of the social challenges, the data, and the methods needed to study them means that no one scientist can master all the domains needed to address them.

McMaster needs a research Centre that brings together researchers across disciplines to understand and work with new or less-familiar research methods, while teaching the software and related skills needed to conduct rigorous social science research. CRESS will support research and stimulate collaborations focused on social science topics and rooted in the social sciences, but which embrace an array of methods and complementary research agendas. CRESS aims to serve as both a beacon and bridge to the future of social science research and become an international leader in empirical social science addressing pressing social challenges.

CRESS's mission is to support the production of leading-edge empirical social science research, to advance methodological innovation, and to foster research collaborations, networks, and partnerships within and beyond McMaster University.

To these ends, CRESS's activities will fall into three broad areas: facilities, programs, and networks.

1. **Research Facilities.** CRESS will work with individual research labs to coordinate policies, share resources as appropriate, and promote the labs to users internal and external to McMaster. The objective is to create sustainable models for these facilities that will ensure they are available to support leading-edge social science research.
2. **Research and Training Programming.** CRESS will develop programming to enhance social science research expertise and capacity, including training opportunities for trainees, research staff and faculty; a research consultations desk; and related initiatives.

3. **Research Networks.** CRESS will develop and sustain networks and partnerships with both academic (internal and external to McMaster) and external communities (e.g. governments and municipalities, non-profits and social services, NGO's, industry).

With sufficient focus and investment, CRESS aims to achieve clear national leadership and international profile. This will require strategic, multi-stage investment in personnel and facilities, and a strong business plan for sustaining infrastructure and recovering costs. CRESS will operate in coordination with the broader university initiative regarding research platforms.

1.2 Activities

In order to achieve its strategic goals outlined above, CRESS will engage in several key activities under the guidance of its advisory and governance committees, and in coordination with other research and IT Support teams and University Centres and Institutes.

CRESS will be a shared institutional resource comprising both physical and human infrastructure. CRESS will include a number of affiliated labs. CRESS will have a particular focus on social science research facilities concentrated on the 5th floor of Wilson Hall—home to confidential data labs, an experimental decision-making lab, a new digital democracy data lab, a classroom for teaching research methods, trainee space, and administrative office space, and three meeting rooms—but that focus is not exclusive. Social science labs located elsewhere on and off (e.g., MIP) the main campus will participate in CRESS.

CRESS will respond to faculty researchers' needs for support in research, methods and software training, and collaboration. CRESS will not have a specific subject or sector focus. Rather, its orientation to advanced empirical methods makes it useable, and useful, to a broad cross-section of McMaster researchers (e.g., Social Sciences, Health Sciences, Science, Business) applying social science methods.

Support the development and sustainability of social science research platforms.

- Support the development of standardized policies (e.g., cost-recovery fee policies, data sharing policies, etc.) as appropriate
- Support cross-lab learning
- Support the coordination and sharing of staffing, software and hardware to reduce duplication
- Support the promotion of the platforms and the development of user communities
- Collaborate in the development of, and provide relevant research support services and/or training to, the Community Research Platform currently being developed through a strategic grant from the Provost's office to the Faculty of Social Sciences
- Assist in building and innovating information technology (IT) infrastructure and tools

Develop programs to enhance expertise and build capacity to conduct leading-edge social science research.

- Sponsor events and programming to build an intellectual community of social science researchers

- Develop a consultations desk to advise researchers on data, methods and research design, including when appropriate connecting them with others on campus who have the requisite expertise
- Offer training opportunities in relevant research methods, software, tools, from the beginner level through advanced training
- Support or coordinate extra-curricular or curricular (in coordination with departments) programs that provide trainees opportunities to acquire and demonstrate competence in applied research methodologies

Develop and sustain networks and partnerships with both academic and external communities.

- Engage with other empirical social science research centres and platforms, either directly or through networks such as the Inter-university Consortium for Political and Social Research (ICPSR)
- Liaise with government agencies, not-for-profit, and community groups engaged in social science research or economic and social policy
- Build relationships with relevant Centres, Institutes, and data facilities at McMaster (e.g., MacData, Library, ICES, CEN) to facilitate the sharing of expertise and infrastructure and to collaborate on programming and related activities as appropriate.
- Facilitate international contacts for visiting research placements, etc.

1.2.1 Pilot Activities to Date

Approximately three years ago the Dean asked Michelle Dion, a faculty member in Social Sciences, to take the lead in developing CRESS. In that role, and informally under the label “CRESS,” she has undertaken activities on a limited basis to gauge interest in and gain experience with some of the kinds of activities envisioned for CRESS.

- In Winter 2018, CRESS organized a weekly series of lunchtime talks on topics such as Research Dataset Collections, Limesurvey, MacDrive, Research Ethics for Community-Based Research, Research Data Management, Media Relations 101, by representatives from Mills Library Data Service, Faculty of Social Sciences, RHPCS, MREB, and Public Relations. Attendees included graduate students, faculty, and research support staff from Social Sciences, Health Sciences, and Business.
- CRESS piloted a graduate research fellows program that provided space for selected graduate student fellows with the aim in encouraging interaction among students from different programs.
- Working with the Associate Dean Academic, CRESS developed an undergraduate [Concurrent Certificate in Applied Social Sciences Research](#), which has been approved by Undergraduate Council and Senate.
- For 2019-20, CRESS is holding a monthly speaker series entitled, “Transparent Research” with leaders in research reproducibility and transparency from around the world leading day-long workshops, including developing reproducible workflows in R, Python and Stata, and discussing transparency and collaboration, and Indigenous data sovereignty.

- Dr. Dion completed a background and business case analysis for extra-curricular training in the use of popular social science or statistics research tools for internal (e.g., research assistants, research coordinators, students) and external community members (community-partners, local workforce) working in (or aspiring to work in) applied social research fields. The Faculty appointed a full-time, permanent Executive Director of CRESS on July 1, 2019, a significant step toward consolidating the capacity of CRESS to develop the requisite policies and programming to meet its objectives.

2. Rationale

The development of CRESS responds to at least two needs of the Faculty of Social Sciences and its researchers.

First, social science research designs and methodologies have become increasingly specialized and technical, whether qualitative, quantitative, or text-based. New and exciting types of data relevant to social science research are becoming available at a startling rate, and these new data are already shaping the future of social science. Meanwhile, two of the main barriers to advancement in research in social statistics identified by a SSHRC/Statistics Canada working group in 2002 remain: “sheer lack of trained researchers” outside of economics prepared to analyze multilevel and complex datasets; and “very weak links between the work of social scientists and the potential users of the knowledge they generate” (Bernard et al. 2002, np). CRESS will respond to these gaps by creating training opportunities for trainees, research staff and faculty, and by developing and supporting networks of researchers and those interested in social science research, including potential users.

Second, the Faculty of Social Sciences is home to several CFI-funded and other research labs. To be sustainable in the long-run, this research infrastructure needs to attract and support empirical research projects by a diverse and broad group of users (trainees students, faculty, and external partners) that use a range of research methodologies. By helping to coordinate services and promote use of the labs, CRESS will expand access, use, and sustainability of this research infrastructure.

CRESS directly addresses those barriers and responds to the articulated interests and needs of McMaster University social science faculty members. It will support the development of research expertise in leading edge methodologies, particular for methods that depend on specialized research infrastructure.

This proposal for the formal establishment of CRESS reflects extensive consultations with Faculty stakeholders, including the Dean, Associate Dean for Graduate Studies and Research, research and IT staff members of the Faculty, and Academic Directors and/or staff of data collection and/or analysis labs supported by the Faculty, and faculty.

3. Participants and membership

3.1 Affiliated labs

The Faculty is home to and/or provides support to several research labs that are directly relevant to the goals of CRESS. These include:¹

- Secure Empirical Analysis Lab (SEAL; formerly PEDAL). SEAL is a high security data lab to host diverse third-party data that must be placed in a secure facility, with the ability to also host medium and lower security data as needed. SEAL is located on the 5th floor of Wilson Hall and includes workstations as well as infrastructure to support remote secure data access.
- McMaster Decision Science Laboratory (McDSL; formally the McMaster Experimental Economics Laboratory). McDSL includes a suite of experimental and qualitative data collection facilities, including an experimental lab equipped with virtual reality capabilities, two interview rooms, and a focus group interview suite with digital video recording capacity. It is located on the 5th floor of Wilson Hall.
- Collaboratory for Research on Urban Neighbourhoods, Community Health and Housing (CRUNCH)). CRUNCH has facilities for 360-degree digital mobile video recording and 360-degree viewing room. CRUNCH is located on the 3rd floor of Wilson Hall.
- Digital Democracy Lab. This new lab leverages AI and machine learning tools to enhance democratic engagement. It is located on the 5th floor of Wilson Hall, housed alongside the social enterprise, VoxPop Labs.
- Sustainable Archaeology Lab. This lab is a collaborative effort with University of Western Ontario. The McMaster lab includes a large state-of-the-art storage area with research focused on materials analysis, including chemical and histological studies of Indigenous artefacts. It is located in the McMaster Innovation Park.
- Sensory Ethnography Research Lab at McMaster Innovation Park. This research lab has state-of-the-art digital film equipment and accessories for making professional quality documentaries or other research creation products. It is located in the McMaster Innovation Park.

3.2 Individual members

CRESS will not have formal membership for individual researchers. CRESS is designed to be available to all researchers at McMaster whose research can be advanced by use of affiliated labs or participation in CRESS-sponsored activities. Users of the facilities will be expected to pay cost-recovery fees, and some program activities (e.g., training workshops) may also charge fees, but to goal is to be broadly accessible to McMaster trainees (students, post-doctoral fellows),

¹ Although it formally reports to the VPR and therefore not included below, the McMaster's Statistics Canada Research Data Centre is located on the 5th floor of Wilson Hall so as to foster collaboration with other social science labs to take advantage of shared infrastructure (e.g., secure data-conferencing capabilities). This RDC is partially funded by the Statistics Canada Research Data Centre Network, which is also hosted at McMaster University. The Vice-President Research provides cash support, while FSS staff members provide some in-kind administrative and space support. CRESS will further support collaboration between the RDC and other social science lab, and help promote the RDC to users as appropriate.

research staff, faculty and, as appropriate, members of government and private and non-profit organizations.

Research Faculty. Some of the faculty members who have participated in pilot programming for CRESS or provided input on the design of CRESS include the following:

- Stephanie Baker Collins, Social Work
- Karen Bird, Political Science
- Aubrey Cannon, Anthropology
- Phillipa Chong, Sociology
- Michelle Dion, Political Science
- James Dunn, Health, Aging & Society
- Tina Fetner, Sociology
- Ann Fudge Schormans, Social Work
- Judy Fudge, Labour Studies
- Chelsea Gabel, Health, Aging & Society
- Amanda Grenier, Health, Aging & Society
- Melanie Heath, Sociology
- Gregory Hooks, Sociology
- Jeremiah Hurley, Economics/Dean
- Lisa Kaida, Sociology
- Suzanne Mills, Labour Studies
- Tony Porter, Political Science
- Jeffrey Racine, Economics
- Petra Rethmann, Anthropology
- Stephanie Ross, Labour Studies
- Bradley Ruffle, Economics
- Arthur Sweetman, Economics
- Netina Tan, Political Science
- Cliff van der Linden, Political Science
- Mike Veall, Economics
- Marisa Young, Sociology

Visiting Fellows. Researchers from external organizations, including other post-secondary institutions and government, non-profit or corporate organizations, may become Visiting Fellows of CRESS if they are using affiliated lab facilities or are sponsored by Research Faculty due to their participation in research programs at CRESS.

Doctoral and Post-doctoral Research Fellows. Building on the pilot program, CRESS will explore options for Fellow programs targeted at doctoral students and post-doctoral fellows that will support their development as scholars and researchers.

4. CRESS Business plan

4.1 Space and research infrastructure

CRESS will be located on the 5th floor of Wilson Hall, which also houses many of the research labs that will be affiliated with CRESS. The CRESS space includes offices for the Executive Director and staff, and an open, multi-use space for events and for affiliated trainees, staff, and faculty. The 5th floor of Wilson Hall also includes a teaching computer lab, seminar room, and three meeting rooms that CRESS will share with other users.

4.2. Human resources

A full-time permanent Executive Director was hired on July 1, 2019. The Executive Director will be the primary staff member to develop and oversee the activities of CRESS. The Executive Director will bring on additional staff and work with the lab managers of affiliated labs and Faculty of Social Sciences research support and information technology staff as need to carry out the CRESS mandate.

4.3. Financial resources

The Faculty of Social Sciences will support the costs of the Executive Director for the near term, in part through support from a strategic grant from the Provost's office, until CRESS can become financially sustainable through user fees and other sources of revenue. Anticipated sources of sustainable revenue include the development of training programs on research methodologies methodological consulting to internal and external users, and a portion of the cost recovery from fee-for-service use of lab spaces, technologies, and expertise. See Table 1 for details.

5. CRESS's organizational structure and relationships

5.1. CRESS's organizational structure

As a research centre affiliated primarily with a single Faculty, CRESS will report directly to the Dean of the Faculty of Social Science. Its governance structure will comply with the requirements of the McMaster Guidelines for the Governance and Review of Research Institutes, Centres and Groups. The governance will also reflect the objective of fostering collaboration and coordination among existing research laboratories and facilities within the Faculty, and in collaboration with other units at McMaster as appropriate.

Academic Director. The Academic Director (AD) shall be a tenured faculty member of the Faculty of Social Sciences. The AD will report directly to the Dean of the Faculty of Social Sciences and will be appointed for a five-year (once renewable) appointment, and will work in collaboration with the Associate Dean Graduate Studies and Research for the Faculty. The selection and appointment of the AD will follow University policies and procedures for the appointment of administrative directors, including recommendation of the Academic Director by a selection committee appointed by the Dean of the Faculty of Social Sciences. The Academic Director will report annually to the Governing Board, and the Dean (who normally chairs the Governing Board), will provide relevant information to the Vice-President (Research).

Michelle Dion, who has led all of CRESS's pilot activities, has been identified as the inaugural Academic Director of CRESS. Dr. Dion is Associate Professor of Political Science at McMaster University. She specializes in comparative political economy, comparative political behaviour, and research design and methodology. Dr. Dion was a member of a working group that first set out the vision for CRESS. She has been functioning as the Academic Director the efforts to implement that vision by pilot testing aspects of the program, building support within the Faculty, leasing the hire of the Executive Director, and related activities. Dr. Dion is an exceptional methodologist who uses quantitative and qualitative methods in her own research, is well integrated within social science research networks of Centres akin to CRESS. Her expertise was recently recognized by her appointment to the editorial board of the *American Political Science Review*, the leading journal internationally in political science, with a specific mandate for methodological aspects of the peer-review process.

Executive Director. This full-time staff position will report to CRESS's Academic Director and work closely with the Directors and staff of affiliated research labs and the Faculty's research and IT support teams to develop and implement training, promotional, consultation, and technology development activities, and develop sustainable programming and funding streams to support CRESS and its affiliated laboratories.

Advisory Committee: The Advisory Committee will provide input regarding CRESS's scientific and scholarly priorities and strategic directions. The Advisory Committee will comprise a mix of internal members and external international leaders in relevant areas of social science research. Members are nominated by the Academic Director and approved by the Steering Committee. The Advisory Board must be formally consulted at least every two years.

Steering Committee: The Steering Committee is an internal governance committee that will advise on priorities and programming for the coming year and review the preliminary report of Centre activities and budget before submission to the Governing Board. Members of the Steering Committee may also be consulted more frequently as needed to execute Centre programming and activities. It will meet at least once a year. The Steering Committee will include the Academic Director, Executive Director, normally include the Directors of Centre-affiliated research labs plus two additional full-time faculty members from the Faculty of Social Sciences. The members of the Steering Committee will be appointed by the Academic Director in consultation with the Dean of Social Sciences.

Governing Board. As required by University policy, the CRESS's Academic Director will provide an annual report of its financial and programmatic activities to CRESS's Governing Board. The Governing Board will also appoint the External Review Board to review the Centre's progress. The Governing Board will include the Dean, Faculty of Social Sciences; the Associate Dean (Graduate Studies and Research), Faculty of Social Sciences; and Chairs of up to two departments in the Faculty of Social Sciences.

External Review Board. The External Review Board (ERB) will be appointed by the Governing Board every five years (or sooner as appropriate) to review the Centre's activities. Normally, the

ERB will include 3 high-caliber scholars with an international perspective who are arm's length from the Centre. The ERB will use measures of performance such as knowledge production and impact to assess the Centre's performance. The ERB will be provided with the University's Guidelines for the Governance and Review of Research Institutes, Centres and Groups and copies of previous reviews (if applicable).

5.2 CRESS's relationships

Although CRESS will be an interdisciplinary research Centre of the Faculty of Social Sciences, it will be essential that it develop strong relationships with a range of other units at McMaster and with external partners, including those identified below.

5.2.1 Faculty context

- *Associate Dean of Graduate Studies and Research and the FSS Research Support Team.* The FSS Research Support team supports the development and review of grant applications and budgets, event organization, and related knowledge mobilization activities. The Research Support team will continue to lead in providing support in the development of external funding applications in the Faculty. CRESS will work with the Research Support Team by providing advice and expertise, as appropriate, regarding research design, data, data analysis methodologies, and related issues that require specialized research expertise.
- *FSS Information Technology (IT) Support Team.* The FSS IT support team provides advice and technical support regarding IT, including research IT and instructional IT. CRESS will work with IT support to coordinate the IT needs of CRESS-affiliated research labs.
- *FSS Communications.* The FSS communications provides communications support for social media, research websites, and related communication strategies. CRESS will work with the Communications team to further the promotion and development of CRESS and its affiliated research labs.

5.2.2 University context

- *University Library.* The Maps/Data/GIS unit of Mills Library offers four main types of empirical social science research support: subscriptions and research consultations for quantitative datasets and collections; DASH, a support service for undergraduate students using statistical software for their coursework; instructional support for some social science undergraduate courses; and Research Data Management resources, advice, and open-source (non-secure) data hosting services. CRESS will coordinate its activities with the Library and promote awareness of these research and teaching supports.
- *MacDATA.* MacDATA is a University-wide Institute to coordinate data-driven research and training at McMaster. MacData offers graduate student fellowships for data-driven research and a data science certificate offered by Centre for Continuing Education. CRESS will coordinate its activities with MacDATA, and ensure that the FSS is positioned to be an effective MacDATA partner.
- *Sherman Centre for Digital Scholarship.* The Sherman Centre is supported by the University Library and Faculty of Humanities. Though its current strengths are in digital humanities and media studies, it offers graduate fellowships to students from multiple faculties and many workshops and projects intersect with those in the Faculty of Social Science. CRESS will collaborate with the Sherman Centre where mutually beneficial.
- *Research and High Performance Computing Support (RHPCS).* A number of FSS-based research labs contract with RHPCS for technical support. CRESS will work with the labs, the FSS, and RHPCS to ensure optimal use is made of such support and to collaborate with RHPCS on projects as appropriate.

- *Institute for Clinical Evaluative Sciences (ICES)* ICES is a university-wide high-security data and research lab (located in FHS) providing access to secure health data other administrative data from the Government of Ontario. CRESS will work with ICES as appropriate on matters of mutual interest.
- *Community Engagement Network.* The office for Community Engagement is an important partner for developing programming that supports community-engaged research and the methodological needs of our community-based research partners.

5.2.3 Regional and national context

Southwestern Ontario has a high concentration of post-secondary educational institutions as well as public, private, and non-profit sector organizations, many of which are engaged in social or policy research. CRESS aims to become a central node in a network that will connect some of these research organizations to expand and multiply research capacity and methodological innovation in the social sciences.

Figure 1: CRESS Organizational Chart

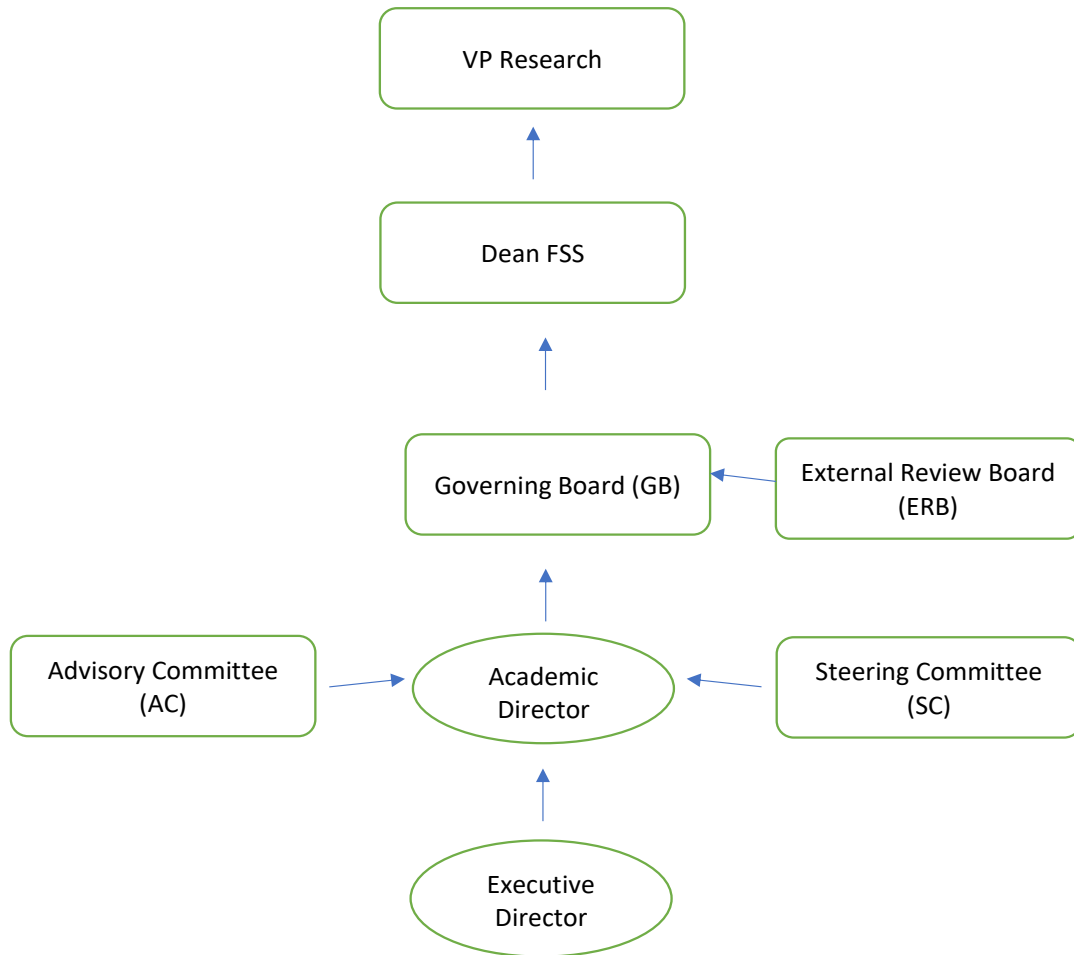


Table 1 - CRESS Five Year Financial Projection

				Year 1	Year 2	Year 3	Year 4	Year 5	Total	\$ Secured	\$ Anticipated
OPENING BALANCE/CARRY FORWARD				\$ -	\$ -	\$ -	\$ -	\$ -			
REVENUE - indicate whether secured or anticipated				Insert year	Insert year	Insert year	Insert year	Insert year	Total	\$ Secured	\$ Anticipated
<i>Please ensure that any anticipated revenue from grant funding will only support costs eligible for that grant and note funding available for indirect or general operations.</i>											
Non-FSS Revenue:											
Cost-recovery fees									\$ -		
MdCSL				\$ 1,250	\$ 1,875	\$ 2,813	\$ 4,219	\$ 6,328	\$ 16,485		\$ 16,485
SEAL				\$ 6,250	\$ 9,375	\$ 14,063	\$ 21,094	\$ 31,641	\$ 82,423		\$ 82,423
CRUNCH				\$ 500	\$ 750	\$ 1,000	\$ 1,000	\$ 1,000	\$ 4,250		\$ 4,250
SSHRC Grant - Transparent Research				\$ 22,794					\$ 22,794	\$ 22,794	
Strategic Alignment Fund				\$ 140,000	\$ 140,000				\$ 280,000	\$ 280,000	
External Program Revenue				\$ 5,000	\$ 15,000	\$ 30,000	\$ 60,000	\$ 90,000	\$ 200,000		\$ 200,000
Total Non-FSS Revenue				\$ 175,794	\$ 167,000	\$ 47,876	\$ 86,313	\$ 128,969	\$ 605,952		
FSS Contribution									\$ -		
Cash				\$ 118,215	\$ 115,553	\$ 238,125	\$ 203,716	\$ 168,167	\$ 843,776	\$ 843,776	
In-kind support (FSS IT, Web, and Communications support)				\$ 15,000	\$ 11,000	\$ 11,000	\$ 11,000	\$ 11,000	\$ 59,000	\$ 59,000	
Total FSS Contribution				\$ 133,215	\$ 126,553	\$ 249,125	\$ 214,716	\$ 179,167	\$ 902,776		
TOTAL REVENUE				\$ 309,009	\$ 293,553	\$ 297,001	\$ 301,029	\$ 308,136	\$ 1,508,728	\$ 1,205,570	\$ 303,158
EXPENSES									Total	\$ Secured	\$ Anticipated
Administrative Expenses: (add rows as required)											
Administrative Personnel	Salary	FB	FTE						\$ -		
Executive Director	110000	0.32	0.1	\$ 147,600	\$ 150,552	\$ 153,563	\$ 156,634	\$ 159,767	\$ 768,116		
Admin/Technical Staff	60000	0.32	0.4	\$ 31,680	\$ 32,314	\$ 32,960	\$ 33,619	\$ 34,291	\$ 164,864		
Office Supplies				\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 2,500		
Printing				\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 5,000		
Computer Equipment				\$ 4,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 4,000	\$ 11,000		
Software				\$ 800	\$ 800	\$ 300	\$ 300	\$ 300	\$ 2,500		
Phone rentals				\$ 228	\$ 228	\$ 228	\$ 228	\$ 228	\$ 1,140		
Cell phone				\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 3,000		
Travel:				\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 5,000		
Website Development/Maintenance				\$ 5,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 9,000		
Program Development				\$ 62,327	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 262,327		
Ongoing costs for space (3 offices)				\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 50,000		
Total Administrative Expenses				\$ 264,735	\$ 248,994	\$ 252,151	\$ 255,881	\$ 262,686	\$ 1,284,447	\$ -	\$ -

Research Expenses: (add rows as required)												
Research Personnel:	Salary	FB	FTE							\$ -		
Part-time Lab Manager Secondment:										\$ -		
McDSL	82000	0.32	0.1	\$ 10,824	\$ 11,040	\$ 11,261	\$ 11,487	\$ 11,716	\$ 56,328			
SEAL	30000	0.15	0.1	\$ 3,450	\$ 3,519	\$ 3,589	\$ 3,661	\$ 3,734	\$ 17,953			
Work-study Students				\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 50,000			
Academic Director Stipend/Research Allowance				\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 25,000			
Academic Director course release				\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 75,000			
Research Supplies									\$ -			
Total Research Expenses				\$ 44,274	\$ 44,559	\$ 44,850	\$ 45,148	\$ 45,450	\$ 224,281	\$ -	\$ -	
TOTAL EXPENSES				\$ 309,009	\$ 293,553	\$ 297,001	\$ 301,029	\$ 308,136	\$ 1,508,728	\$ -	\$ -	
Cumulative Surplus/ (Deficit)				\$ -	\$ -	\$ -	\$ -	\$ -				

REPORT TO SENATE
FROM THE
COMMITTEE ON APPOINTMENTS

Open Session

At its meeting on November 18, 2019, the Committee on Appointments approved the following recommendations and now recommends them to Senate:

a. Revisions to SPS A9 – Allocation of Teaching-Stream Positions Across Faculties

It is now recommended,

That the Senate approve the revisions to the SPS A9 Policy, as circulated.

Senate: For Approval
December 11, 2019

Complete Policy Title

**Allocation of Teaching-Stream Positions
Across Faculties**

Policy Number (if applicable)

SPS A9

Approved by

**Senate /
Board of Governors**

Date of Most Recent Approval

Date of Original Approval(s)

Supersedes/Amends Policy dated

**December 14, 2011 / December 15, 2011
December 13, 2006 (SPS 29)**

Responsible Executive

Provost and Vice-President (Academic)

Policy Specific Enquiries

[Provost and Vice-President \(Academic\)](#)

General Policy Enquiries

[Policy \(University Secretariat\)](#)

DISCLAIMER:

*If there is a Discrepancy between this electronic policy and the written copy held
by the policy owner, the written copy prevails.*

1. There are seven classes of appointment at McMaster University: tenure-track, tenured, special, continuing appointment without annual review (CAWAR), teaching-track, permanent teaching, and contractually limited (CLA).
2. Different appointments have a different balance of teaching, research and service as described in each individual letter of offer. For the purposes of this policy, teaching-intensive positions include all teaching-track and permanent teaching positions as well as CLA positions, where at least 60% of the job responsibilities are teaching.
3. No upper limit is set for the Faculty of Health Sciences due to the number of contractual arrangements that occur with agencies such as the Ministry of Health and Long-Term Care, etc. Teaching-intensive positions may be created in Health Sciences as needed and without limit, because the need for them will depend on the number and duration of such commitments.
4. In compliance with clause 3 above the Faculty of Health Sciences is excluded from clauses 5 to 8 below, and is not included as part of the full-time McMaster faculty complement.
5. The proportion of teaching-intensive positions shall not exceed 20% of the full-time McMaster faculty complement. Within an individual Faculty the proportion of teaching-intensive positions shall not exceed 23% of the full-time McMaster faculty complement:
 - a) the percentages above may be rounded to the nearest individual.
 - b) should the proportion of teaching-intensive positions exceed 23% in any individual Faculty no further teaching-intensive positions may be appointed until the proportion of teaching-intensive positions is 23% or less.
 - c) should an exceptional circumstance arise, exceptions to the above proportions must be approved at the Joint Administration/Faculty Association Committee ("Joint Committee").
6. The proportion of teaching-intensive CLA positions shall not exceed 7% of the full-time McMaster faculty complement. Within an individual Faculty the proportion of teaching-intensive CLA positions shall not exceed 8% of the full-time McMaster faculty complement:
 - a) the percentages above may be rounded to the nearest individual.
 - b) should the proportion of teaching-intensive CLA positions exceed 8% in any individual Faculty no further teaching-intensive CLA positions may be appointed until the proportion of teaching-intensive positions is 8% or less.
 - c) should an exceptional circumstance arise, exceptions to the above proportions must be approved at the Joint Committee.
7. The Provost's Office will track the number of teaching-intensive faculty and the number of teaching-intensive CLAs in each Faculty and provide an annual report to the Senate and the McMaster University Faculty Association ("MUFA").
8. The Joint Committee will review the numbers above in three years. If required, the Policy will be updated to reflect any changes to the numbers and the language will be revised by a joint drafting committee. Any revisions must be endorsed by the MUFA Executive and the Senate Committee on Appointments before being approved by the Senate.

Complete Policy Title:
**Allocation of Teaching-Stream
Positions Across Faculties**

Policy Number (if applicable):
SPS A9

Approved by:
**Senate
Board of Governors**

Date of Most Recent Approval:
**December 14, 2011
December 15, 2011**

Date of Original Approval(s):

Supersedes/Amends Policy dated:
December 13, 2006 (SPS 29)

Responsible Executive:
Provost and Vice-President (Academic)

Enquiries:
[University Secretariat](#)

DISCLAIMER: *If there is a Discrepancy between this electronic policy and the written copy held by the policy owner, the written copy prevails*

1. The number of teaching-stream positions in each Faculty shall not exceed the numbers shown here:

Faculty	Maximum number of teaching-stream appointments
Business	6
Engineering	8
Humanities	9
Science	15
Social Sciences	13

2. No upper limit is set for the Faculty of Health Sciences because of its very different set of funding sources, and the numbers of contractual arrangements that occur with outside agencies such as the Ministry of Health and Long-Term Care. Teaching-stream positions can be created in Health Sciences in essence without limit, because the need for them will depend on the number and duration of such commitments that are made outside the scope of the Ministry of Training, Colleges,

and Universities. Termination of such positions at the time of non-renewal of one of those contracts will need to be made in accordance with Section VII of the *McMaster University Revised Policy and Regulations With Respect to Academic Appointment, Tenure and Promotion* (Tenure and Promotion Policy).

3. Revision of the numbers identified in the table above will be discussed first at the Joint Committee. Any agreement there will be sent via the Senate Committee on Appointments to Senate for modification of this Supplementary Policy Statement.

Complete Policy Title:
Code of Student Rights and Responsibilities

Policy Number (if applicable):

Approved by:
Senate

Date of Most Recent Approval:
December 11, 2019, effective January 1, 2020

Date of Original Approval(s):
May 18, 2016

Supersedes/Amends Policy dated:
December 14, 2016, effective January 1, 2017

Responsible Executive:
Associate Vice-President (Students and Learning) and Dean of Students

Policy Specific Enquiries:
[Student Support & Case Management](#)

General Policy Enquiries:
[Policy \(University Secretariat\)](#)

DISCLAIMER: *If there is a Discrepancy between this electronic policy and the written copy held by the policy owner, the written copy prevails*

Draft 05 – November 13, 2019

TABLE OF CONTENTS

SECTION I: INTRODUCTION.....	1
Preamble.....	1
Scope.....	1
Authority And Jurisdiction.....	2
Involvement Of Civil Authorities	2
SECTION II: CONFIDENTIALITY.....	3
SECTION III: RIGHTS, RESPONSIBILITIES, AND EXPECTATIONS.....	4
Rights	4
Responsibilities.....	4
Residence Students: Additional Expectations.....	5
Student Athletes: Additional Expectations.....	6
Student Leaders And Student Groups: Additional Expectations	6
SECTION IV: VIOLATIONS.....	7
SECTION V: ROLES AND RESPONSIBILITIES.....	8
Student Affairs Administrators.....	8
Case Managers.....	8
Investigators.....	8
SECTION VI: INTAKE AND INVESTIGATIONS.....	9
Intake.....	9
Through Student Affairs	9
Burden And Standard Of Proof	9
Preliminary Assessment	9
Referral From An Intake Office.....	9
Response Team	9
Decision To Not Investigate	10
Voluntary Resolution	10
Investigations.....	10
Contacting The Respondent	11
Meeting With The Respondent	11
SECTION VII: ADJUDICATION.....	12
Student Affairs Administrator Decision	12
ADJUDICATION 12	
Procedural Guidelines	12
Parties	13
Closed Hearings	13
Scheduling.....	13
Similar Questions of Fact/Policy	13
Advisor.....	13
Evidence	13
Witnesses	14
University Representative.....	14
Order of Adjudication Hearing.....	14
Adjournment	14
Appropriate Procedures.....	14

SECTION VIII: DECISIONS	15
Respondent	15
Professional Licensing Bodies	15
Affected parties.....	15
Complainants.....	15
Appeals.....	15
SECTION IX: SANCTIONS AND REMEDIES	16
Sanctions.....	16
Athletics Specific.....	17
Residence Specific	17
Roles, Sanctions, And Appeal Rights Specific To Residence Students.....	18
Remedies.....	18
Failure To Comply.....	18
SECTION X: BEHAVIOUR RELATED TO A HEALTH CONDITION	19
Information Gathering Meeting	19
Determination to Enact Procedures for a Student with a Health Condition	19
Response to a Student with a Health Condition as it Pertains to the Code.....	20
Review Meeting	20
Involuntary Or Voluntary Withdrawal.....	21
APPENDIX A: APPEALS	22
Decisions Not Related To Discrimination, Harassment, And Sexual Violence	22
Discrimination, Harassment, And Sexual Violence Related Decisions.....	23
APPENDIX B: INTERIM MEASURES AND ONGOING SUPPORT OF ALL PARTIES.....	24
Health Condition	25
For Complaints of Discrimination, Harassment and/or Sexual Violence	25
Exceptional Circumstances (Interim Suspension).....	25
APPENDIX C: PEER CONDUCT BOARD	26
APPENDIX D: RECORDS, TRANSCRIPTS, REGISTRATION, AND NOTATIONS	27
APPENDIX E: GLOSSARY OF TERMS.....	29
APPENDIX F: RELATED POLICIES AND LEGISLATION	32

SECTION I: INTRODUCTION

PREAMBLE

1. The University values integrity, inclusiveness and teamwork, and strives to support the personal and collective growth of the McMaster student community. The University is committed to providing educational initiatives and learning opportunities to help students conduct themselves in accordance with the Code.
2. The University recognizes the complexity of student life at a post-secondary institution and understands that students may have differing levels of experience addressing conflict, however, students will be responsible for their interactions with others. Students are expected conduct themselves responsibly, in accordance with this Code, and to be individually responsible for their actions whether acting on their own or in a group.
3. A full glossary of terms and definitions may be found in [Appendix A](#). For the purpose of interpreting this document:
 - a) words in the singular may include the plural and words in the plural may include the singular;
 - b) **decision-makers in this Code may, where appropriate, delegate their authority (this includes the Dean of Students, Case Managers, Directors, and the Provost);**
 - c) **Athletics and Recreation** means the Department of Athletics and Recreation;
 - d) **Case Manager** means the Dispute Resolution Case Managers in Student Support & Case Management;
 - e) **Dean of Students** means the Associate Vice-President (Students and Learning) and Dean of Students;
 - f) **Director (A&R)** means the Director, Athletics and Recreation;
 - g) **Director (HCS)** means the Director, Housing and Conference Services;
 - h) **Director (HRDR)** means the Director, Human Rights & Dispute Resolution;
 - i) **Director (SVPR)** means the Director, Sexual Violence Prevention and Response Office;
 - j) **Director (SSCM)** means the Director, Student Support & Case Management;
 - k) **Student Groups** means University Recognized Student Groups;
 - l) **Security Services** means Security and Parking Services; and
 - m) **Student Affairs** means the Student Affairs Office.

SCOPE

4. All McMaster students have an obligation to familiarize themselves with this Code as it applies to their particular role as a student, student-athlete, Residence Student, Student Leader and/or student group member, in order to ensure that they are aware of their Rights and Responsibilities to the University Community.
5. All students are responsible for respecting the rights of others, contributing to an environment that is free of Discrimination, Harassment, and Sexual Violence, and for conducting themselves in a manner that contributes positively to the University and the University Community.
6. By enrolling at the University students agree to abide by the [Rights, Responsibilities, and Expectations](#) in this Code.

7. Behaviour dealt with under this Code includes any action that violates the Responsibilities of Students or negatively affects any member of the University Community, and arises:
 - a) on University premises, or at a University authorized event occurring on or off University premises, or when representing the University;
 - b) at a non-authorized event off University premises and where there is a clear connection to the University community. Incidents without a clear connection (nexus), but where the student(s) in question potentially pose a significant risk to community or workplace safety or where the University has reasonable grounds to be concerned with a risk of future violence, also fall within the scope;
 - c) arises elsewhere in the course of activities sponsored by the University, or where the conduct is alleged to adversely affect, disrupt or interfere with another person's reasonable participation in University programs or activities;
 - d) through electronic media, where there is a clear connection to the University Community; and/or
 - e) occurs in the context of a relationship between the student and a third party and involves the student's standing, status or academic record at the University.
8. **Residence Students** are also required to abide by the additional expectations outlined in [clauses 26-28](#).
9. **Student-Athletes** are also required to abide by the additional expectations outlined in [clauses 29-30](#).
10. **Student Leaders**, and **Student Groups** (including their executives, and any member operating in their capacity as a Primary Event Organizer) are also required to abide by the expectations outlined in [clauses 31-32](#).
11. A student host is responsible for supervising their guests' and ensuring their guests actions are not violations of the behaviour standards outlined in this Code.

AUTHORITY AND JURISDICTION

12. The Senate of McMaster University has set out in this Code, the expectations for acceptable conduct of students and the procedures for dealing with conduct that does not meet these expectations. Senate has delegated to the [Dean of Students](#) the authority to administer this Code and impose sanctions, including suspension or expulsion. The Dean of Students may delegate certain responsibilities to the [Director \(HCS\)](#), the [Director \(A&R\)](#), or other Student Affairs Staff.

INVOLVEMENT OF CIVIL AUTHORITIES

13. The existence of this Code does not preclude any individual from proceeding under applicable laws against another individual, nor does it preclude Security Services from carrying out its responsibilities. Proceedings under this Code may be carried out prior to, simultaneously with, or following other off-campus proceedings, including civil or criminal proceedings, at the discretion of the Dean of Students.
14. In cases where the Dean of Students determines that processing an allegation under this Code might prejudice another internal or external process they may suspend these proceedings indefinitely or pause the investigation pending the outcome of these non-Code proceedings. Interim measures may be used at any point to ensure the safety of all students and the University Community. See [Appendix B: Interim Measures and Ongoing Support of All Parties](#).

SECTION II: CONFIDENTIALITY

15. The University and its employees and agents will protect personal information and handle records in accordance with the [Freedom of Information and Protection of Privacy Act](#) and the [Personal Health Information Protection Act](#), where applicable in the circumstances, and in the case of health care providers, in keeping with any professional obligations.
16. The University will share identifying information only in circumstances where it is necessary in order to administer the Code, to address safety concerns, or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or to meet such requirements, will be disclosed. Such circumstances include those where:
 - a) an individual is at risk of harm to self;
 - b) an individual is at risk of harming others;
 - c) there are reasonable grounds to be concerned with risk of future violence or the safety of the University and/or broader community;
 - d) disclosure is required by law; for instance, suspected abuse of someone under the age of 16; or, to comply with legislation;
 - e) it is necessary to comply with the reporting requirements of regulatory bodies;
 - f) it is necessary to share information between the [Director \(SSCM\)](#), the [Director \(HCS\)](#), the [Director \(A&R\)](#), and/or other appropriate staff within their offices for the purpose of supporting the student (e.g. when behaviour that occurred within Residence may affect the student in their role as a Student-Athlete); and/or
 - g) there are reasonable grounds to believe that it is necessary to contact a student's parents or other appropriate contacts.
17. Some offices and [Community Members](#) have additional limitations to confidentiality because of their particular reporting requirements or professional obligations. For example:
 - a) all regulated health professionals are obligated to report suspected sexual abuse of a patient by a regulated health professional to that professional's governing body if this information is acquired during the course of their practice; and
 - b) Special Constables in Security Services are required to investigate reports of abuse of someone under the age of 16, and reports of intimate partner/domestic violence and to lay charges in all cases when there are reasonable grounds to believe a criminal offence has been committed, regardless of whether the target of the violence wishes to have further involvement with the legal process.
18. For matters involving allegations under the [Discrimination & Harassment Policy](#), and/or the [Sexual Violence Policy](#), any additional confidentiality requirements under the relevant policy will apply.
19. Procedural limits to confidentiality may also occur if the University is subject to legal proceedings that, in the opinion of the Provost and Vice-President (Academic) or the Vice-President (Administration), (in consultation with the President), require the disclosure of information.
20. The importance of preserving the confidentiality of Complaints and any related proceedings will be explained to all parties as a necessary measure to protect the integrity of the proceedings.

SECTION III: RIGHTS, RESPONSIBILITIES, AND EXPECTATIONS

21. McMaster University is a student-centered community committed to excellence, integrity, inclusiveness and teamwork. Membership in this community implies acceptance of the principle of mutual respect for the rights, responsibilities, dignity, and well-being of others, and a readiness to support an environment conducive to the intellectual and personal growth of all who study, work and live within it. Student rights, and the responsibilities that accompany them, include, but are not limited to those listed below.

Rights

22. All students have the right to:
- a) protection under the law and this Code;
 - b) fair procedures and process under this Code;
 - c) participate unhindered in their academic pursuits which includes the opportunity to participate in respectful dialogue that examines diverse views and ideas;
 - d) live and work in an environment free from discrimination, harassment, intimidation,, sexual violence, and violence; and
 - e) have their personal privacy appropriately respected by other students.

Responsibilities

23. All students are responsible for:
- a) acting in accordance with the law and this Code;
 - b) being acquainted with the relevant related policies as they apply to all students as well as to their specific role(s) within the University;
 - c) supporting an environment free from discrimination, harassment, intimidation, assault, sexual violence, and violence;
 - d) treating others in a way that does not harm them physically and/or threaten or intimidate them emotionally or mentally;
 - e) appropriately respecting the personal privacy of other students;
 - f) consuming legal substances in a safe and responsible manner; and
 - g) complying with any disciplinary measures assigned under this Code, and respecting the authority of University officials in the course of their duties.
24. For a list of behaviours that may be considered a violation of this Code, refer to [Section IV: Violations](#).
25. The University recognizes that unusual situations may arise that are not necessarily covered by the above Rights and Responsibilities, but still raise concern for the safety or well-being of students or the University community. In such cases, the [Dean of Students](#) reserves the right to use the procedures outlined in this Code to ensure the safety and security of students and the University Community as a whole.

RESIDENCE STUDENTS: ADDITIONAL EXPECTATIONS

26. Students living in Residence are part of a unique and interconnected community on campus. As such, there are additional, contextual expectations for Residence Students, and their guests.
27. These expectations are identified and agreed upon by every Residence Student in the [Residence Agreement Contract](#) and apply to any behaviour that occurs in Residence and/or at an approved Residence event held either on or off campus and/or which occurs on the internet or through social media.

28. By requesting to live in Residence, students agree to:

Community Standards

- a) avoid creating significant nuisances for, or infringe on, a resident's peaceful use of their room/space (e.g. excessive noise, indoor sporting activity, pranks, etc.);
- b) take reasonable steps to prevent a problem situation from occurring or, if it occurs, to prevent it from escalating to a more serious level;
- c) refrain from possessing prohibited items as defined by Housing and Conference Services in the Residence Agreement Contract Appendix: Prohibited Items and Alcohol Regulations;

Policy

- d) abide by University policies, procedures, or protocols (e.g. Residence Agreement/Contract, Guest/Escort Protocol, Decorating Protocol, etc.);

Personal and Community Safety

- e) refrain from actions that compromise fire safety standards (e.g. propping doors, lighting candles, smoking inside, failing to evacuate, tampering with fire safety equipment, causing a false alarm, etc.);
- f) refrain from actions that compromise the safety of an individual(s) (e.g. tampering with building systems, fabricating or building structures, accessing restricted areas, etc.) or are considered unsafe practices by Housing and Conference Services;
- g) refrain from actions that compromise the safety of the Residence community (e.g. loaning keys, fraudulently gaining entry to a building, misusing identification, etc.);

Substance Use Standards

- h) abide by the *Residence Agreement Contract Appendix: Prohibited Items and Alcohol Regulations* and the *Liquor License Act*, including refraining from underage consumption/service, excessive consumption/ public intoxication, open alcohol in a public space, drinking games, or alcohol practises considered unsafe by Housing and Conference Services; and
- i) refrain from the possession, use, sale or being under the influence of illegal drugs (including drug traces, paraphernalia, and smell) and/or use of medication for purposes other than those for which it was prescribed.

STUDENT ATHLETES: ADDITIONAL EXPECTATIONS

29. The University recognizes that Student-Athletes participate in distinctive settings on and off campus and are part of a unique community within the University. Playing and competing for the University is a privilege, not a right. Therefore, there are additional, contextual expectations for Student-Athletes that are identified and agreed upon during their registration process. These expectations apply to any member of an athletic inter-university team, and to their behaviour at any Athletics and Recreation sanctioned event, or a team related function held either on or off campus and/or which occurs on the internet or through social media.
30. Student-Athletes are expected to:
- a) represent the University and portray themselves, their team, and the University in a positive manner at all times;
 - b) be an ambassador for the University at all times and avoid engaging in activities likely to cause personal injury, intimidation or harassment;
 - c) treat everyone with courtesy and respect within the context of their sport;
 - d) refrain from any form of hazing, which includes, but is not limited to: any action or activity which does not contribute to the positive development of a person; which inflicts or intends to cause physical or mental harms; and which may demean, degrade or disgrace any person, regardless of location, intent or consent of participants;
 - e) abide by the rules and regulations of their sport, as set out by Ontario University Athletics, the Canadian Interuniversity Sport and the sport governing body;
 - f) refrain from the use of anabolic steroids or other illegal performance enhancing drugs and techniques (e.g. blood doping), as outlined by the Centre for Ethics in Sport;
 - g) avoid any negative interaction or conflict with members of opposing teams and/or officials except as they occur in the actual course of competition and which constitute the legitimate expression of the competitive spirit of their teams or team members;
 - h) refrain from willfully damaging the property of others which includes, but is not limited to, hotel rooms, facilities at other universities, and/or transportation vehicles; and
 - i) refrain from the consumption or transportation of any alcoholic beverages on team vehicles.

STUDENT LEADERS AND STUDENT GROUPS: ADDITIONAL EXPECTATIONS

31. Student Groups have a responsibility to respect the rights of others and to conduct themselves in a responsible manner that contributes positively to the University Community while on University premises and/or at events off-campus organized by the group.
32. Student Group executives and/or the primary event organizer may be held responsible for violations of this Code. All Student Leaders and Student Groups are expected to:
- a) follow the expectations and risk management procedures as contained in the [Policy on Student Groups \(Recognition, Risk Assessment and Event Planning\)](#); and
 - b) comply with a directive of the Dean of Students, or their delegate.

SECTION IV: VIOLATIONS

33. Violations of this Code include, but are not limited to:

Safety of Oneself and the Community

- a) engaging in [Sexual Violence](#) as defined in the [Sexual Violence Policy](#) and this Code;
- b) engaging in physical actions which are threatening, physically abusive and/or compromise the safety and security of any individual and/or group;
- c) engaging in verbal or non-verbal behaviour or communication toward any individual or group that may be perceived to be intimidating, degrading, harassing and/or discriminatory (that may violate the [Discrimination & Harassment Policy](#)), and in a manner that exceeds the bounds of freedom of expression;
- d) failing to comply with fire safety regulations, e.g. setting unauthorized fires, tampering with fire and emergency equipment, failing to exit a building during an alarm, etc.;
- e) possessing, storing, or using a hazardous material, explosive substance or weapon, including any item that can be reasonably perceived to be a weapon by others e.g. replica guns, air soft guns, etc.;

Personal or University Property

- f) vandalising, stealing, or being in possession of property that is not one's own e.g. intellectual property, digital files, property of the university and personal property, etc.;

Community Standards

- g) failing to cooperate with Security Services, or a University official who is performing their duties under this Code, e.g. including furnishing false information, etc.;
- h) assisting with or conspiring in any conduct that violates this Code;
- i) trespassing and/or fraudulently gaining, or attempting to gain entry to University property;
- j) engaging in disruptive behaviour in or out of class e.g. making excessive noise at any time of the day, causing a disturbance in class, or interrupting the daily functions of the University;
- k) sharing the private information of any individual without consent;
- l) fraud of any kind, including misusing University issued keys or identification, passwords, meal cards;
- m) publicly displaying and/or making pornography material anywhere on University campus;
- n) smoking, or the use of tobacco products, in any University owned or leased building and/or vehicle, on University property, or in any vehicle while on University property, in violation of the [Tobacco & Smoke Free University Policy](#);
- o) failing to adhere to their responsibilities and expectations as identified in this Code;
- p) breaching any contract under this Code that outlines specific parameters for a student's behaviour (e.g. behavioural contract, probation) and/or failing to complete an educational outcome or sanction on time;

Legal and Illegal Substances

- q) possessing, consuming, trafficking or being under the influence of any illegal substance;
- r) possessing or consuming alcohol when under 19 years of age, or distributing alcohol to those under 19 years of age;
- s) consuming or being impaired by any legal controlled substance, in a public space regardless of age.

SECTION V: ROLES AND RESPONSIBILITIES**STUDENT AFFAIRS ADMINISTRATORS**

34. Student Affairs Administrators are the:
- a) Dispute Resolution Case Managers "Case Managers" in the [Student Support & Case Management Office \(SSCM\)](#), for all students;
 - b) Support Case Manager (SSCM), Residence Life Area Coordinator, or the Manager (Residence Life), for Residence Students; and
 - c) Associate Director (A&R), or the Athletic Services Coordinator for Student-Athletes.
35. Student Affairs Administrators are responsible for the:
- a) intake and preliminary assessment of allegations of Code violations;
 - b) investigations and determinations of violation of the Code, when the potential sanctions are within their authority to assign;
 - c) referral of Disclosures to the [Sexual Violence Prevention and Response Office](#); and
 - d) notification/referral to the appropriate Intake Office for allegations of discrimination, harassment and/or sexual violence.

CASE MANAGERS

36. The Case Managers in the Student Support and Case Management Office have additional responsibilities which include:
- a) conducting investigations of allegations of Code violations, including discrimination, harassment and/or sexual violence allegations (when they have been appointed as Investigators under the *Discrimination & Harassment Policy* and/or *Sexual Violence Policy*)
 - b) making a finding of violation for minor violations (that do not include allegations of discrimination, harassment and/or Sexual Violence);
 - c) referring cases directly to Adjudication when it is warranted by the severity of the alleged conduct, the potential sanctions, and/or the number of violations in the student's record;
 - d) determine whether a violation of the Code has occurred and, when appropriate or where there are extenuating medical circumstances, determine whether corrective action might be taken without proceeding to Adjudication.

INVESTIGATORS

37. Investigators for the Code may include external investigators or an alternate internal investigator, as deemed appropriate by the Student Support and Case Management Office.
38. Investigators appointed under the [Discrimination & Harassment Policy](#), and/or the [Sexual Violence Policy](#), whether internal or external to the University, will have training and expertise in compliance with the relevant policy.
39. Investigators will follow the mandate and scope of the investigation as determined by the University.

SECTION VI: INTAKE AND INVESTIGATIONS

INTAKE THROUGH STUDENT AFFAIRS

40. Allegations from members of the University Community that a student's behaviour may be a violation of this Code should be reported to the appropriate [Student Affairs Administrator](#) (see clause 34) who shall determine whether the alleged behaviour is within the scope of the Code.
41. Individuals may consult with Student Support and Case Management to seek guidance on the application of the Code and the appropriate Administrator and/or Office that inquiries and complaints should be directed to.
42. If the matter is determined to not be within the scope of the Code, the matter may be dismissed and/or referred to another applicable University policy, or appropriate authorities.
43. If at any stage of a process under this Code it is determined that the behaviour is related to a health condition, it may be referred to [Section X](#) for alternate procedures, when appropriate in the circumstances.

Burden and Standard of Proof

44. At each stage of decision-making the onus of establishing that there has been a violation of the Code shall be on the University authority. Decisions are made on the balance of probabilities (the evidence shows it is more likely than not that the violation of the Code occurred).

Preliminary Assessment

45. Student Affairs Administrators shall conduct a preliminary assessment to determine whether:
 - a) the potential sanctions for the alleged violation are within their authority to assign, and if so, if it is also within their authority to investigate the allegation;
 - b) the number of violations in the student's record warrants referral directly to Adjudication before relevant Director ([SSCM](#), [HCS](#), [A&R](#));
 - c) the matter involves serious allegations of violations of the Code, that require referral to a Case Manager; and/or
 - d) the matter involves allegations of Discrimination, Harassment, and/or Sexual Violence that require a referral to the Director ([HRDR](#)) and the Director ([SSCM](#)).

REFERRAL FROM AN INTAKE OFFICE

46. Allegations of **discrimination, harassment and/or sexual violence** involving a Student Respondent will be investigated and adjudicated under this Code and may be referred to the Code from one of the Intake Offices.
 - a) [Human Rights & Dispute Resolution Program, Equity and Inclusion Office](#) (All Community Members)
 - b) [Student Support & Case Management Office \(SSCM\)](#) (Students)
 - c) [Employee and Labour Relations \(ELR\)](#) (Faculty or Staff members)
 - d) [Faculty of Health Sciences \(FHS\) Professionalism Office](#) (FHS Community Members)

Response Team

47. For allegations under the *Discrimination & Harassment Policy* and/or *Sexual Violence Policy*, there is a Response Team, which is activated by the [Director \(HRDR\)](#), where a case potentially presents community risk

and/or requires consultation with multiple partners for a coordinated response. The Response Team will act in compliance with the *Discrimination & Harassment Policy* and/or *Sexual Violence Policy*.

DECISION TO NOT INVESTIGATE

48. In some circumstances a decision may be made not to investigate allegations of **discrimination, harassment and/or sexual violence**. The decision will be communicated in writing, with reasons, to the parties by the Dean of Students. The Complainant will be informed of their right to make a written appeal of the decision to the Provost and Vice-President (Academic).

VOLUNTARY RESOLUTION

49. Before the completion of an Investigation, a Complainant and Respondent may be interested in attempting a resolution of a Complaint. Voluntary Resolution is not mandatory and may not be appropriate in all Code related matters.
50. The following conditions must be present before considering if Voluntary Resolution is a viable option:
- a) **no findings have been made** in the matter, unless Voluntary Resolution is being considered as part of a remedy that involves reparation upon a finding of violation of the Code;
 - b) the University is able to meet its legal responsibilities pursuant to relevant legislation; and
 - c) the Complainant and the Respondent both agree to:
 - (i) attempt to reach a resolution in good faith;
 - (ii) the methods to be used to seek resolution;
 - (iii) the terms of what would constitute resolution; and
 - (iv) accept that arriving at an agreed upon resolution will **not** constitute a breach of the Code, unless such finding has already been established.
51. A meeting between the Complainant and the Respondent will **not** be a requirement for Voluntary Resolution.
52. A Voluntary Resolution may be facilitated by the appropriate Student Affairs Office, and the methods may include fact-finding discussions, clarification of the issues, facilitated conversations, mediation, coaching, voluntary no contact agreements, reconciliation, workplace restoration, and restorative justice measures.

INVESTIGATIONS

53. Investigations conducted under this Code will follow the principles of procedural fairness. Respondents have the right to know the case against them, and to produce evidence and witnesses in response to any allegations.
54. Investigations of allegations of discrimination, harassment and/or sexual violence shall be conducted in compliance with the investigation procedures of the [Discrimination & Harassment Policy](#) and/or the [Sexual Violence Policy](#).
55. The [Student Affairs Administrator](#), [Case Manager](#), and/or Investigator, will impartially collect evidence and interview witnesses in relation to the allegation. In consultation with the appropriate Director, they may adjust

the scope and the manner in which the investigation will be conducted in compliance with this Code and the principles of procedural fairness.

56. All [Community Members](#) are expected to meet with the Student Affairs Administrator, Case Manager, and/or Investigator if requested to do so. All those who attend such a meeting are expected to keep confidential the meeting and any information shared to ensure the integrity of the proceedings.

Contacting the Respondent

57. The Student Affairs Administrator shall contact the Respondent by phone and/or McMaster email to schedule a meeting. The Respondent will be informed of the following:
- a) that an investigation has been initiated, the nature of the allegation, and the procedures to be followed;
 - b) the time and location of the meeting;
 - a) the parties attending the meeting (when possible);
 - c) that should they fail to attend without contacting the Student Affairs Administrator, the Administrator will proceed to gather information in their absence; and
 - d) if contacted via email, that they must reply **within three (3) business days**.
58. If there is no response from the Respondent **within three (3) business days** of the initial contact, a meeting will be assigned, and scheduled **at least three (3) business days** after delivery of the notification. The Respondent will be notified by phone, via McMaster email and/or by letter (e.g. delivered under their Residence door; registered mail). These timelines may be expedited, in some cases, when the situation is deemed significant and/or when the Respondent agrees to an expedited timeline.

Identification of Additional Respondents

59. A student who was not previously identified as a Respondent but who, during the course of an investigation, is identified as a potential Respondent must be notified and given an opportunity for a meeting to respond to any allegations.

Meeting with the Respondent

60. During the meeting, the allegation shall be reviewed with the Respondent. The Respondent will be made aware of all relevant information pertaining to the matter that is available at the time of the meeting and will be given the chance to respond to the information presented, provide evidence, and identify any relevant witnesses.
61. Should new information be received from other parties and/or witnesses, the Respondent will be provided another opportunity to meet and respond to the new information.
62. The Student Affairs Administrator may seek to resolve the matter through one-on-one meetings or through a facilitated group dialogue which may include but is not limited to: mediation, restorative processes, and/or intervention on behalf of another.
63. The Student Affairs Administrator may discuss possible sanctions with the Respondent to determine whether the Respondent is interested in accepting the possible sanctions. This may include specific educational sanctions that will help the Respondent, while protecting the safety and integrity of the University Community (e.g. behavioural contract, loss of privileges etc.).

SECTION VII: ADJUDICATION

64. Following the investigation, the [Student Affairs Administrator](#) shall determine whether there is sufficient evidence to support a finding that the student has been found in violation of the Code, and if so, will determine which option will be most appropriate in the circumstances:
- a) decision by the Student Affairs Administrator;
 - b) referral to Adjudication before the relevant Director; or
 - c) direct the case to [Section X](#) where a Respondent has established that they have medical circumstances that may have contributed to the behaviour.
65. If the Student Affairs Administrator refers the matter to Adjudication, the student will be so informed in writing.

Student Affairs Administrator Decision

66. The Student Affairs Administrator makes a finding and imposes sanctions, in accordance with the Code. The student shall be provided with written notice of the finding and sanctions, and any appeal options they may have ([Appendix A: Appeals](#))
67. If the Student Affairs Administrator concludes that there is insufficient evidence to proceed, or that there is no violation of the Code, the matter shall be closed. The student will be informed in writing.

ADJUDICATION

68. In some circumstances, for Residence Students or Student-Athletes, the matter may be referred for adjudication before the Director (A&R), or the Director (HCS), when the potential sanctions are within their authority to assign.
69. Adjudication is normally before the Director (Student Support and Case Management Office), or the Dean of Students, as appropriate in the circumstances.
70. Students may request Peer Conduct Board Adjudication. The [Peer Conduct Board](#) will not be used in cases of Discrimination, Harassment and/or Sexual Violence, or where it is determined that the behaviour in question has resulted in significant harms to an individual and it would be inappropriate or unfair to those affected by the behaviour for information to be shared beyond the normal participants of an Adjudication Process.

Procedural Guidelines

71. Every reasonable effort will be made to arrange an Adjudication date **within seven (7) business days** of the decision being made to proceed to Adjudication.
72. Prior to the adjudication, either verbally or in writing, the Student Affairs Administrator will inform the Respondent that should they be absent from a scheduled Adjudication without first contacting the Student Affairs Administrator to reschedule, and demonstrating reasonable grounds, the matter may proceed in their absence.
73. The Respondent shall have the opportunity to bring a support person and bring witnesses. Respondents shall provide, as soon as possible, the names of any relevant witnesses that have agreed to testify. If new information arises the Respondent will have a chance to speak to it prior to the Adjudication

Parties

74. Parties to an Adjudication shall include the [Student Affairs Administrator](#) presenting the allegation and the Respondent against whom the allegation has been made.

Closed Hearings

75. Hearings shall be held *in camera* (closed) unless one or both of the parties requests that the hearing, or some part of the hearing, should be held in public. In the event of such a request, representations shall be heard from all parties on whether matters of an intimate financial or personal nature are to be raised, whether there is an issue of public safety involved, the desirability of holding an open hearing and other relevant circumstances.

Scheduling

76. An attempt shall be made to schedule the Adjudication hearing at a time and place convenient for all parties. However, if a party, who has been notified of an Adjudication date, is absent without contacting Student Affairs or without providing a satisfactory explanation, the Adjudication hearing may proceed in their absence.

Similar Questions of Fact/Policy

77. If two or more proceedings before the Peer Conduct Board (PCB) or the Adjudicator involve the same or similar questions of fact or policy, the PCB or the Adjudicator may:
- a) combine the proceedings or any part of them;
 - b) hear the proceedings at the same time; or
 - c) hear the proceedings one immediately after the other.

Advisor

78. The Respondent shall have the right to have an [Advisor](#) or [Support Person](#) present at the adjudication hearing. Such individual may consult with the Respondent but shall not be allowed to speak at the Adjudication hearing.

Evidence

79. The Respondent is entitled to receive, prior to the adjudication meeting, detailed information regarding the allegation against them.
80. Parties have the right to present evidence, including written statements, in support of their case, prior to and at the hearing, and to see any written evidence presented at the hearing.
81. The decision-maker may admit as evidence any oral testimony and any document, written statement or other thing, relevant to the subject matter of the proceeding.
82. The decision-maker may require the production of written or documentary evidence by the parties or by other sources.
83. The decision-maker must not hear evidence or receive representations regarding the substance of the case outside of the hearing.

Witnesses

84. Parties have the right to call, question and cross-examine witnesses. Parties are responsible for producing their own witnesses and paying for any costs associated with their appearance.
85. Parties may submit witness statements as evidence. In the event that a party wishes to cross-examine a witness on their statement, the adjudication may be adjourned to permit the witness to appear. Alternatively, the Parties may consent to contacting the witness by telephone; provided that all Parties and decision-maker can hear one another throughout the cross-examination of the witness.
86. The decision-maker may limit testimony and the questioning of witnesses to those matters it considers relevant to the disposition of the case.
87. The witnesses will stay in the adjudication meeting only while they are testifying and responding to questions.

University Representative

88. For the purposes of the Adjudication Hearing, the person responsible for presenting the case shall be referred to as the University Representative. The University Representative may include the Student Affairs Administrators, the Case Managers, and Investigators.

Order of Adjudication Hearing

89. The order of the Adjudication hearing shall be as follows:
 - a) the University Representative shall present the findings of their investigation and shall call any witnesses. The Respondent and the decision-maker shall be permitted to question each witness at the end of their testimony. The University Representative shall be permitted to clarify any new points arising from such questioning;
 - b) the Respondent shall present their evidence and shall call any witnesses. The University Representative and the decision-maker shall be permitted to question each witness at the end of their testimony. The Respondent shall be permitted to clarify any new points arising from such questioning;
 - c) the University Representative may respond to any evidence presented by the Respondent in (b) above;
 - d) the parties will be permitted an opportunity to summarize their respective cases. The summary should address both the substance of the alleged violation and the appropriate sanction in the event that the allegation is determined to be valid; and
 - e) the decision-maker may alter the order described above in the interests of fairness to any or all parties.

Adjournment

90. The decision-maker may grant an adjournment at any time during the adjudication hearing to ensure a fair hearing.

Appropriate Procedures

91. Where any procedural matter is not dealt with specifically in this Code, the decision-maker may, after hearing submissions from the parties and considering the principles of fairness, establish an appropriate procedure.
92. Any procedural requirement contained in this Code may be waived with the consent of the decision-maker, and all the Parties to the Hearing so long as basic procedural fairness is maintained.

SECTION VIII: DECISIONS

93. A decision takes effect immediately and filing an appeal will not stay the implementation of any sanction imposed.
94. It is the responsibility of the Adjudicator to ensure the implementation of the sanction.

Respondent

95. Respondents will receive a written decision from the relevant Decision-Maker, that will include:
- a) the decision with respect to a **Finding or No Finding** of Violation of the Policy;
 - b) reasons for the decision; and
 - c) a summary outlining the findings.
96. If the outcome is a no finding of violation of the Code the matter will be closed.
97. If the outcome is a finding of violation of the Code, the Respondent will be informed of the sanction(s) and/or remedies that have been ordered, and will be informed of their **appeal rights** ([Appendix A: Appeals](#)).
98. Notification shall normally occur **within ten (10) business days** of an adjudication/hearing.

Professional Licensing Bodies

99. Where required by a professional licensing body, the relevant findings will be communicated to that professional licensing body, after any sanctions/remedies have been implemented.

Affected parties

100. Affected parties will receive information about the findings and/or any sanctions/remedies that have a direct impact on them, within the constraints of relevant legislation.

Complainants

101. Within the constraints of relevant legislation, the Complainant will be informed of the findings, and will be provided a brief summary of the decision and reasons that are directly related to their complaint.
102. In all cases, information about any sanctions/remedies that have a direct impact on the Complainant will be provided to them.

APPEALS

103. If the Respondent wishes to appeal the decision they may follow the Appeal procedures outlined in [Appendix A: Appeals](#).

SECTION IX: SANCTIONS AND REMEDIES

SANCTIONS

104. Sanctions may be used independently or in combination for any single offence and shall be proportional to the severity of the offence. In the event that previous findings exist, the severity of sanctions may be greater.
105. Whenever appropriate, sanctions will be assigned with an emphasis on education and restorative practices; however, in certain circumstances, punitive sanctions may be assigned.
106. Sanctions include, but are not limited to:
- a) **oral warning:** an oral warning is notification given to a student;
 - b) **written warning:** a notice given to a student indicating the date, time, and nature of the violation. Such behaviour must stop and repeat offences may result in more severe sanctions;
 - c) **educational sanctions:** completion of specific educational or developmental activities as deemed appropriate. These may include, but are not limited to, service to the University or greater community, participation in educational seminars, written assignments, and written or oral apologies;
 - d) **restitution:** requirement that restitution to be made to another individual or the University for any loss or damage to personal or University property;
 - e) **behavioural contract:** a set of behavioural expectations, terms, and conditions. Any breach of this contract constitutes a violation offence and may result in more serious sanctions, including suspension or expulsion from the University;
 - f) **no contact order:** the student is required to have no direct or indirect contact (including but not limited to in-person, phone, email, text, social media, through a third party, etc.) with a specific individual or group as outlined in a behavioural contract;
 - g) **behavioural bond:** the student is required to provide a sum of money up to a maximum of \$500.00 for a specific period of time [maximum one (1) academic year] and sign and abide by a contract. If, at the end of that time, the student has not breached the contract, the money will be returned. If they do breach the contract, any money collected will be used by Student Affairs for educational purposes and more severe sanctions may be imposed;
 - h) **fines up to \$500.00:** fines may be applied for the following purposes:
 - (i) violations related to fire and fire safety, including smoking or tobacco use in violation of the *Tobacco & Smoke Free University Policy*;
 - (ii) some examples of fines for first time violations include:
 - \$50.00 - Late Move out of Residence (per day)
 - \$60.00 - Setting off Fire Alarms/Failure to exit the building during a fire alarm
 - \$100.00 - Tampering with Fire Safety equipment
 - i) **loss of privileges:** loss of specified privileges for a designated time period. The lost privileges may include, but are not limited to, parking privileges, unrestricted access to the library, access to athletic facilities, and extra-curricular activities;
 - j) **persona non grata (PNG):** *persona non grata* is the designation given to an individual who is denied the privilege of entering specific parts of the University. If PNG individuals are found or seen in the area they are denied, then they will be subject to a charge by Security Services under the *Trespass to Property Act*;

- k) **suspension (academic):** loss of all academic privileges at the University for a specified period of time and/or until imposed conditions are met. The student is eligible to return after this time but may be required to fulfill specified non-academic conditions upon return. The suspension is noted on the student's transcript (see [Appendix D](#) for further details); and
- l) **expulsion:** loss of all academic privileges at the University for an indefinite period. The expulsion is noted on the student's transcript (see [Appendix D](#) for further details).

Athletics Specific

107. In addition to the above sanctions, the following sanctions are only applicable to Student Athletes:
- a) **athletic financial awards:** financial awards offered through Athletics and Recreation may be rescinded for a period of time or permanently;
 - b) **community service (competitive teams):** community service by the individual or team;
 - c) **removal of funding (competitive teams):** removal of funding for the team; and/or
 - d) **suspension (competitive teams):** suspension of the individual or team for one or more competitions or an entire season.

Residence Specific

108. In addition to the above sanctions, the following sanctions are only applicable to students living in Residence:
- a) **guest restrictions:** restriction of a student's right to host guests in Residence for a specified period of time;
 - b) **Residence notice:** notification that any kind of further offence will result in a formal process and may result in eviction. The notice may include a loss of privileges (e.g. access to space, attendance at Residence programs, etc.). This status is in place for the balance of the academic year in which it is assigned;
 - c) **Residence probation:** a formal notice informing the student that any kind of further offence will result in eviction. The Adjudicator normally writes the letter citing the reason(s), the terms, and the length of time it will be in place. The length and terms of the probation will be determined based on the circumstances;
 - d) **room transfer:** a student may be transferred to another hall when their behaviour is disruptive to their hall but does not warrant eviction from the Residence system. A room transfer under these circumstances is normally accompanied by a declaration that the Student is *persona non grata* in their original hall and an automatic probationary status for the remainder of the academic year;
 - e) **denial of readmission:** denial of readmission to Residence or participation in the lotteries to return to Residence are outcomes levied in serious cases at the discretion of the [Director \(HCS\)](#). This will be communicated in writing to the Student, indicating the reason(s) and the period of time for which it will be in effect; and
 - f) **eviction:** a student who is evicted from Residence must leave Residence within a time period determined by Housing and Conference Services. The time period will be commensurate with the seriousness of the offence, normally 24 hours, and reflect Housing and Conference Services' assessment of the risk to persons and property within the hall if the student were to remain. Students evicted from Residence will not be eligible for readmission to Residence. Eviction from Residence is always accompanied by a declaration that the student is *persona non grata* (PNG) in all University Residences. Eviction does not affect nor will it appear on the student's academic record. The student will receive a letter outlining the reason(s) for the eviction as well as any terms and conditions related to their removal from Residence. A copy of this letter will be forwarded to Security Services.

Roles, Sanctions, and Appeal Rights specific to Residence Students

109. The following chart illustrates the specific roles, sanctions, and appeal rights applicable to Residence Students.

SANCTIONS		APPEALS
Community Advisors (i.e. Student Affairs Staff)		
<ul style="list-style-type: none"> • Oral Warning • Written Warning 	<ul style="list-style-type: none"> • Educational Outcome 	Sanctions appealable to the Residence Life Area Coordinator, who has final decision
Residence Life Area Coordinators (i.e. Student Affairs Administrators)		
All Sanctions listed above, and: <ul style="list-style-type: none"> • Restitution • Fine up to \$500.00 • Behavioural Contract • No Contact* • Room Transfer* 	<ul style="list-style-type: none"> • Guest Restrictions* • Residence Notice* <i>* As approved by the Residence Life Coordinator</i>	Violation and Sanctions appealable to the Student Affairs Adjudicator, who has final decision
Director (Student Support and Case Management Office), Case Managers		
All Sanctions listed above, and: <ul style="list-style-type: none"> • Probation • Persona Non Grata (PNG) • Eviction* 	<ul style="list-style-type: none"> • Denial of Readmission* <i>*As approved by the Director (HCS)</i>	Violation and Sanctions appealable to Director (HCS) who has final decision Eviction or Denial of Readmission appealable to the Dean of Students
Director, Housing and Conference Services		
All Sanctions listed above		Eviction or Denial of Readmission appealable to the Dean of Students Appeals of PNG status reconsideration from residence(s) can be submitted after one year from time of issue

REMEDIES

110. Remedies may be applied in addition to sanctions or may be a process by which appropriate sanctions are applied. Remedies may include but are not limited to:
- mandatory referral to counselling;
 - training or coaching;
 - [Restorative Justice](#) processes; and/or
 - Voluntary Resolution may also be considered, in certain circumstances, as part of a remedy that involves reparation.

FAILURE TO COMPLY

111. Failure or refusal to comply/participate in any of the following, may result in an initiation of the Code procedures to determine sanctions for non-compliance.:
- comply with the terms of a Voluntary Resolution (No Finding);
 - comply with the terms of a Resolution Agreement (with a Finding);
 - comply with the outcomes of Restorative Justice; and/or
 - participate in or complete outcomes and or sanctions.

SECTION X: BEHAVIOUR RELATED TO A HEALTH CONDITION

112. An alternative process is appropriate when there is reason to believe that behavior may be related to a health condition. **These procedures do not preclude the University from responding to and addressing the student's behaviour; but rather, outline an alternate approach with distinct procedures to support the student as well as to further understand how the health condition may have contributed to the behaviour.** The intention of this approach is to enhance the understanding of the contributing factors that may have caused the behavior and to ensure access to supports and treatment, with the hope of reducing the likelihood of further behavior. In cases where it is determined that the behaviour is in violation of the Code and is directly related to a health condition, alternate outcomes/sanctions may be utilized as part of the resolution in recognition of the mitigating factors.
113. Where a [Student Affairs Administrator](#) who has referred a situation to this section has identified that there may be reason to believe that a student's behaviour is related to a Health Condition (including a physical or mental disability, as defined by the *Ontario Human Rights Code*), the Student Affairs Administrator will review the option to proceed under this section with the student.
114. The student will be given an opportunity to review and respond to a document outlining the concerns raised, including the options available to proceed under this Code.
115. This section applies to the following:
- a) behaviour prohibited under this Code;
 - b) behaviour prohibited under any other University code of behaviour where the [Dean of Students](#) determines that the student's behaviour should be considered under this process;
 - c) behaviour giving rise to a reasonable apprehension of a risk of harm to the student or others; and/or
 - d) behaviour that suggests a student is unable to function in a University setting, even with accommodation(s), if required, and/or the University's reasonable assistance.

Information Gathering Meeting

116. In non-imminent matters, Student Affairs reserves the right to meet with the student (if a meeting has not taken place already) in order to provide an overview of the Inquiry process and to inform the student of the behaviour that has been reported to be a violation of the Code.
117. If a meeting is not feasible, other forms of communication with the student will be utilized to ensure that the student has an opportunity to respond to the allegations, and to understand the procedures and explore the options available to the student.

Determination to Enact Procedures for a Student with a Health Condition

118. Based on the information available the Dean of Students shall review the information that has been gathered and determine if there are reasonable grounds to believe that the behavior is likely related to a health condition.
119. If the Dean of Students determines that it is reasonable to believe that the behaviour is likely related to a health condition, the situation will be considered if the following conditions are met:
- a) it is determined there is no imminent risk posed by the student being on campus, or that the risk has been mitigated with interim measures;

- b) the student is deemed by the Dean of Students to be fit to adequately participate in these procedures; and
 - c) the student agrees to the matter proceeding under this section of the Code.
120. If the Dean of Students determines that there are no reasonable grounds to believe that the behaviour is related to a Health Condition, the case will be redirected back to the appropriate process. This determination does not preclude the student from raising their health condition as a consideration in the determination of any subsequent outcome/sanction.

Response to a Student with a Health Condition as it Pertains to the Code

121. When enacting these procedures, the following will be considered:
- a) where a student's behaviour is determined to be primarily related to a health condition, the University will make every reasonable effort to enable the student to continue their studies;
 - b) for students with a disability (as outlined by the Ontario Human Rights Code), the University shall ensure that the student is appropriately accommodated; and
 - c) in determining an appropriate response to a student's behavior, the Dean of Students may review any previous, relevant, decisions under this Code or any other behavioural Code.

Review Meeting

122. If it is determined that it is appropriate to proceed under this section, a review meeting will be scheduled. The Review Meeting will include the student and may include; healthcare professionals or other experts as deemed appropriate. The student may bring a support person. If the student does not bring a support person, the University may appoint a support person if it determines that the student is in need of assistance.
123. The purpose of the Review Meeting is to review all relevant information and consider whether there are reasonable grounds to believe that the behavior in question is primarily related to a disability under the Human Rights Code and/or whether a health condition may be a mitigating factor related to the situation/behaviour. Consultations with appropriate professionals, supporting documentation and/or additional information provided by the student may further assist in this determination.
124. In addition, the review meeting may be used to:
- a) more fully understand the contributing factors that caused the behaviour;
 - b) create a plan to support the student with the intent of making every reasonable effort to enable the student to continue their studies; and/or
 - c) ensure that necessary steps have been taken to appropriately accommodate the student through the process.
125. The student does not have to provide supporting medical documentation. However, the student may be requested to submit, in confidence, additional relevant documentation (e.g. a letter from the student's health provider establishing that the behavior is related to a health condition). The absence of sufficient supporting documentation may affect the Dean of Students' ability to conclude that the behaviour in question is primarily related to a health condition.
126. If there are sufficient grounds to believe that the behaviour may be related to a health condition, the Dean of Students may, at their discretion, consult with appropriate professionals and/or offices (e.g. Student Accessibility Services, Independent Medical Evaluation (IME)). The purpose of such consultations will be to

identify whether it is reasonable to conclude that the health condition is contributing to the behaviour, including a determination of the health condition as a mitigating factor or a primary cause of the behavior.

127. In responding to the student's behaviour the Dean of Students will consider the following:
- a) the effect of the behaviour on the campus community;
 - b) any previous and/or concurrent violations of the Code;
 - c) the possibility of allowing the student to continue their studies; and
 - d) any accommodations or supports that could be put in place to assist the student, e.g. a behavior contract, wellness agreement, a mental health assessment by a regulated health professional, restriction to parts of campus, no-contact agreements, reduced course load, modified privileges, or, a voluntary or involuntary leave on compassionate grounds.

INVOLUNTARY OR VOLUNTARY WITHDRAWAL

128. Voluntary or involuntary leave withdrawal occurs when a student agrees or is required to temporarily discontinue studies at the University for either a specified time and/or until imposed conditions are met.
129. Once the withdrawal period has expired and/or the conditions have been met, the student is not required to re-apply for admission unless the Faculty can establish, to the satisfaction of the Dean of Students, that it is reasonable to do so as a result of the lapse of time. The withdrawal will not be noted on their transcript.
130. Students who return after a withdrawal may be required to fulfill other specified academic and non-academic conditions. One such condition may require the student to provide corroborating evidence that the health condition has sufficiently improved or is being managed.
131. If the student wishes to appeal the decision they may follow the Appeal procedures outlined in [Appendix A: Appeals](#).

APPENDIX A: APPEALS

1. The decision from a lower level stays in effect unless and until it is overturned on an appeal by the Respondent. This means that submitting an appeal will not prevent the decision/sanctions being appealed from being carried out.
2. A Respondent who has been evicted must leave Residence before they are permitted to commence an appeal. If the appeal is successful, the Respondent will be considered for readmission to Residence in the first available space deemed appropriate for that Respondent by the Director (HCS).
3. Appeals for findings of violations of the Code that relate to the [Discrimination & Harassment Policy](#) and/or the [Sexual Violence Policy](#) shall be adjudicated as per clauses 13 and 14 below.

DECISIONS NOT RELATED TO DISCRIMINATION, HARASSMENT, AND SEXUAL VIOLENCE

4. Appeals by a Respondent are to be filed in letter format and are to be submitted to Student Affairs **within 15 business days of receipt** of the decision. The appeal must contain:
 - a) a copy of the decision;
 - b) a full statement of the grounds for the appeal;
 - c) the outcome sought; and
 - d) any relevant supporting documentation.
5. Grounds for an appeal may include but are not limited to:
 - a) the evidence did not warrant the finding;
 - b) the procedures in this Code were not properly followed;
 - c) new evidence was found which could not reasonably have been presented earlier; and/or
 - d) the sanction was not appropriate for the behaviour which occurred.
6. Parties to the appeal shall include the **Appellant** who shall be the student against whom a finding has been made (i.e. the Respondent during the Adjudication process), and the **Respondent** who shall be the University authority whose decision is being appealed.
7. Appeals shall be heard as follows:
 - a) decisions of the [Student Affairs Administrator](#) may be appealed to the appropriate Adjudicator:
 - (i) [Case Manager](#) decision appealed to the [Director \(SSCM\)](#);
 - (ii) Information on **Residence specific appeals** can be found in [Appendix G](#) (**Roles, Sanctions, and Appeal Rights specific to Residence Students**);
 - (iii) Associate Director (A&R) appealed to the [Director \(A&R\)](#);
 - b) decisions of the Adjudicator may be appealed to the [Dean of Students](#).

8. The Appeal Adjudicator/Dean of Students may, after reviewing the case:
 - a) uphold the findings and/or sanctions;
 - b) reverse the finding and/or sanctions; and/or
 - c) modify the sanctions.
9. The Appeal Adjudicator/Dean of Students will normally provide written confirmation to the Appellant of the receipt of the appeal **within 2 business days**.
10. The Adjudicator will normally have **15 business days** to conduct their investigation, which may include meeting with the parties, and shall then inform the Appellant in writing of their decision with reasons and any further right to appeal.
11. The decision of the [Dean of Students](#) is final unless the decision imposes a sanction of suspension, expulsion or involuntary withdrawal, or involuntary withdrawal.
12. Decisions of the Dean of Students that impose a sanction of suspension, expulsion or involuntary withdrawal (for violations that do not involve Sexual Violence) may be appealed to the Senate Board for Student Appeals **within three weeks of receipt of the decision**. Refer to the [Student Appeal Procedures](#).

DISCRIMINATION, HARASSMENT, AND SEXUAL VIOLENCE RELATED DECISIONS

13. For sanctions that do not include suspension, expulsion, or withdrawal, the decision made by a Student Affairs Administrator may be appealed to the Dean of Students. When the Decision-Maker is the Dean of Students, the appeal will be to the Provost.
14. For sanctions that include suspension, expulsion, or withdrawal, the Decision made by Dean of Students may be appealed to the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence **within three weeks of receipt of the decision**. (see [Hearing Procedures](#)).

APPENDIX B: INTERIM MEASURES AND ONGOING SUPPORT OF ALL PARTIES

132. At any stage in this Code it may be necessary to take interim measures in order to safeguard the environment of Complainants, Respondents, and/or Community Members who are involved or may be affected. Interim measures shall not be construed as evidence of either guilt or a finding of violation of this Code, or as an affirmation of innocence/finding of non-violation of this Code.
133. Interim measures will be reviewed on an ongoing basis throughout the process to ensure the measures remain necessary and appropriate in the circumstances. Interim measures are temporary and do not extend beyond the final resolution of a complaint.
134. Interim measures include, but are not limited to:
- a) the rearrangement of academic/employment responsibilities or oversight;
 - b) the rearrangement of residence location (where possible);
 - c) adjustments in University activities (e.g. attendance at guest lectures, social events);
 - d) implementation of a No Contact Order; and/or
 - e) implementation of a *Persona Non Grata* designation.
135. When interim measures are in place, the person may continue to access relevant University support services, in compliance with the conditions of the interim measures.
136. For **All Students** the [Director \(SSCM\)](#), or the [Dean of Students](#), may enact interim measures, in writing.
137. For **Student-Athletes**, the [Director \(A&R\)](#) may enact interim measures, in writing; this could include but is not limited to suspension from games, practices, athletics facilities or athletic related events and/or functions.
138. For a **Student Group** event or activity, the [Dean of Students](#) may implement interim measures, in writing, including suspending the operations, and/or any planned events or functions, of a group until the situation is resolved.
139. For **Residence Students** the [Director \(HCS\)](#) may enact any combination of the following measures, in writing:
- a) assign a *Persona Non Grata* (PNG) status, Guest Restrictions or a No Contact contract;
 - b) negotiate a Letter of Understanding with the Student, that outlines a plan for access to Residence while the process is ongoing;
 - c) transfer the Student to another Residence building. The Student will be deemed to be PNG from their original Residence building and any other Residence buildings as identified by the Director (HCS) until after the case has been heard. Every effort will be made to have the case adjudicated as expeditiously as possible;
 - d) provide alternate accommodation off campus; or
 - e) issue a suspension from Residence, citing a specific timeline and plan for the student to leave and return to Residence.

Health Condition

140. In circumstances where there is a risk of harm to the student and/or community and the behaviour is believed to be linked to a Health Condition, or the student is not able to participate fully in the process, the Dean of Students may implement an interim leave of absence on compassionate grounds, until the student is able to demonstrate that they are able to fully engage in the process. If there are safety concerns, the onus will be on the student to provide assurance (e.g. medical assessment and/or documentation provided by a regulated health professional) to confirm they are ready to participate in the academic and social life of the University.

For Complaints of Discrimination, Harassment and/or Sexual Violence

141. The Response Team will consider and coordinate appropriate interim measures under the *Discrimination & Harassment Policy* and/or the *Sexual Violence Policy*, as they relate to all parties involved in the matter.

Exceptional Circumstances (Interim Suspension)

142. In exceptional circumstances, e.g. where the health and safety of the student or members of the University Community are compromised or at risk, the Provost may implement Interim Suspension, in writing, including altering or suspending the right of a student to be present on campus or to attend classes for an interim period before the case is resolved.
143. **Within seventy-two (72) hours** following the imposition of an interim suspension, the student shall be informed in writing of the reasons for the suspension. The student shall also be afforded the opportunity to respond to the allegations being made against them. Following that opportunity to respond, the Provost will then reassess the decision to suspend, and either revoke or continue it.
144. The alleged violation that led to the interim suspension shall be investigated and heard in accordance with the procedures contained within this Code. An assessment to determine a student's readiness to return to studies may be required in some cases.

APPENDIX C: PEER CONDUCT BOARD

PEER CONDUCT BOARD MEMBERSHIP

1. The Peer Conduct Board is made up of undergraduate and graduate students in good academic standing. Members are normally selected annually by a selection process to be determined each year by the [Director \(SSCM\)](#). The process shall include advertising the positions in appropriate student publications.
2. Each Peer Conduct Board member shall be appointed for a renewable one-year term. Members shall receive appropriate training to discharge their responsibilities.

PEER CONDUCT BOARD PANEL SELECTION

3. The Hearing of a case referred to the Peer Conduct Board shall be before a panel of a minimum of three members (the Panel). The Panel shall choose one member as the Chair (the Chair), who shall be responsible for the conduct of the deliberation portion of the hearing and for ensuring that a decision is made in a timely fashion.
4. In cases where the Respondent is an undergraduate student, every reasonable effort will be made for the Peer Conduct Board hearing, to consist of at least two undergraduate students.
5. In cases where the Respondent is a graduate student, every reasonable effort will be made for the Peer Conduct Board hearing, to consist of at least two graduate students.
6. No one shall serve on a Panel who has any direct interest or prior involvement in the case under consideration. Both the Respondent and the Panel member who feels there is a conflict are expected to express this to the [Director \(SSCM\)](#), prior to the beginning of the hearing.

PEER CONDUCT BOARD VOTING PROCEDURES

7. The Panel shall attempt to work on a consensus basis, failing which a majority vote will govern.
8. If the Panel has determined that a violation of the Code has occurred, before making a final decision on sanctions, the Panel shall consult with the Adjudicator regarding whether the Panel's proposed sanctions are consistent with the sanctions imposed in similar cases.

APPENDIX D: RECORDS, TRANSCRIPTS, REGISTRATION, AND NOTATIONS

RECORDS

1. Student Affairs shall maintain a confidential record of any finding of violation and related sanctions. These records include the documents and notes of the Administrator, Adjudicator and Dean of Students. The record shall be retained for five years after last use. The records involving transcript notations for suspensions and expulsions shall be retained permanently, or until the student's petition to delete the transcript notation has been granted by Senate (the record shall be destroyed when the transcript notation is deleted). At the [Dean of Student's](#) discretion, and after written notice to the student, a record may be retained longer than five years. Such notice shall cite the reasons for this decision and the extended retention date.
2. The purpose of this record, which shall be kept separate from any other of the student's records, is to determine whether there has been a previous offence, before a sanction is levied. Records may be taken into consideration should a student seek a position of responsibility within Student Affairs only. Students will be asked to consent to a records check when applying for a position (e.g. when a student applies to be a Community Advisor, Welcome Week Representative etc.).
3. In the event that the case is dismissed or overturned on appeal, all records of the proceeding shall be removed from the student's file.
4. Decisions of the Adjudicator and the Dean of Students, including a commentary on the type of misconduct occurring in a particular year and the sanctions applied, shall be reported in anonymized form, annually to Senate. No individuals will be identified in such a report. The University does not release confidential records regarding violations of the Code.
5. All records of Voluntary Resolution agreements for matters involving Sexual Violence will be retained by the [Equity and Inclusion Office](#) in compliance with the Office's records retention schedule. The record is not a finding of Sexual Violence and shall not be reported as a violation of the [Sexual Violence Policy](#) or this Code.
6. Data gathering and record keeping for matters involving Sexual Violence will adhere to the requirements set out in the *Sexual Violence Policy*.

RESIDENCE SPECIFIC RECORDS

7. Housing and Conference Services shall maintain a record of each finding against a resident until the end of the current academic year. When probation, eviction, *persona non grata (PNG)*, or denial of readmission outcomes are issued, these records will be retained by Student Affairs for a period of five years from the end of the academic year in which the decision was made.
8. Residence specific findings against the Student does not result in a notation on the Student's academic transcript. All residence records may be taken into consideration in the event that a Student seeks a position of responsibility with Housing and Conference Services.

STUDENT'S STATUS - TRANSCRIPTS, REGISTRATION, AND NOTATIONS

9. While under investigation for an alleged violation of the Code a student may be permitted to withdraw formally from the University. However, this will not prevent the continuation of the process under this Code.
10. When an allegation of a Code violation is made against a student, and until the case has been resolved, the student will not be issued transcripts directly but, at the student's request, transcripts will be sent to institutions or potential employers. If the student is subsequently found in violation of the Code and the conviction results in a transcript notation, the recipients of any transcripts will be so informed by the Registrar.
11. In the case of suspension the notation will read: "Suspended for Student Code of Conduct Violation by the Senate for ___ months (Date)." A student may petition Senate to remove the transcript notation after the minimum time specified by the Dean of Students or Senate Board for Student Appeals, as the case may be, when the suspension was imposed has elapsed.
12. In the case of expulsion the notation will read: "Expelled by the Senate for Student Code of Conduct Violation." If the Senate at some later date reinstates the student, this will be followed by the notation: "Reinstated by the Senate (Date)." Such a notation may be removed from a student's transcript on petition to Senate, but not before five (5) years after the penalty commences.

APPENDIX E: GLOSSARY OF TERMS

Accommodations under the Sexual Violence Response Protocol are adjustments to individuals' academic, workplace, or residence arrangements following a Disclosure of Sexual Violence, made to support them and/or enhance their safety.

Advisor: A person of the individual's choice who acts in an advisory role during the investigation and adjudication process (e.g. friend, family member, legal counsel). The Advisor may be present during investigation interviews and adjudication hearings. At the adjudication hearing the Advisor may consult with the student, but shall not be allowed to speak.

Balance of Probabilities is the test to be met to show, by the weight of the evidence presented, that all of the facts necessary to make a finding of violation of the Code have a greater likelihood of being true than not.

Community Members include, but are not limited to: students (graduate, undergraduate, and continuing education), staff, faculty, clinical faculty, medical residents, volunteers, visitors (including visiting professors), and institutional administrators and officials representing McMaster University.

Complainant is an individual identifying a violation of the Code for the University's response.

Consent ¹, in the context of sexual activity, is defined as the voluntary agreement of an individual to engage in the sexual activity in question.

The law also says that there is **NO CONSENT** where:

- the agreement is expressed by the words or conduct of a person *other* than the individual;
- the individual is incapable of consenting to the activity;
- the Respondent induces the individual to engage in the activity by abusing a position of trust, power or authority;
- the individual expresses, by words or conduct, a lack of agreement to engage in the activity;
- the individual, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity;
- the individual may be bodily harmed or is threatened with bodily harm; or
- the individual is under the age of consent.

Event (Authorized): Authorized events are University scheduled or University approved activities, occurring on or off University premises, e.g. public lectures, performances, placements (co-op or clinical), athletic events, work or study-related conferences/training sessions, etc. These events can include work or study-related travel. Events that are approved under the *Policy on Student Groups (Recognition, Risk Assessment and Event Planning)* are also authorized events.

Event (Non-authorized): Non-authorized events are events that are not scheduled or approved by the University and may occur on or off University premises e.g. group trips that have not been approved under the *Policy on Student Groups (Recognition, Risk Assessment and Event Planning)*, drinking games in residence, house parties, etc.

Guest means a person who is visiting a student on campus.

¹ This language is from the *Sexual Violence Policy* and will be revised as required to remain consistent with that Policy

Interim Measures are steps that are taken where the health and safety of the student or members of the University Community are compromised or at risk, and/or in order to safeguard the environments of individuals alleging violations of the Code and of individuals whose conduct is being questioned. Interim measures shall not be construed as evidence of either guilt or a finding of violation of the Code, or as an affirmation of innocence or finding that no violation of the Code has occurred.

No Contact Order includes restrictions on: registration for specific classes, other academic or non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals.

Persona Non Grata (PNG) is a designation, which is given to an individual who is denied the privilege of entering designated portion(s) of the University's buildings or grounds. If PNG individuals are found or seen in the area they are denied, they will be subject to a charge by [Security Services](#) under the Trespass to Property Act.

Peer Conduct Board Hearing means the adjudication process carried out by the Peer Conduct Board.

Primary Event Organizer means the individual who is leading the planning and implementation of an Event under the *Policy on Student Groups (Recognition, Risk Assessment and Event Planning)*.

Respondent is the individual about whom allegations have been made. For the purpose of Appendix A: Appeals, the Respondent is the University authority whose decision is being appealed.

Restorative Justice is an outcome following the determination of finding and focuses on restoring the losses suffered by Complainants, holding Respondents accountable for the harm they have caused, and building peace within communities. Restorative Justice is premised on the voluntary and cooperative participation of all parties in the resolution process. This process, which may not be appropriate or viable in all cases, can be facilitated by an Intake Office.

Sexual Assault ² includes, but is not limited to, any unwanted, non-consensual, sexual activity, such as unwanted sexual grabbing, kissing, and/or fondling.

Sexual Harassment ³ means engaging in a course of vexatious comment or conduct against an individual because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance to an individual where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual Violence ⁴ means any sexual act or act targeting a person's sexuality, gender identity or gender expression whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without a person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

² This language is from the *Sexual Violence Policy* and will be revised as required to remain consistent with that Policy

³ This language is from the *Sexual Violence Policy* and will be revised as required to remain consistent with that Policy

⁴ This language is from the *Sexual Violence Policy* and will be revised as required to remain consistent with that Policy

Student means any individual recorded by the University Registrar as enrolled in an educational course of study recognised by the Senate and for whom the University maintains education records.

Student Affairs Administrator means an individual appointed by the Dean of Students with authority to hear allegations of misconduct under the Code. Student Affairs Administrators include, but are not limited to: Case Managers, Residence Life Area Coordinators, the Residence Life Coordinator, the Associate Director of Athletics and Recreation, and the Athletic Services Coordinator.

Student Affairs Adjudicators are those in the position to adjudicate Administrative Formal Resolution Meetings and facilitate Peer Conduct Board Formal Resolution Meetings. They may also hear appeals of decisions made by Student Affairs Administrators. In most cases, this will be the Manager of Student Conduct and Community Standards.

Student Affairs Staff are those responsible for reporting violations, and collecting information at the time the situation takes place. This includes, but is not limited to, Community Advisors, Inter-University Athletic Coaches, etc.

Student-Athlete is defined as a student who has been selected to be a member of a varsity team or extramural competitive program. Students who belong to extramural competitive programs which do not have a selection process will be considered to be Student-Athletes once they have registered for the program.

Student Host means a person who has a Guest on campus.

Student Leader is defined as an executive member of a University Recognized Student Group or any member of such a group operating in their capacity as a Primary Event Organizer.

Support Person is a person of the individual's choice who acts in a supportive role but is not an active participant in the process (e.g. friend, Elder, parent, religious advisor).

University Premises means buildings and lands owned, leased, operated, controlled or supervised by the University and includes places or facilities used for the provision of the University's courses, programs or services or for University approved or sponsored events or activities.

University Recognized Student Group includes organizations and student groups that have been recognized under the *McMaster University Policy on the Recognition of Student Groups*.

Voluntary Resolution are steps that are taken (e.g. arrangement of academic, work or living environment / conditions) to which both the Complainant and Respondent have agreed to.

APPENDIX F: RELATED POLICIES AND LEGISLATION

This Code is to be read in conjunction with the following policies, statements, and collective agreements. Normally the policies listed below act independently of one another. However, they may intersect with the application of other University policies or procedures regarding the same matter. Any question of the application of this Code or related policies shall be determined by the Associate Vice-President (Students and Learning) and Dean of Students, in consultation with the administrator of the other policy or policies. The University reserves the right to amend or add to the University's policies and statements from time to time (this is not a comprehensive list):

- [Academic Accommodation for Religious, Indigenous and Spiritual Observances, Policy on](#)
- [Academic Accommodation of Students with Disabilities](#)
- [Academic Integrity Policy](#)
- [Alcohol Policy](#)
- [Conflict of Interest Guidelines- Undergraduate Studies and Graduate Studies](#)
- [Discrimination and Harassment Policy](#)
- [Employee/Labour Relations – Collective Agreements \(students acting in their role as Teaching Assistants are acting as University employees and should refer to their collective agreement.\)](#)
- [First Year Experience \(Orientation and Transition\) for Undergraduate Students, Policy on the](#)
- [Fraternities, Sororities and Honor Societies, Policy on](#)
- [Freedom of Information and Protection of Privacy Act](#)
- [Group Conflict and Senate Mediation Procedures](#)
- [Ontario Human Rights Code](#)
- [Personal Health Information Protection Act](#)
- [Professional Behavior Code for Graduate Learners, Health Sciences](#)
- [Professional Behavior Code for Undergraduate Learners, Health Sciences](#)
- [Sexual Violence Policy](#)
- [Statement on Building an Inclusive Community with a Shared Purpose](#)
- [Statement and Guidelines on Inclusive Communications](#)
- [Students Groups \(Recognition, Risk Assessment and Event Planning\), Policy on](#)
- [University Technology Services \(UTS\) – Policies and Procedures](#)
- [Violence in the Workplace, Policy on](#)

Complete Policy Title:

Code of Student Rights and Responsibilities

Policy Number (if applicable):

Approved by:

Senate

Date of Original Approval(s):

May 18, 2016

Date of Most Recent Approval:

December 14, 2016, effective January 1, 2017

Supersedes/Amends Policy dated:

**Code of Student Rights and Responsibilities
May 18, 2016, effective June 1, 2016**

**Student Code of Conduct, April 8, 2015, effective
May 1, 2015**

**Residence Community Alcohol Policy, March 11,
2009, effective May 1, 2009**

**Residence Code of Conduct , April 8, 2015,
effective May 1, 2015**

**Code of Conduct for Competitive Teams,
May 8, 2000**

Responsible Executive:

**Associate Vice-President (Students and
Learning) and Dean of Students**

Enquiries:

[Policy \(University Secretariat\)](#)

DISCLAIMER: *If there is a Discrepancy between this electronic policy and the written copy held by the
policy owner, the written copy prevails*

TABLE OF CONTENTS

SECTION I: INTRODUCTION.....	1
PREAMBLE.....	1
SCOPE.....	1
Residence Students.....	2
Student-Athletes	2
Student Leaders and Student Groups	2
Guests	2
PRIVACY AND CONFIDENTIALITY	2
Confidentiality (Limitations).....	3
SECTION II: RIGHTS, RESPONSIBILITIES, AND EXPECTATIONS.....	4
RIGHTS AND RESPONSIBILITIES FOR ALL STUDENTS	4
RIGHTS	4
RESPONSIBILITIES	4
RESIDENCE STUDENTS: ADDITIONAL EXPECTATIONS.....	5
STUDENT ATHLETES: ADDITIONAL EXPECTATIONS.....	6
STUDENT LEADERS AND STUDENT GROUPS: ADDITIONAL EXPECTATIONS.....	6
SECTION III: VIOLATIONS OF THE CODE.....	7
Legal and Illegal Substances	7
SECTION IV: ROLES AND PROCEDURAL GUIDELINES.....	8
ROLES.....	8
Student Affairs Administrator	8
Coordinator	8
Intake Coordinators (Sexual Violence Policy)	8
Sexual Violence Assessment Team	9
Investigator	9
PROCEDURAL GUIDELINES	9
Accompaniment/Representation	9
Protection from Reprisal	9
Cooperation and Self-Incrimination.....	9
Burden and Standard of Proof	9
Notice	9
Behaviour Related to a Health Condition	10
Reporting	10
Options For Disclosing and/or Reporting Allegations of Sexual Violence	10
SECTION V: INVESTIGATIONS AND ADJUDICATION.....	11
PRELIMINARY ASSESSMENT	11
Complaints of Sexual Violence	11

Contacting the Respondent	11
INVESTIGATIONS.....	11
Voluntary Resolution.....	12
INVESTIGATION OUTCOMES.....	12
ADJUDICATION.....	13
Adjudication Options.....	13
Adjudication Process	13
DECISION AND SUMMARY.....	13
Finding of No Violation of the Code or Sexual Violence Policy	13
Finding of Violation of the Code (unrelated to the Sexual Violence Policy).....	13
Finding of Violation of the Sexual Violence Policy	14
 SECTION VI: OUTCOMES, SANCTIONS AND REMEDIES.....	 15
OUTCOMES.....	15
Voluntary Resolution (No Finding)	15
SANCTIONS.....	15
Athletics Specific.....	16
Residence Specific	17
Roles, Sanctions, and Appeal Rights specific to Residence Students	18
REMEDIES.....	19
FAILURE TO COMPLY	19
 SECTION VII: PROCEDURAL GUIDELINES FOR ADJUDICATION	 20
Parties	20
Notice	20
Closed Hearings	20
Scheduling.....	20
Similar Questions of Fact/Policy	20
Advisor.....	20
Evidence.....	20
Witnesses	21
University Representative.....	21
Order of Adjudication Hearing.....	21
Adjournment	22
Peer Conduct Board Voting Procedures.....	22
Appropriate Procedures.....	22
Decision	22
 SECTION VIII: INTERIM MEASURES.....	 23
Interim Measures for Complaints of Sexual Violence	24
 SECTION IX: BEHAVIOUR RELATED TO A HEALTH CONDITION	 25
Information Gathering Meeting	25
Determination to Enact Procedures for a Student with a Health Condition	25

Response to a Student with a Health Condition as it Pertains to the Code.....	26
Review Meeting	26
Involuntary or Voluntary Withdrawal	27
APPENDIX A: APPEALS	28
Appeals for Findings of Violations of the Sexual Violence Policy	29
APPENDIX B: AUTHORITY, JURISDICTION, AND CIVIL AUTHORITIES	30
AUTHORITY AND JURISDICTION	30
INVOLVEMENT OF CIVIL AUTHORITIES	30
APPENDIX C: PEER CONDUCT BOARD	31
PEER CONDUCT BOARD membership	31
PEER CONDUCT BOARD PANEL SELECTION	31
APPENDIX D: RECORDS, TRANSCRIPTS, REGISTRATION, AND NOTATIONS	32
RECORDS	32
RESIDENCE SPECIFIC RECORDS	32
STUDENT'S STATUS - TRANSCRIPTS, REGISTRATION, AND NOTATIONS	32
APPENDIX E: GLOSSARY OF TERMS	34
APPENDIX F: RELATED POLICIES AND LEGISLATION	37

SECTION I: INTRODUCTION

PREAMBLE

1. The University values integrity, inclusiveness and teamwork, and strives to support the personal and collective growth of the McMaster student community. The University is committed to providing educational initiatives and learning opportunities to help students conduct themselves in accordance with the Code.
2. The University recognizes the complexity of student life at a post-secondary institution and understands that students may have differing levels of experience addressing conflict, however, students will be responsible for their interactions with others. Students are expected to conduct themselves responsibly, in accordance with this Code, and to be individually responsible for their actions whether acting on their own or in a group.
3. For the purpose of interpreting this document:
 - a) words in the singular may include the plural and words in the plural may include the singular;
 - b) *Athletics and Recreation* means the Department of Athletics and Recreation;
 - c) *Dean of Students* means the Associate Vice-President (Students and Learning) and Dean of Students;
 - d) *Student Groups* means University Recognized Student Groups;
 - e) *Security Services* means Security and Parking Services; and
 - f) *Student Affairs* means the Student Affairs Office.

SCOPE

4. All McMaster students have an obligation to familiarize themselves with this Code as it applies to their particular role as a student, student-athlete, Residence Student, Student Leader and/or student group member, in order to ensure that they are aware of their Rights and Responsibilities to the University community.
5. All students are responsible for respecting the rights of others, contributing to an environment that is free of [Sexual Violence](#), and conducting themselves in a manner that contributes positively to the University and the University community.
6. By enrolling at the University students agree to abide by the [Rights, Responsibilities, and Expectations](#) in this Code.
7. Behaviour dealt with under this Code includes any action that violates the Responsibilities of Students or negatively affects any member of the University community, and arises;
 - a) on University premises, or at a University authorized event occurring on or off University premises, or when representing the University;
 - b) at a non-authorized event off University premises and where there is a clear connection to the University community. Incidents without a clear connection (nexus), but where the student(s) in question potentially pose a significant risk to community or workplace safety or where the University has reasonable grounds to be concerned with a risk of future violence, also fall within the scope.
 - c) occurs elsewhere in the course of activities sponsored by the University, or where the conduct is alleged to adversely affect, disrupt or interfere with another person's reasonable participation in University programs or activities;

- a) through electronic media, where there is a clear connection to the University community; and/or
- b) occurs in the context of a relationship between the student and a third party and involves the student's standing, status or academic record at the University.

Residence Students

8. Residence Students are also required to abide by the additional expectations outlined in [clauses 25-27](#).

Student-Athletes

9. Student-Athletes are also required to abide by the additional expectations outlined in [clauses 28-29](#).

Student Leaders and Student Groups

10. Student Leaders, all Student Groups (including their executives, and any member operating in their capacity as a Primary Event Organizer) are also required to abide by the expectations outlined in [clauses 30-31](#).

Guests

11. A student host is responsible for supervising their guests and ensuring their guests actions are not violations of the behaviour standards outlined in this Code.

PRIVACY AND CONFIDENTIALITY

12. The University will protect personal information and handle records in accordance with the [Freedom of Information and Protection of Privacy Act](#) and the [Personal Health Information Protection Act](#).
13. The University will limit the disclosure of personal information to those circumstances where it is absolutely necessary in order to address safety concerns or to satisfy a legal reporting requirement. These circumstances include:
- a) an individual is at risk of harm to self;
 - b) an individual is at risk of harming others;
 - c) there are reasonable grounds to be concerned with risk to the safety of the University and/or broader community;
 - d) disclosure is required by law; and/or
 - e) evidence of an incident or a disclosed incident of Sexual Violence is available in the public realm (e.g. video shared publicly on social media).
14. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or meet such requirements, will be disclosed. Such disclosure may include the University contacting a student's parents or other appropriate contacts if there are reasonable grounds to believe that it is necessary to do so.
15. In some circumstances information may be shared between the *Director (Student Support and Case Management Office)*, the *Director of Housing and Conference Services*, the *Director of Athletics and Recreation*, and/or other appropriate staff within their offices, for the purpose of supporting the student (e.g. when behaviour that occurred within Residence may affect the student in their role as a Student-Athlete).

Confidentiality (Limitations)

16. Confidentiality refers to the obligation of an individual or organization to safeguard entrusted information. The practice of confidentiality includes obligations to protect information from unauthorized access, use, disclosure, modification, loss or theft.
17. Some offices and [Community Members](#) have additional limitations to confidentiality because of their particular reporting requirements or professional obligations. For example, all regulated health professionals are obligated to report suspected sexual abuse of a patient by a regulated health professional to that professional's governing body if this information is acquired during the course of their practice; and police are required to investigate reports of domestic violence and to lay charges in all cases when there are reasonable grounds to believe an offence has been committed.
18. Procedural limits to confidentiality may also occur if the University is subject to legal proceedings that, in the opinion of the Provost and Vice-President (Academic) or the Vice-President (Administration), (in consultation with the President), require the disclosure of information.
19. The importance of preserving the confidentiality of Complaints and any related proceedings will be explained to all parties as a necessary measure to protect the integrity of the proceedings.

SECTION II: RIGHTS, RESPONSIBILITIES, AND EXPECTATIONS

RIGHTS AND RESPONSIBILITIES FOR ALL STUDENTS

20. McMaster University is a student centered community committed to excellence, integrity, inclusiveness and teamwork. Membership in this community implies acceptance of the principle of mutual respect for the rights, responsibilities, dignity, and well-being of others, and a readiness to support an environment conducive to the intellectual and personal growth of all who study, work and live within it. Student rights, and the responsibilities that accompany them, include, but are not limited to:

RIGHTS

21. All students have the right to:
- a) protection under the law and this Code;
 - b) fair procedures and process under this Code;
 - c) participate unhindered in their academic pursuits which includes the opportunity to participate in respectful dialogue that examines diverse views and ideas;
 - d) live and work in an environment free from harassment, intimidation, discrimination, assault, and [Sexual Violence](#); and
 - e) have their personal privacy appropriately respected by other students.

RESPONSIBILITIES

22. All students are responsible for:
- a) acting in accordance with the law and this Code;
 - b) being acquainted with the relevant related policies as they apply to all students as well as to their specific role(s) within the University;;
 - c) supporting an environment free from harassment, intimidation, discrimination, assault, and [Sexual Violence](#);
 - d) treating others in a way that does not harm them physically and/or threaten or intimidate them emotionally or mentally;
 - e) appropriately respecting the personal privacy of other students;
 - f) consuming legal substances in a safe and responsible manner; and
 - g) complying with any disciplinary measures assigned under this Code, and respecting the authority of University officials in the course of their duties.
23. For a list of behaviours that may be considered a violation of this code, refer to [Section III: Violations](#).
24. The University recognizes that unusual situations may arise that are not necessarily covered by the above Rights and Responsibilities, but still raise concern for the safety or well-being of students or the University community. In such cases, the Dean of Students (or delegate) reserves the right to use the procedures outlined in this Code to ensure the safety and security of students and the University community as a whole.

RESIDENCE STUDENTS: ADDITIONAL EXPECTATIONS

25. Students living in Residence are part of a unique and interconnected community on campus. As such, there are additional, contextual expectations for Residence Students, and their guests.
26. These expectations are identified and agreed upon by every Residence Student in the [Residence Agreement Contract](#) and apply to any behaviour that occurs in Residence and/or at an approved Residence event held either on or off campus and/or which occurs on the internet or through social media.

27. By requesting to live in Residence, students agree to:

Community Standards

- a) avoid creating significant nuisances for, or infringe on, a resident's peaceful use of their room/space (e.g. excessive noise, indoor sporting activity, pranks, etc.);
- b) take reasonable steps to prevent a problem situation from occurring or, if it occurs, to prevent it from escalating to a more serious level;
- c) refrain from possessing prohibited items as defined by Housing and Conference Services in the Residence Agreement Contract Appendix A: Prohibited Items and Alcohol Regulations;

Policy

- d) abide by University policies, procedures, or protocols (e.g. Residence Agreement/Contract, Guest/Escort protocol, Decorating protocol, etc.);

Personal and Community Safety

- e) refrain from actions that compromise fire safety standards (e.g. propping doors, lighting candles, smoking inside, failing to evacuate, tampering with fire safety equipment, causing a false alarm, etc.);
- f) refrain from actions that compromise the safety of an individual(s) (e.g. tampering with building systems, fabricating or building structures, accessing restricted areas, etc.) or are considered unsafe practices by Housing and Conference Services;
- g) refrain from actions that compromise the safety of the Residence community (e.g. loaning keys, fraudulently gaining entry to a building, misusing identification, etc.);

Substance Use Standards

- h) abide by Residence Agreement Contract Appendix A: Prohibited Items and Alcohol Regulations and the *Liquor License Act*, including refraining from underage consumption/service, excessive consumption/ public intoxication, open alcohol in a public space, drinking games, or alcohol practises considered unsafe by Housing and Conference Services; and
- i) refrain from the possession, use, sale or being under the influence of illegal drugs (including drug traces, paraphernalia, and smell) and/or use of medication for purposes other than those for which it was prescribed.

STUDENT ATHLETES: ADDITIONAL EXPECTATIONS

28. The University recognizes that Student-Athletes participate in distinctive settings on and off campus, and are part of a unique community within the University. Playing and competing for the University is a privilege, not a right. Therefore there are additional, contextual expectations for Student-Athletes that are identified and agreed upon during their registration process. These expectations apply to any member of an athletic inter-university team, and to their behaviour at any Athletics and Recreation sanctioned event, or a team related function held either on or off campus and/or which occurs on the internet or through social media.
29. Student-Athletes are expected to:
- a) represent the University and portray themselves, their team, and the University in a positive manner at all times;
 - b) be an ambassador for the University at all times and avoid engaging in activities likely to cause personal injury, intimidation or harassment;
 - c) treat everyone with courtesy and respect within the context of their sport;
 - d) refrain from any form of hazing, which includes, but is not limited to: any action or activity which does not contribute to the positive development of a person; which inflicts or intends to cause physical or mental harms; and which may demean, degrade or disgrace any person, regardless of location, intent or consent of participants.
 - e) abide by the rules and regulations of their sport, as set out by Ontario University Athletics, the Canadian Interuniversity Sport and the sport governing body;
 - f) refrain from the use of anabolic steroids or other illegal performance enhancing drugs and techniques (e.g. blood doping), as outlined by the Centre for Ethics in Sport;
 - g) avoid any negative interaction or conflict with members of opposing teams and/or officials except as they occur in the actual course of competition and which constitute the legitimate expression of the competitive spirit of their teams or team members;
 - h) refrain from willfully damaging the property of others which includes, but is not limited to, hotel rooms, facilities at other universities, and/or transportation vehicles; and
 - i) refrain from the consumption or transportation of any alcoholic beverages on team vehicles;

STUDENT LEADERS AND STUDENT GROUPS: ADDITIONAL EXPECTATIONS

30. Student Groups have a responsibility to respect the rights of others and to conduct themselves in a responsible manner that contributes positively to the University community while on University premises and/or at events off-campus organized by the group.
31. Student Group executives and/or the primary event organizer may be held responsible for violations of this Code. All Student Leaders and Student Groups are expected to:
- a) follow risk management procedures as contained in the [Student Event Risk Management Policy](#);
 - b) follow the expectations outlined in the policy [Recognition of Student Campus Groups](#); and
 - c) comply with a directive of the Dean of Students, or their designate.

SECTION III: VIOLATIONS OF THE CODE

32. Violations of this Code include, but are not limited to:

Safety of Oneself and the Community

- a) Violating the [Sexual Violence Policy](#) by engaging in Sexual Violence (any sexual act or act targeting a person's sexuality, gender identity or gender expression whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without a person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation);
- b) engaging in physical actions which are threatening, physically abusive and/or compromise the safety and security of any individual and/or group;
- c) engaging in verbal or non-verbal behaviour or communication toward any individual or group that may be perceived to be intimidating, degrading, harassing and/or discriminatory, and in a manner that exceeds the bounds of freedom of expression;
- d) failing to comply with fire safety regulations, e.g. setting unauthorized fires, tampering with fire and emergency equipment, failing to exit a building during an alarm, etc.;
- e) possessing, storing, or using a hazardous material, explosive substance or weapon, including any item that can be reasonably perceived to be a weapon by others e.g. replica guns, air soft guns, etc.;

Personal or University Property

- f) vandalising, stealing, or being in possession of property that is not one's own e.g. intellectual property, digital files, property of the university and personal property, etc.;

Community Standards

- g) failing to cooperate with Security Services, or a University official who is performing their duties under this Code, e.g. including furnishing false information, etc.;
- h) assisting with or conspiring in any conduct that violates this Code;
- i) trespassing and/or fraudulently gaining, or attempting to gain entry to University property;
- j) engaging in disruptive behaviour in or out of class e.g. making excessive noise at any time of the day, causing a disturbance in class, or interrupting the daily functions of the University;
- k) sharing the private information of any individual without consent;
- l) fraud of any kind, including misusing University issued keys or identification, passwords, meal cards;
- m) publically displaying and/or making pornography material anywhere on University campus;
- n) smoking in non-designated areas according to the [Smoking in the Workplace/Public Areas Program](#);
- o) failing to adhere to their responsibilities and expectations as identified in [Section II: Rights, Responsibilities, and Expectations](#);
- p) breaching any contract under this Code that outlines specific parameters for a student's behaviour (e.g. behavioural contract, probation) and/or failing to complete an educational outcome or sanction on time;

Legal and Illegal Substances

- q) possessing, consuming, trafficking or being under the influence of any illegal substance;
- r) possessing or consuming alcohol when under 19 years of age, or distributing alcohol to those under 19 years of age;
- s) consuming or being intoxicated by any legal controlled substance, in a public space regardless of age.

SECTION IV: ROLES AND PROCEDURAL GUIDELINES

ROLES

Student Affairs Administrator

33. Student Affairs Administrators are:
- a) Student Support and Case Management Coordinator for all students;
 - b) Residence Managers, or delegate, or the Residence Life Coordinator, for Residence Students;
 - c) Associate Director of Athletics and Recreation, or delegate, or the Athletic Services Coordinator for Student-Athletes.
34. Student Affairs Administrators are responsible for the:
- a) intake and preliminary assessment of allegations of Code violations
 - b) investigations and determinations of violation of the Code, when the potential sanctions are within their authority to assign;
 - c) referral of Disclosures to the Sexual Violence Response Coordinator, and notification/referral to the appropriate Intake Office as per the [Sexual Violence Policy](#).

Coordinator

35. The Student Support and Case Management Coordinators ("Coordinators") have additional responsibilities which include:
- a) conducting investigations of allegations of Code violations; (Investigators for the Code may also include external investigators or an alternate internal investigator as deemed appropriate by the Student Support and Case Management Office).
 - b) making a finding of violation for minor violations (that do not include allegations of Sexual Violence);
 - c) referring cases directly to Adjudication when it is warranted by the severity of the alleged conduct, the potential sanctions, and/or the number of violations in the student's record;
 - d) determine whether a violation of the Code has occurred and, when appropriate or where there are extenuating medical circumstances, determine whether corrective action might be taken without proceeding to Adjudication;
 - e) conducting investigations of complaints of Sexual Violence, when they have been appointed as Investigators under the Sexual Violence Policy.

Intake Coordinators (Sexual Violence Policy)

36. Intake Coordinators (Sexual Violence Policy) are located in the following offices:
- a) [Equity and Inclusion Office](#) (available to all Community Members, students, staff and faculty)
 - b) [Student Support & Case Management](#) Office (available to students)
 - c) [Employee/Labour Relations](#) (available to staff and faculty)
 - d) [Faculty of Health Sciences Professionalism Office](#) (faculty, staff, and students in the Faculty of Health Sciences)

Sexual Violence Assessment Team

37. The Sexual Violence Assessment Team ("Assessment Team") is responsible for assessing every [Complaint](#) of Sexual Violence received by the University. The Assessment Team will include: the Intake Coordinator, the [Director, Human Rights & Dispute Resolution](#), and a member of the Violence Risk Assessment Team and, as necessary in the circumstances, may include the [Director, Employee/Labour Relations](#), the [Director, Student Support & Case Management](#), and/or the Faculty of Health Sciences Professionalism Advisor.
38. As necessary, and disclosing identities only on a need-to-know basis in order to appropriately respond to the matter, the [Assessment Team](#) may draw upon representatives of key services and/or departments (e.g. Director of Housing and Conference Services, or Director of the Student Wellness Centre).

Investigator

39. Investigators appointed under the [Sexual Violence Policy](#) may be internal or external to the University, and are responsible for conducting investigations of complaints of Sexual Violence in compliance with the ***Sexual Violence Policy*** and this Code. Investigators conducting such investigations will have experience and expertise in the area of Sexual Violence and a trauma-informed, anti-oppressive approach to investigation processes.

PROCEDURAL GUIDELINES**Accompaniment/Representation**

40. Complainants, and Respondents may be accompanied by a [Support Person](#) or an [Advisor](#) at any stage of any of the procedures outlined in this Policy. Any costs of accompaniment or representation are to be borne by the individual.

Protection from Reprisal

41. The University prohibits reprisal or threats of reprisal against any [Community Member](#) who, sincerely and in good faith, makes use of this Code or participates in any process held under its jurisdiction. Any individual or body found to be making such reprisals or threats will be subject to sanctions under the appropriate policy as circumstances dictate.

Cooperation and Self-Incrimination

42. It is possible that individuals questioned as witnesses, informants or bystanders about an alleged incident, by cooperating responsibly with the University's processes, reveal their own infraction of a University regulation or code (e.g. alcohol use, unsanctioned use of University facilities). In such instances, every effort will be made to support individuals coming forward and, if appropriate and possible, take their cooperation into account if any sanction applies to their conduct.

Burden and Standard of Proof

43. At each stage of decision-making the onus of establishing that there has been a violation of the Code shall be on the University authority. Decisions are made on the balance of probabilities (the evidence shows it is more likely than not the violation of the Code occurred).

Notice

44. Notices and other written communications under this Code may be delivered in-person, by phone, McMaster email (which may include a download link to the correspondence), or mail (campus, regular, priority, courier,

or registered), and for Residence Students via a letter under the appropriate Residence door. Mail service will be deemed effective on the fifth day after mailing for regular mail, and on the fourth day for campus mail. Documents may be sent to a student's address as recorded in the Registrar's Office, unless the student requests in writing that they be sent to another address.

Behaviour Related to a Health Condition

45. If at any stage of a process under this Code it is determined that the behaviour is related to a health condition, it may be referred to [Section IX: Behaviour Related to a Health Condition](#) for alternate procedures, when appropriate in the circumstances.

Reporting

46. Allegations from members of the University community that a student's behaviour may be a violation of this Code should be reported to the appropriate [Student Affairs Administrator \(see clause 33\)](#) who shall determine whether the alleged behaviour is within the scope of the Code. If the matter is determined to not be within the scope of the Code, the matter may be dismissed and/or referred to another applicable University policy, or appropriate authorities.

Options For Disclosing and/or Reporting Allegations of Sexual Violence

47. Community Members who believe there has been a violation of the [Sexual Violence Policy](#) have a number of options available to them. The services of the [Sexual Violence Response Coordinator](#) as well as other supports and accommodations, are available to them, at any point in time, regardless of how they decide to proceed. Individuals may pursue one or more of these options, which are not mutually exclusive. These options are:
- a) a **Disclosure** is made when an individual informs someone in the University community about an experience of Sexual Violence because they wish to access support, accommodations and/ or information about their options;
 - b) a **Complaint** is made when an individual notifies an Intake Coordinator within the University and seeks the University's response;
 - c) a **Criminal Report** is made when an individual files a report of Sexual Violence with a police service or with McMaster [Security Services](#). Filing a report with McMaster Security Services will result in a report to the [Hamilton Police Service](#); and/or
 - d) **Other Options** external to the University (e.g. through civil litigation or Ontario Human Rights Code provisions).
48. Individuals who file a Complaint, a Criminal Report, or pursue other options as outlined above, may be required to attend/participate in a hearing, either internal to the University, or external through arbitration, or criminal court, etc.

SECTION V: INVESTIGATIONS AND ADJUDICATION

PRELIMINARY ASSESSMENT

49. Student Affairs Administrators shall conduct a preliminary assessment to determine whether:
- a) the potential sanctions for the alleged violation are within their authority to assign, and if so, if it is also within their authority to investigate the allegation;
 - b) the number of violations in the student's record warrants referral directly to Adjudication; or
 - c) the matter involves serious allegations of violations of the Code, that require referral to a Coordinator.

Complaints of Sexual Violence

50. All complaints of Sexual Violence will be referred to the appropriate Intake Coordinator ([see clause 36 above](#)), who will activate the Sexual Violence Assessment Team as per the *Sexual Violence Policy*.
51. Sexual Violence Complaints will be investigated as per **Section VI: Investigations** of the [Sexual Violence Policy](#). The Adjudication of these Complaints will be processed under this Code when the Respondent is a Student. In some circumstances a decision may be made not to investigate. The decision will be communicated in writing, with reasons, to the parties by the Dean of Students. The Complainant will be informed of their right to make a written appeal of the decision to the Provost and Vice-President (Academic).

Contacting the Respondent

52. The Student Affairs Administrator shall contact the Respondent by phone and/or McMaster email to schedule a meeting. The Respondent will be informed of the following:
- a) that an investigation has been initiated, the nature of the allegation, the evidence against them, and the procedures to be followed;
 - b) the time and location of the meeting;
 - a) the parties attending the meeting (when possible);
 - c) that should they fail to attend without contacting the Student Affairs Administrator, the Administrator will proceed to gather information in their absence; and
 - d) if contacted via email, that they must reply **within three (3) business days**.
53. If there is no response from the Respondent **within three (3) business days** of the initial contact then, a meeting will be assigned, and scheduled **at least three (3) business days** after delivery of the notification. The Respondent will be notified by phone, via McMaster email and/or by letter (e.g. delivered under their Residence door; registered mail). These timelines may be expedited, in some cases, when the situation is deemed significant and/or when the Respondent agrees to an expedited timeline.

INVESTIGATIONS

54. Investigations conducted under this Code will follow the principles of procedural fairness. Respondents have the right to know the case against them, and to produce evidence and witnesses in response to any allegations.
55. The Student Affairs Administrator, Coordinator, and/or Investigator, will impartially collect evidence and interview witnesses in relation to the allegation. In consultation with the appropriate Director (or delegate),

they may adjust the scope and the manner in which the investigation will be conducted in compliance with this Code and the principles of procedural fairness.

56. All [Community Members](#) are expected to meet with the Student Affairs Administrator, Coordinator, and/or Investigator if requested to do so. All those who attend such a meeting are expected to keep confidential the meeting and any information shared to ensure the integrity of the proceedings.
57. A student who was not previously identified as a Respondent but who, during the course of an investigation, is identified as a potential Respondent must be notified and given an opportunity for a meeting to respond to any allegations.
58. During the meeting, the allegation shall be reviewed with the Respondent. The Respondent will be made aware of all relevant information pertaining to the matter that is available at the time of the meeting and will be given the chance to respond to the information presented, provide evidence, and identify any relevant witnesses.
59. Should new information be received from other parties and/or witnesses, the Respondent will be provided another opportunity to meet and respond to the new information.
60. The Student Affairs Administrator may seek to resolve the matter through one-on-one meetings or through a facilitated group dialogue which may include but is not limited to: mediation, restorative processes, and/or intervention on behalf of another.
61. The Student Affairs Administrator may discuss possible sanctions with the Respondent to determine whether the Respondent is interested in accepting the possible sanctions. This may include specific educational sanctions that will help the Respondent, while protecting the safety and integrity of the University community (e.g. behavioural contract, loss of privileges etc.).

Voluntary Resolution

62. In certain circumstances, a Complainant and Respondent may be willing to attempt a resolution of a Complaint at any time before the completion of an Investigation. Voluntary Resolution is not mandatory and may not be appropriate in all Code related matters. See clause 84-87 Voluntary Resolution.

INVESTIGATION OUTCOMES

63. Following the investigation, the Student Affairs Administrator shall determine whether there is sufficient evidence to support a finding that the student has been found in violation of the Code, and if so, will determine which option will be most appropriate in the circumstances:
 - a) **Decision by the Student Affairs Administrator:** The Student Affairs Administrator makes a finding and imposes sanctions, in accordance with clause 49 (see [Section VI: Outcomes and Sanctions](#)). The student shall be provided with written notice of the finding and sanctions, and any appeal options they may have ([Appendix A: Appeals](#)); or
 - b) **Referral to Adjudication.**
64. If the Student Affairs Administrator concludes that there is insufficient evidence to proceed, or that there is no violation of the Code, the matter shall be closed. The student will be informed in writing.

ADJUDICATION

65. If the Student Affairs Administrator refers the matter to Adjudication, the student will be so informed in writing.

Adjudication Options

66. In some circumstances, for Residence Students or Student-Athletes, the matter may be referred for adjudication before the Director of Athletics and Recreation, or the Director of Housing and Conference Services, when the potential sanctions are within their authority to assign.
67. Adjudication is normally before the Director (Student Support and Case Management Office), or the Dean of Students, as appropriate in the circumstances.
68. Students may request Peer Conduct Board Adjudication. The [Peer Conduct Board](#) will not be used in cases of Sexual Violence, or where it is determined that the behaviour in question has resulted in significant harms to an individual and it would be inappropriate or unfair to those affected by the behaviour for information to be shared beyond the normal participants of an Adjudication Process.

Adjudication Process

69. Every reasonable effort will be made to arrange an Adjudication date **within seven (7) business days** of the decision being made to proceed to Adjudication.
70. Prior to the adjudication, either verbally or in writing, the Student Affairs Administrator will inform the Respondent that should they be absent from a scheduled Adjudication without first contacting the Student Affairs Administrator to reschedule, and demonstrating reasonable grounds, the matter may proceed in their absence.
71. In the event that the respondent fails to attend an Inquiry Meeting as directed, an Adjudication date will be scheduled **at least three (3) business days** after delivery of the notification of Adjudication. The notification will include the date, the time and location, as well as specifics of the alleged violation.
72. The Respondent shall have the opportunity to bring a support person, and bring witnesses. Respondents shall provide, as soon as possible, the names of any relevant witnesses that have agreed to testify. If new information arises the Respondent will have a chance to speak to it prior to the Adjudication.

DECISION AND SUMMARY

Finding of No Violation of the Code or Sexual Violence Policy

73. The Complainant and Respondent will receive a written decision from the relevant decision-maker, that will include:
- a) the decision that there is No Finding of Violation of the Code or [Sexual Violence Policy](#);
 - b) reasons for the decision; and
 - c) a summary outlining the findings.

Finding of Violation of the Code (unrelated to the Sexual Violence Policy)

74. The decision-maker shall consider any mitigating and/or contextual factors in determining/implementing appropriate sanctions and remedies. The Respondent, and any Complainant, will receive a written decision from the relevant decision-maker, that will include:
- a) the decision that there is a Finding of Violation of the Code;

- b) reasons for the decision;
- c) a summary outlining the findings;
- d) the **Respondent** will be informed of all sanctions imposed;
- e) a **Complainant** will receive information about any sanctions/remedies taken by the University, within the constraints of relevant legislation. In all cases, information about any sanctions/remedies that have a direct impact on the Complainant will be provided to them.

Finding of Violation of the Sexual Violence Policy

75. The Complainant and Respondent will receive a written decision from the relevant decision-maker, that will include:
- a) the decision that there is a Finding of Violation of the [Sexual Violence Policy](#);
 - b) reasons for the decision;
 - c) a summary outlining the findings;
 - d) the **Respondent** will receive confirmation of any Interim Measures that will remain in place until sanctions are imposed;
 - e) the **Complainant** will receive information about any Interim Measures that have a direct impact on the Complainant, such as a no-contact order, that will remain in place until sanctions are imposed.

Impact Statement

- f) the Complainant will be provided the opportunity to submit a written **impact statement** to the decision maker, **within five business days of receipt of the written decision**, to be considered in determining the appropriate sanction(s).
76. The decision-maker shall consider the Complainant's impact statement, and any mitigating and/or contextual factors in determining/implementing appropriate sanctions and remedies, and the reasons shall be clearly articulated in writing to the Respondent and the Complainant as follows:
- a) the **Respondent** will be informed of all sanctions imposed;
 - b) the **Complainant** will receive information about any sanctions/remedies taken by the University, within the constraints of relevant legislation. In all cases, information about any sanctions/remedies that have a direct impact on the Complainant will be provided to them.
77. Where required by a professional licensing body, the results of the investigation may also be communicated to that professional licensing body.

SECTION VI: OUTCOMES, SANCTIONS AND REMEDIES

OUTCOMES

Voluntary Resolution (No Finding)

78. In certain circumstances, a Complainant and Respondent may be willing to attempt a resolution of a Complaint at any time before the completion of an Investigation. Voluntary Resolution is not mandatory and may not be appropriate in all Code related matters. The following conditions will apply when considering Voluntary Resolution as a viable option:
- a) there has been **no admission of guilt and no findings have been made** in the matter;
 - b) the Complainant and the Respondent both agree with:
 - i. attempting to reach a resolution;
 - ii. the method of achieving resolution;
 - iii. the terms of the final resolution; and
 - iv. accepting that the agreed upon resolution is not a finding of guilt or breach of the Code;
 - c) a meeting between the Complainant and the Respondent will not be required; and
 - d) a Voluntary Resolution may be facilitated by the appropriate Student Affairs Office.

SANCTIONS

79. Sanctions may be used independently or in combination for any single offence and shall be proportional to the severity of the offence. In the event that previous findings exist, the severity of sanctions may be greater.
80. Sanctions include, but are not limited to:
- a) **oral warning:** an oral warning is notification given to a student;
 - b) **written warning:** a notice given to a student indicating the date, time, and nature of the violation. Such behaviour must stop and repeat offences may result in more severe sanctions;
 - c) **educational sanctions:** completion of specific educational or developmental activities as deemed appropriate. These may include, but are not limited to, service to the University or greater community, participation in educational seminars, written assignments, and written or oral apologies;
 - d) **restitution:** requirement that restitution to be made to another individual or the University for any loss or damage to personal or University property;
 - e) **behavioural contract:** a set of behavioural expectations, terms and conditions that is developed with the student and signed by the student and the appropriate Administrator/Adjudicator. With their signature, the student agrees to the expectations being placed upon them and acknowledges that any breach of this contract constitutes an offence and may result in more serious sanctions, including suspension or expulsion from the University;
 - f) **no contact order:** the student is required to have no direct or indirect contact (including but not limited to in-person, phone, email, text, social media, through a third party, etc.) with a specific individual or group as outlined in a behavioural contract;

- g) **behavioural bond:** the student is required to provide a sum of money up to a maximum of \$500.00 for a specific period of time [maximum one (1) academic year] and sign and abide by a contract. If, at the end of that time, the student has not breached the contract, the money will be returned. If they do breach the contract, any money collected will be used by Student Affairs for educational purposes and more severe sanctions may be imposed;
- h) **finest up to \$500.00:** fines may be applied for the following purposes:
- i. violations related to fire and fire safety, including smoking in non-designated areas according to the [Smoking in the Workplace/Public Areas Program](#);
 - ii. some examples of fines for first time violations include:
 - \$50.00 - Late Move out of Residence (per day)
 - \$60.00 - Setting off Fire Alarms/Failure to exit the building during a fire alarm
 - \$100.00 - Tampering with Fire Safety equipment
- i) **loss of privileges:** loss of specified privileges for a designated time period. The lost privileges may include, but are not limited to, parking privileges, unrestricted access to the library, access to athletic facilities, and extra-curricular activities;
- j) **persona non grata (PNG):** *persona non grata* is the designation given to an individual who is denied the privilege of entering specific parts of the University. If PNG individuals are found or seen in the area they are denied, then they will be subject to a charge by Security Services under the *Trespass to Property Act*;
- k) **suspension (academic):** loss of all academic privileges at the University for a specified period of time and/or until imposed conditions are met. The student is eligible to return after this time but may be required to fulfill specified non-academic conditions upon return. The suspension is noted on the student's transcript ([see Appendix D](#) for further details); and
- l) **expulsion:** loss of all academic privileges at the University for an indefinite period. The expulsion is noted on the student's transcript ([see Appendix D](#) for further details).

Athletics Specific

81. In addition to the above sanctions, the following sanctions are only applicable to Student Athletes.
- a) **athletic financial awards:** financial awards offered through Athletics and Recreation may be rescinded for a period of time or permanently;
 - b) **community service (competitive teams):** community service by the individual or team;
 - c) **removal of funding (competitive teams):** removal of funding from the team;
 - d) **suspension (competitive teams):** suspension of the individual or team for one or more competitions or an entire season.

Residence Specific

82. In addition to the above sanctions, the following sanctions are only applicable to students living in Residence:

- a) **guest restrictions:** restriction of a student's right to host guests in Residence for a specified period of time.
- b) **Residence notice:** notification that any kind of further offence will result in a formal process and may result in eviction. The notice may include a loss of privileges (e.g. access to space, attendance at Residence programs, etc.). This status is in place for the balance of the academic year in which it is assigned.
- c) **Residence probation:** a formal notice informing the student that any kind of further offence will result in eviction. The Adjudicator normally writes the letter citing the reason(s), the terms, and the length of time it will be in place. The length and terms of the probation will be determined based on the circumstances.
- d) **room transfer:** a student may be transferred to another hall when their behaviour is disruptive to their hall but does not warrant eviction from the Residence system. A room transfer under these circumstances is normally accompanied by a declaration that the Student is *persona non grata* in their original Residence and an automatic probationary status for the remainder of the academic year.
- e) **denial of readmission:** denial of readmission to Residence or participation in the lotteries to return to Residence are outcomes levied in serious cases at the discretion of the Director, Housing and Conference Services. This will be communicated in writing to the Student, indicating the reason(s) and the period of time for which it will be in effect.
- f) **eviction:** a student who is evicted from Residence must leave Residence within a time period determined by Housing and Conference Services. The time period will be commensurate with the seriousness of the offence, normally 24 hours, and reflect Housing and Conference Services' assessment of the risk to persons and property within the hall if the student were to remain. Students evicted from Residence will not be eligible for re-admission to Residence. Eviction from Residence is always accompanied by a declaration that the student is *persona non grata* (PNG) in all University Residences. Eviction does not affect nor will it appear on the student's academic record. The student will receive a letter outlining the reason(s) for the eviction as well as any terms and conditions related to their removal from Residence. A copy of this letter will be forwarded to Security Services.

Roles, Sanctions, and Appeal Rights specific to Residence Students

83. The following chart illustrates the specific roles, sanctions, and appeal rights applicable to Residence Students.

Roles	Sanctions	Appeals
Community Advisors (i.e. Student Affairs Staff)	<ul style="list-style-type: none"> • Oral Warning • Written Warning • Educational Outcome 	Sanctions appealable to the Residence Manager, who has final decision.
Residence Managers (i.e. Student Affairs Administrators)	<ul style="list-style-type: none"> • Oral Warning • Written Warning • Educational Outcome • Restitution • Fine up to \$500.00 • Behavioural Contract • Guest Restrictions* • No Contact* • Residence Notice* • Room Transfer* <p>* As approved by the Residence Life Coordinator</p>	Violation and Sanctions appealable to the Student Affairs Adjudicator, who has final decision.
Director (Student Support and Case Management Office)	<p>All Sanctions listed above, and;</p> <ul style="list-style-type: none"> • Probation • Persona Non Grata (PNG) • Eviction* • *Denial of Readmission* <p>*As approved by the Director, Housing and Conference Services</p>	<p>Violations/sanctions appealable to Director, Housing and Conference Services, who has final decision.</p> <p>Appeals of Eviction or Denial of Readmission will be heard by the Dean of Students.</p>
Director, Housing and Conference Services	All Sanctions listed above	<p>Appeals of Eviction or Denial of Readmission will be heard by the Dean of Students.</p> <p>Appeals of PNG status reconsideration from residence(s) can be submitted after one year from time of issue.</p>

REMEDIES

84. Remedies may be applied in addition to sanctions or may be a process by which appropriate sanctions are applied.
85. Remedies may include but are not limited to:
- a) mandatory referral to counselling;
 - b) training or coaching; and/or
 - c) [Restorative Justice](#) processes.

FAILURE TO COMPLY

86. Failure or refusal to:
- a) comply with the terms of a Voluntary Resolution (No Finding);
 - b) comply with the terms of a Resolution Agreement (with a Finding),
 - c) comply with the outcomes of Restorative Justice,
 - d) participate in or complete outcomes and or sanctions;
- may result in an initiation of the Code procedures to determine sanctions for non-compliance.

SECTION VII: PROCEDURAL GUIDELINES FOR ADJUDICATION

87. The following procedural guidelines are designed to assist in the Respondent in preparing and presenting their case and to ensure that they are fully aware of the evidence and are given a fair opportunity to be heard during the process.

Parties

88. Parties to an Adjudication shall include the Student Affairs Administrator presenting the allegation and the Respondent against whom the allegation has been made.

Notice

89. The Respondent shall be given reasonable written notice of the Adjudication hearing in accordance with clause 44 of the Code ([Notice](#)).

Closed Hearings

90. Hearings shall be held *in camera* (closed) unless one or both of the parties requests that the hearing, or some part of the hearing, should be held in public. In the event of such a request, representations shall be heard from all parties on whether matters of an intimate financial or personal nature are to be raised, whether there is an issue of public safety involved, the desirability of holding an open hearing and other relevant circumstances.

Scheduling

91. An attempt shall be made to schedule the Adjudication hearing at a time and place convenient for all parties. However, if a party, who has been notified of an Adjudication date, is absent without contacting Student Affairs or without providing a satisfactory explanation, the Adjudication hearing may proceed in their absence.

Similar Questions of Fact/Policy

92. If two or more proceedings before the Peer Conduct Board (PCB) or the Adjudicator involve the same or similar questions of fact or policy, the PCB or the Adjudicator may:
- a) combine the proceedings or any part of them, or
 - b) hear the proceedings at the same time, or
 - c) hear the proceedings one immediately after the other.

Advisor

93. The Respondent shall have the right to have an Advisor or Support Person present at the adjudication hearing. Such individual may consult with the Respondent, but shall not be allowed to speak at the Adjudication hearing.

Evidence

94. The Respondent is entitled to receive, prior to the adjudication meeting, detailed information regarding the allegation against them.
95. Parties have the right to present evidence, including written statements, in support of their case, prior to and at the hearing, and to see any written evidence presented at the hearing.

96. The decision-maker may admit as evidence any oral testimony and any document, written statement or other thing, relevant to the subject matter of the proceeding.
97. The decision-maker may require the production of written or documentary evidence by the parties or by other sources.
98. The decision-maker must not hear evidence or receive representations regarding the substance of the case outside of the hearing.

Witnesses

99. Parties have the right to call, question and cross-examine witnesses. Parties are responsible for producing their own witnesses and paying for any costs associated with their appearance.
100. Parties may submit witness statements as evidence. In the event that a party wishes to cross-examine a witness on their statement, the adjudication may be adjourned to permit the witness to appear. Alternatively, the Parties may consent to contacting the witness by telephone; provided that all Parties and decision-maker can hear one another throughout the cross-examination of the witness.
101. The decision-maker may limit testimony and the questioning of witnesses to those matters it considers relevant to the disposition of the case.
102. The witnesses will stay in the adjudication meeting only while they are testifying and responding to questions.

University Representative

103. For the purposes of the Adjudication Hearing, the person responsible for presenting the case shall be referred to as the University Representative. The University Representative may include the Student Affairs Administrators, the Student Support and Case Management Coordinators, and Investigators.

Order of Adjudication Hearing

104. The order of the Adjudication hearing shall be as follows:
 - a) The University Representative shall present the findings of their investigation and shall call any witnesses. The Respondent and the decision-maker shall be permitted to question each witness at the end of their testimony. The University Representative shall be permitted to clarify any new points arising from such questioning.
 - b) The Respondent shall present their evidence and shall call any witnesses. The University Representative and the decision-maker shall be permitted to question each witness at the end of their testimony. The Respondent shall be permitted to clarify any new points arising from such questioning.
 - c) The University Representative may respond to any evidence presented by the Respondent in (b) above.
 - d) The parties will be permitted an opportunity to summarize their respective cases. The summary should address both the substance of the alleged violation and the appropriate sanction in the event that the allegation is determined to be valid.
 - e) The decision-maker may alter the order described above in the interests of fairness to any or all parties.

Adjournment

105. The decision-maker may grant an adjournment at any time during the adjudication hearing to ensure a fair hearing.

Peer Conduct Board Voting Procedures

106. The Panel shall attempt to work on a consensus basis, failing which a majority vote will govern.
107. If the Panel has determined that a violation of the Code has occurred, before making a final decision on sanctions, the Panel shall consult with the Adjudicator regarding whether the Panel's proposed sanctions are consistent with the sanctions imposed in similar cases.

Appropriate Procedures

108. Where any procedural matter is not dealt with specifically in this Code, the decision-maker may, after hearing submissions from the parties and considering the principles of fairness, establish an appropriate procedure.
109. Any procedural requirement contained in this Code may be waived with the consent of the decision-maker, and all the Parties to the Hearing so long as basic procedural fairness is maintained.

Decision

110. The decision-maker shall notify the Respondent, in writing, of their decision, with reasons, and any appeal rights. Notification shall normally occur **within ten (10) business days** of the hearing.
111. The decision-maker may decide to:
- a) direct the case to Appendix F where a Respondent has established that they have medical circumstances that may have contributed to the behaviour;
 - b) following the Adjudication, the Adjudicator may:
 - i. dismiss the case, or
 - ii. make a finding of misconduct and impose a sanction(s) contained in [Section VI: Outcomes, Sanctions and Remedies](#).
 - c) The decision of the Dean of Students is final unless the decision imposes a sanction of suspension, expulsion or involuntary withdrawal. or involuntary withdrawal.
112. A decision takes effect immediately and filing an appeal will not stay the implementation of any sanction imposed.
113. It is the responsibility of the Adjudicator to ensure the implementation of the sanction.
114. A Respondent who has been evicted must leave Residence before they are permitted to commence an appeal. If the appeal is successful, the Respondent will be considered for re-admission to Residence in the first available space deemed appropriate for that Respondent by the Director of Housing and Conference Services.
115. If the Respondent wishes to appeal the finding and/or sanction they may follow the Appeal procedures outlined in [Appendix A: Appeals](#).

SECTION VIII: INTERIM MEASURES

116. In exceptional circumstances, e.g. where the health and safety of the student or members of the University community are compromised or at risk, the Provost or delegate may implement Interim Measures, in writing, including altering or suspending the right of a student to be present on campus or to attend classes for an interim period before the case is resolved.
117. The alleged violation that led to the interim suspension shall be investigated and heard in accordance with the procedures contained within this Code. An assessment to determine a student's readiness to return to studies may be required in some cases. **Within seventy-two (72) hours** following the imposition of an interim suspension, the student shall be informed in writing of the reasons for the suspension. The student shall also be afforded the opportunity to respond to the allegations being made against them. Following that opportunity to respond, the Provost or designate will then reassess the decision to suspend, and either revoke or continue it.
118. For **Student-Athletes**, the Director of Athletics and Recreation may enact interim measures, in writing; this could include but is not limited to suspension from games, practices, athletics facilities or athletic related events and/or functions.
119. For a **Student Group** event or activity, the Dean of Students may implement interim measures, in writing, including suspending the operations, and/or any planned events or functions, of a group until the situation is resolved.
120. For **Residence Students** the Director of Housing and Conference Services(or delegate) may enact any combination of the following measures, in writing;
- a) assign a Persona Non Grata (PNG) status, Guest Restrictions or a No Contact contract;
 - b) negotiate a Letter of Understanding with the Student, that outlines a plan for access to Residence while the process is ongoing;
 - c) transfer the Student to another Residence building. The Student will be deemed to be PNG from their original Residence building and any other Residence buildings as identified by the Director of Housing and Conference Services until after the case has been heard. Every effort will be made to have the case adjudicated as expeditiously as possible;
 - d) provide alternate accommodation off campus; or
 - e) issue a suspension from Residence, citing a specific timeline and plan for the student to leave and return to Residence.
121. In circumstances where there is a risk of harm to the student and/or community and the behaviour is believed to be linked to a Health Condition, or the student is not able to participate fully in the process, the Dean of Student's may implement an interim leave of absence on compassionate grounds, until the student is able to demonstrate that they are able to fully engage in the process. If there are safety concerns, the onus will be on the student to provide assurance (e.g. medical assessment and/or documentation provided by a regulated health professional) to confirm they are ready to participate in the academic and social life of the University.

Interim Measures for Complaints of Sexual Violence

122. At any stage in this Code it may be necessary to take interim measures in order to safeguard the environment of Complainants, and/or Respondents. Interim measures shall not be construed as evidence of either guilt or a finding of violation of this Code, or as an affirmation of innocence/finding of non-violation of this Code.
123. The Sexual Violence Assessment Team will consider and coordinate appropriate interim measures as they relate to all parties involved in the matter.
124. The Sexual Violence Assessment Team will review any Interim Measures on an ongoing basis throughout the process to ensure they remain necessary and appropriate in the circumstances.
125. Interim measures may include, but are not limited to, the rearrangement of academic/employment responsibilities or oversight, the rearrangement of residence location (where possible), adjustments in University activities (e.g. attendance at guest lectures, social events), implementation of a No Contact Order, or implementation of a Persona Non Grata designation.
126. During such period, the person can continue to access relevant University support services.

SECTION IX: BEHAVIOUR RELATED TO A HEALTH CONDITION

127. An alternative process is appropriate when there is reason to believe that the behavior may be related to a health condition. These procedures do not preclude the University from responding to and addressing the student's behaviour; but rather, outline an alternate approach with distinct procedures to support the student as well as to further understand how the health condition may have contributed to the behaviour. The intention of this approach is to enhance the understanding of the contributing factors that may have caused the behavior and to ensure access to supports and treatment, with the hope of reducing the likelihood of further behavior. In cases where it is determined that the behaviour is in violation of the Code and is directly related to a health condition, alternate outcomes/sanctions outlined in [Section VI: Outcomes and Sanctions](#) may be utilized as part of the resolution in recognition of the mitigating factors.
128. Where a Student Affairs Administrator who has referred a situation to this section has identified that there may be reason to believe that a student's behaviour is related to a Health Condition (including a physical or mental disability, as defined by the Ontario Human Rights Code), the Student Affairs Administrator will review the option to proceed under this section with the student.
129. The student will be given an opportunity to review and respond to a document outlining the concerns raised, including the options available to proceed under this Code.
130. This section applies to the following:
- a) behaviour prohibited under this Code;
 - b) behaviour prohibited under any other University code of behaviour where the Dean of Students determines that the student's behaviour should be considered under this process;
 - c) behaviour giving rise to a reasonable apprehension of a risk of harm to the student himself/herself or others; and
 - d) behaviour that suggests a student is unable to function in a University setting, even with accommodation(s), if required, and/or the University's reasonable assistance.

Information Gathering Meeting

131. In non-imminent matters, Student Affairs reserves the right to meet with the student, if a meeting has not taken place already, in order to provide an overview of the Inquiry process and to inform the student of the behaviour that has been reported to be a violation of the Code.
132. If a meeting is not feasible, other forms of communication with the student will be utilized to ensure that the student has an opportunity to respond to the allegations, and to understand the procedures and explore the options available to the student.

Determination to Enact Procedures for a Student with a Health Condition

133. Based on the information available the Dean of Students (or delegate) shall review the information that has been gathered and determine if there are reasonable grounds to believe that the behavior is likely related to a health condition.
134. If the Dean of Students (or delegate) determines that it is reasonable to believe that the behaviour is likely related to a health condition, the situation will be considered, if the following conditions are met:

- a) it is determined there is no imminent risk posed by the student being on campus, or that the risk has been mitigated with interim measures;
 - b) the student is deemed by the Dean of Students (or delegate) to be fit to adequately participate in these procedures; and
 - c) the student agrees to the matter proceeding under this section of the Code.
135. If the Dean of Students (or delegate) determines that there are no reasonable grounds to believe that the behaviour is related to a Health Condition, the case will be redirected back to the appropriate process. This determination does not preclude the student from raising their health condition as a consideration in the determination of any subsequent outcome/sanction.

Response to a Student with a Health Condition as it Pertains to the Code

136. When enacting these procedures, the following will be considered:
- a) where a student's behaviour is determined to be primarily related to a health condition, the University will make every reasonable effort to enable the student to continue their studies;
 - b) for students with a disability (as outlined by the Ontario Human Rights Code), the University shall ensure that the student is appropriately accommodated; and
 - c) in determining an appropriate response to a student's behavior, the Dean of Students may review any previous, relevant, decisions under this Code or any other behavioural Code.

Review Meeting

137. If it is determined that it is appropriate to proceed under this section, a review meeting will be scheduled. The Review Meeting will include the student and may include; healthcare professionals or other experts as deemed appropriate. The student may bring a support person. If the student does not bring a support person, the University may appoint a support person if it determines that the student is in need of assistance.
138. The purpose of the Review Meeting is to review all relevant information and consider whether there are reasonable grounds to believe that the behavior in question is primarily related to a disability under the Human Rights Code and/or whether a health condition may be a mitigating factor related to the situation/behaviour. Consultations with appropriate professionals, supporting documentation and/or additional information provided by the student may further assist in this determination.
139. In addition, the review meeting may be used to:
- a) more fully understand the contributing factors that caused the behaviour;
 - b) create a plan to support the student with the intent of making every reasonable effort to enable the student to continue their studies; and/or
 - c) ensure that necessary steps have been taken to appropriately accommodate the student through the process.
140. The student does not have to provide supporting medical documentation. However, the student may be requested to submit, in confidence, additional relevant documentation (e.g. a letter from the student's health provider establishing that the behavior is related to a health condition). The absence of sufficient supporting documentation may affect the Dean of Students' ability to conclude that the behaviour in question is primarily related to a health condition.

141. If there are sufficient grounds to believe that the behaviour may be related to a health condition, the Dean of Students (or delegate) may, at their discretion, consult with appropriate professionals and/or offices (e.g. Student Accessibility Services). The purpose of such consultations will be to identify whether it is reasonable to conclude that the health condition is contributing to the behaviour, including a determination of the health condition as a mitigating factor or a primary cause of the behavior.
142. In responding to the student's behaviour the Dean of Students will consider the following:
- a) the effect of the behaviour on the campus community;
 - b) any previous and/or concurrent violations of the Code;
 - c) the possibility of allowing the student to continue their studies; and
 - d) any accommodations or supports that could be put in place to assist the student, e.g. a behavior contract, wellness agreement, a mental health assessment by a regulated health professional, restriction to parts of campus, no-contact agreements, reduced course load, modified privileges, or, a voluntary or involuntary leave on compassionate grounds.

Involuntary or Voluntary Withdrawal

143. Voluntary or involuntary leave withdrawal occurs when a student agrees or is required to temporarily discontinue studies at the University for either a specified time and/or until imposed conditions are met.
144. Once the withdrawal period has expired and/or the conditions have been met, the student is not required to re-apply for admission unless the Faculty can establish, to the satisfaction of the Dean of Students, that it is reasonable to do so as a result of the lapse of time. The withdrawal will not be noted on their transcript.
145. Students who return after a withdrawal may be required to fulfill other specified academic and non-academic conditions. One such condition may require the student to provide corroborating evidence that the health condition has sufficiently improved or is being managed.
146. If the student wishes to appeal the finding and/or sanction they may follow the Appeal procedures outlined in [Appendix A: Appeals](#).

APPENDIX A: APPEALS

1. The decision from a lower level stays in effect unless and until it is overturned on an appeal by the Respondent. This means that submitting an appeal will not prevent the decision/sanctions being appealed from being carried out.
2. Appeals for findings of violations of the Code that relate to the [Sexual Violence Policy](#) shall be adjudicated as per clauses 11 and 12 below.
3. Appeals by a Respondent are to be filed in letter format and are to be submitted to Student Affairs **within 15 business days of receipt** of the decision. The appeal must contain:
 - a) a copy of the decision;
 - b) a full statement of the grounds for the appeal;
 - c) the outcome sought; and
 - d) any relevant supporting documentation.
4. Grounds for an appeal may include but are not limited to:
 - a) the evidence did not warrant the finding;
 - b) the procedures in this Code were not properly followed;
 - c) new evidence was found which could not reasonably have been presented earlier; and/or
 - d) the sanction was not appropriate for the behaviour which occurred.
5. Parties to the appeal shall include the **Appellant** who shall be the student against whom a finding has been made (i.e. the Respondent during the Adjudication process), and the **Respondent** who shall be the University authority whose decision is being appealed.
6. Appeals shall be heard as follows:
 - a) decisions of the Student Affairs Administrator may be appealed to the appropriate Adjudicator:
 - i. Student Support and Case Management Coordinator decision appealed to the Director (Support and Case Management Office);
 - ii. Information on **Residence specific appeals** can be found in [clause 85 \(Roles, Sanctions, and Appeal Rights specific to Residence Students\)](#);
 - iii. Associate Director of Athletics and Recreation appealed to the Director of Athletics and Recreation;
 - b) decisions of the Adjudicator may be appealed to the Dean of Students.
7. The Appeal Adjudicator/Dean of Students may, after reviewing the case:
 - a) uphold the findings and/or sanctions;
 - b) reverse the finding and/or sanctions; or
 - c) modify the sanctions.

8. The Appeal Adjudicator/Dean of Students will normally provide written confirmation to the Appellant of the receipt of the appeal **within 2 business days**.
9. The Adjudicator will normally have **15 business days** to conduct their investigation, which may include meeting with the parties, and shall then inform the Appellant in writing of their decision with reasons and any further right to appeal.
10. Decisions of the Dean of Students that impose a sanction of suspension, expulsion or involuntary withdrawal (for violations that do not involve Sexual Violence) may be appealed to the Senate Board for Student Appeals **within three weeks of receipt of the decision**. Refer to the [Student Appeal Procedures](#).

Appeals for Findings of Violations of the Sexual Violence Policy

11. In matters where the sanctions do not include suspension, expulsion, or withdrawal (voluntary or involuntary), the Respondent (the student against whom a finding has been made (i.e. the Respondent during the Adjudication process) may appeal the decision and/or the sanction(s) to the Associate Vice-President (Students and Learning) & Dean of Students.
12. In matters where the sanctions include a suspension, expulsion, or withdrawal (voluntary or involuntary), the Respondent (the student against whom a finding has been made (i.e. the Respondent during the Adjudication process) may appeal the decision made by the Associate Vice-President (Students and Learning) & Dean of Students to the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence **within three weeks of receipt of the decision**. (See Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence).

APPENDIX B: AUTHORITY, JURISDICTION, AND CIVIL AUTHORITIES

AUTHORITY AND JURISDICTION

1. The Senate of McMaster University has set out in this Code, the expectations for acceptable conduct of students and the procedure for dealing with conduct that does not meet these expectations. Senate has delegated to the Dean of Students the authority to administer this Code and impose sanctions, including suspension or expulsion. The Dean of Students may delegate certain responsibilities to the Director of Housing and Conference Services, the Director of Athletics and Recreation, or other Student Affairs Staff. Whenever appropriate, sanctions will be assigned with an emphasis on education and restorative practices; however, in certain circumstances, punitive sanctions may be assigned. The application of the Code may intersect with the application of other University policies or procedures regarding the same matter. Examples of other such policies or procedures are listed in [Appendix F: Related Policies and Legislation](#).

INVOLVEMENT OF CIVIL AUTHORITIES

2. The existence of this Code does not preclude any individual from proceeding under applicable laws against another individual, nor does it preclude Security Services from carrying out its responsibilities. Proceedings under this Code may be carried out prior to, simultaneously with, or following other off-campus proceedings, including civil or criminal proceedings, at the discretion of the Dean of Students.
3. In cases where the Dean of Students, and/or delegate, determines that processing an allegation under this Code might prejudice another internal or external process they may suspend these proceedings indefinitely or pause the investigation pending the outcome of these non-Code proceedings. Interim measures may be used at any point to ensure the safety of all students and the University community. See [Section VIII: Interim Measures](#).

APPENDIX C: PEER CONDUCT BOARD

PEER CONDUCT BOARD MEMBERSHIP

1. The Peer Conduct Board is made up of undergraduate and graduate students in good academic standing. Members are normally selected annually by a selection process to be determined each year by the *Director (Student Support and Case Management Office)*. The process shall include advertising the positions in appropriate student publications.
2. Each Peer Conduct Board member shall be appointed for a renewable one-year term. Members shall receive appropriate training to discharge their responsibilities.

PEER CONDUCT BOARD PANEL SELECTION

3. The Hearing of a case referred to the Peer Conduct Board shall be before a panel of a minimum of three members (the Panel). The Panel shall choose one member as the Chair (the Chair), who shall be responsible for the conduct of the deliberation portion of the hearing and for ensuring that a decision is made in a timely fashion.
4. In cases where the Respondent is an undergraduate student, every reasonable effort will be made for the Peer Conduct Board hearing, to consist of at least two undergraduate students.
5. In cases where the Respondent is a graduate student, every reasonable effort will be made for the Peer Conduct Board hearing, to consist of at least two graduate students.
6. No one shall serve on a Panel who has any direct interest or prior involvement in the case under consideration. Both the Respondent and the Panel member who feels there is a conflict are expected to express this to the Director, Student Support & Case Management, prior to the beginning of the hearing.

APPENDIX D: RECORDS, TRANSCRIPTS, REGISTRATION, AND NOTATIONS

RECORDS

1. Student Affairs shall maintain a confidential record of any finding of violation and related sanctions. These records include the documents and notes of the Administrator, Adjudicator and Dean of Students. The record shall be retained for five years after last use. The records involving transcript notations for suspensions and expulsions shall be retained permanently, or until the student's petition to delete the transcript notation has been granted by Senate (the record shall be destroyed when the transcript notation is deleted). At the Dean of Student's discretion, and after written notice to the student, a record may be retained longer than five years. Such notice shall cite the reasons for this decision and the extended retention date.
2. The purpose of this record, which shall be kept separate from any other of the student's records, is to determine whether there has been a previous offence, before a sanction is levied. Records may be taken into consideration should a student seek a position of responsibility within Student Affairs only. Students will be asked to consent to a records check when applying for a position (e.g. when a student applies to be a Community Advisor, Welcome Week Representative etc.).
3. In the event that the case is dismissed or overturned on appeal, all records of the proceeding shall be removed from the student's file.

Decisions of the Adjudicator and the Dean of Students, including a commentary on the type of misconduct occurring in a particular year and the sanctions applied, shall be reported in anonymized form, annually to Senate. No individuals will be identified in such a report. The University does not release confidential records regarding violations of the Code.
4. All records of Voluntary Resolution agreements for matters involving Sexual Violence will be retained by the Equity and Inclusion Office in compliance with the Office's records retention schedule. The record is not a finding of Sexual Violence and shall not be reported as a violation of the [Sexual Violence Policy](#) or this Code.
5. Data gathering and record keeping for matters involving Sexual Violence will adhere to the requirements set out in the ***Sexual Violence Policy***.

RESIDENCE SPECIFIC RECORDS

6. Housing and Conference Services shall maintain a record of each finding against a resident until the end of the current academic year. When probation, eviction, persona non grata (PNG), or denial of readmission outcomes are issued, these records will be retained by Student Affairs for a period of five years from the end of the academic year in which the decision was made.
7. Residence specific findings against the Student does not result in a notation on the Student's academic transcript. All residence records may be taken into consideration in the event that a Student seeks a position of responsibility with Housing and Conference Services.

STUDENT'S STATUS - TRANSCRIPTS, REGISTRATION, AND NOTATIONS

8. While under investigation for an alleged violation of the Code a student may be permitted to withdraw formally from the University. However, this will not prevent the continuation of the process under this Code.
9. When an allegation of a Code violation is made against a student, and until the case has been resolved, the student will not be issued transcripts directly but, at the student's request, transcripts will be sent to

institutions or potential employers. If the student is subsequently found in violation of the Code and the conviction results in a transcript notation, the recipients of any transcripts will be so informed by the Registrar.

10. In the case of suspension the notation will read: "Suspended for Student Code of Conduct Violation by the Senate for ____ months (Date)." A student may petition Senate to remove the transcript notation after the minimum time specified by the Dean of Students or Senate Board for Student Appeals, as the case may be, when the suspension was imposed has elapsed.
11. In the case of expulsion the notation will read: "Expelled by the Senate for Student Code of Conduct Violation." If the Senate at some later date reinstates the student, this will be followed by the notation: "Reinstated by the Senate (Date)." Such a notation may be removed from a student's transcript on petition to Senate, but not before five (5) years after the penalty commences.

APPENDIX E: GLOSSARY OF TERMS

Accommodations under the Sexual Violence Response Protocol are adjustments to individuals' academic, workplace, or residence arrangements following a Disclosure of Sexual Violence, made to support them and/or enhance their safety.

Advisor

A person of the individual's choice who acts in an advisory role during the investigation and adjudication process (e.g. friend, family member, legal counsel). The Advisor may be present during investigation interviews and adjudication hearings. At the adjudication hearing the Advisor may consult with the student, but shall not be allowed to speak. The Advisor may represent the individual at an appeal Hearing before a Tribunal of the Senate Board for Student Appeals, or the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence.

Balance of Probabilities is the test to be met to show, by the weight of the evidence presented, that all of the facts necessary to make a finding of violation of the Code have a greater likelihood of being true than not.

Community Members includes but is not limited to, students (graduate, undergraduate, and continuing education), staff, faculty, postdoctoral fellows, adjunct professors, visiting professors, sessional faculty, teaching assistants, clinical faculty, medical residents, volunteers, visitors, and institutional administrators and officials representing McMaster University.

Complainant is an individual identifying a violation of the Code for the University's response.

Complaint of Sexual Violence is made when a Complainant notifies an Intake Coordinator within the University and seeks the University's response.

Consent is defined as approval, given freely, willingly, and knowingly by each participant to sexual activity. It must be given through ongoing communication by words and / or actions. It occurs continuously and moment to moment. Consent cannot be assumed. Consent cannot be given if a person's ability to resist or consent is impaired. Consent may be compromised where individuals are in a position of power, trust and/or authority over the person whose consent is required.

- should never be assumed or implied
- is not silence or the absence of "no"
- cannot be given if the person is impaired by alcohol or drugs, or unconscious
- can never be obtained through threats or coercion
- can be withdrawn at any time
- cannot be given if the perpetrator abuses a position of trust, power or authority
- cannot be given by anyone other than the person participating in the sexual activity

Any type of sexual activity without consent is Sexual Violence. (Source: the Government of Ontario - [Let's stop sexual harassment and violence website](#)). The [Sexual Violence Policy](#) prohibits all forms of Sexual Violence.

Director of Housing and Conference Services is responsible for addressing violations of the specific expectations of Residence Students.

Director of Athletics and Recreation is responsible for addressing violations of the specific expectations of Student-Athletes.

Event (Authorized) Authorized events are University scheduled or University approved activities, occurring on or off University premises, e.g. public lectures, performances, placements (co-op or clinical), athletic events, work or study-related conferences/training sessions, etc. These events can include work or study-related travel. Events that are approved under the Student Event Risk Management Policy, or Field Trips and Electives Policy are also authorized events.

Event (Non-authorized) Non-authorized events are events that are not scheduled or approved by the University and may occur on or off University premises e.g. group trips that have not been approved under the Student Event Risk Management Policy, drinking games in residence, house parties, etc.

Guest means a person who is visiting a student on campus.

Interim Measures are steps that are taken where the health and safety of the student or members of the University community are compromised or at risk, and/or in order to safeguard the environments of individuals disclosing Sexual Violence and of individuals whose conduct is being questioned. Interim measures shall not be construed as evidence of either guilt or a finding of violation of the Code, or as an affirmation of innocence or finding that no violation of the Code has occurred.

No Contact Order includes restrictions on: registration for specific classes, other academic or non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals.

Persona Non Grata (PNG) is a designation, which is given to an individual who is denied the privilege of entering designated portion(s) of the University's buildings or grounds. If PNG individuals are found or seen in the area they are denied, they will be subject to a charge by [Security Services](#) under the Trespass to Property Act.

Peer Conduct Board Hearing means the adjudication process carried out by the Peer Conduct Board.

Primary Event Organizer means the individual who is leading the planning and implementation of an Event under the Student Event Risk Management Policy.

Respondent is the individual about whom allegations have been made. For the purpose of Appendix A: Appeals, the Respondent is the University authority whose decision is being appealed.

Restorative Justice

Restorative Justice is an outcome following the determination of finding and focuses on restoring the losses suffered by Complainants, holding Respondents accountable for the harm they have caused, and building peace within communities. This process can be facilitated by the Equity and Inclusion Office.

Sexual assault is any non-consensual sexual activity, including but not limited to touching, grabbing, kissing, fondling, and oral, anal, or vaginal penetration.

Sexual and/or Gender-Based Harassment includes, but is not limited to:

- a) any reward/promise of reward, whether explicit or implicit, for complying with a sexual solicitation or advance; demands for dates or sexual favours; or propositions of physical intimacy;
- b) any reprisal or threat of reprisal, whether explicit or implicit, for refusing to comply with any sexual solicitation or advance;

- c) any form of sexual exploitation, or conduct that takes non-consensual sexual advantage of someone;
- d) unwelcome gender-related comments about a person's physical characteristics, mannerisms, gender identity or expression; and e) gender-related verbal abuse, threats or taunting.

Sexual Violence means any sexual act or act targeting a person's sexuality, gender identity or gender expression whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without a person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

Student means any individual recorded by the University Registrar as enrolled in an educational course of study recognised by the Senate and for whom the University maintains education records.

Student Affairs Administrator means an individual appointed by the Dean of Students with authority to hear allegations of misconduct under the Code. Student Affairs Administrators include, but are not limited to: Student Conduct Officer, Residence Managers, the Residence Life Coordinator, the Associate Director of Athletics and Recreation, and the Athletic Services Coordinator.

Student Affairs Adjudicator are those in the position to adjudicate Administrative Formal Resolution Meetings and facilitate Peer Conduct Board Formal Resolution Meetings. They may also hear appeals of decisions made by Student Affairs Administrators. In most cases, this will be the Manager of Student Conduct and Community Standards.

Student Affairs Staff are those responsible for reporting violations, and collecting information at the time the situation takes place. This includes, but is not limited to, Community Advisors, Inter-University Athletic Coaches, etc.

Student-Athlete is defined as a student who has been selected to be a member of a varsity team or extramural competitive program. Students who belong to extramural competitive programs which do not have a selection process will be considered to be Student-Athletes once they have registered for the program.

Student Host means a person who has a Guest on campus.

Student Leader is defined as an executive member of a University Recognized Student Group or any member of such a group operating in their capacity as a Primary Event Organizer.

Support Person is a person of the individual's choice who acts in a supportive role but is not an active participant in the process (e.g. friend, Elder, parent, religious advisor).

University Premises means buildings and lands owned, leased, operated, controlled or supervised by the University and includes places or facilities used for the provision of the University's courses, programs or services or for University approved or sponsored events or activities.

University Recognized Student Group includes organizations and student groups that have been recognized under the *McMaster University Policy on the Recognition of Student Groups*.

Voluntary Resolution are steps that are taken (e.g. arrangement of academic, work or living environment / conditions) to which both the Complainant and Respondent have agreed to.

APPENDIX F: RELATED POLICIES AND LEGISLATION

This Code is to be read in conjunction with the following policies, statements, and collective agreements. Normally the policies listed below act independently of one another. However, they may intersect with the application of other University policies or procedures regarding the same matter. Any question of the application of this Code or related policies shall be determined by the Associate Vice-President (Students and Learning) and Dean of Students, in consultation with the administrator of the other policy or policies. The University reserves the right to amend or add to the University's policies and statements from time to time (this is not a comprehensive list):

- [Academic Accommodation of Students with Disabilities](#)
- [Academic Accommodation for Religious, Indigenous and Spiritual Observances](#)
- [Academic Freedom, Statement on](#)
- [Academic Integrity Policy](#)
- [Alcohol Policy, University](#)
- [Conflict of Interest Guidelines: Undergraduate Studies and Graduate Studies](#)
- [Discrimination, Harassment and Sexual Harassment: Prevention and Response, Policy](#)
- [Employee/Labour Relations – Collective Agreements \(students acting in their role as Teaching Assistants are acting as University employees and should refer to their collective agreement.\)](#)
- [First Year Student Guiding Principles](#)
- [Fraternities, Sororities and Honour Societies, Policy on](#)
- [Freedom of Information and Protection of Privacy Act](#)
- [Group Conflict and Senate Mediation Procedures](#)
- [Ontario Human Rights Code](#)
- [Personal Health Information Protection Act](#)
- [Professional Behaviour Code for Graduate Learners, Health Sciences](#)
- [Professional Behaviour Code for Undergraduate Learners, Health Sciences](#)
- [Recognition of Student Campus Groups](#)
- [Sexual Violence Policy](#)
- [Statement on Building an Inclusive Community with a Shared Purpose](#)
- [Statement and Guidelines on Inclusive Communications](#)
- [Student Event Risk Management Policy](#)
- [University Technology Services \(UTS\) – Policies and Procedures](#)
- [Violence in the Workplace, Policy on](#)



December 3, 2019

TO: Senate

FROM: Arig al Shaibah, Associate Vice-President (Equity and Inclusion)

**RE: REVIEW OF UPDATED SEXUAL VIOLENCE POLICY AND POLICY
ON DISCRIMINATION AND HARASSMENT**

Background:

The University's Sexual Violence Policy and Policy on Discrimination and Harassment both include provisions for regular review to ensure that they remain up to date and reflective of best practice. With regard to the Sexual Violence policy, the provincial government also announced earlier in the year that all universities and colleges are required to undertake a review of their policies during 2019.

Review Process:

The University Secretariat assembled a core group of individuals from the key offices involved in overseeing and implementing the policies to act as a working group and lead the review and consultation process. The group included members from the Equity and Inclusion Office, Student Support and Case Management, Human Resources Services, Faculty of Health Sciences Professionalism Office and the President's Office. I have been acting as the Chair of that group and the membership is listed in Schedule A.

To meet the requirements for a broad campus consultation, once the group had undertaken an initial review of the Sexual Violence Policy and proposed changes intended to update and streamline it, the updated draft Policy was posted online, together with a summary of the proposed revisions. A series of ten consultation sessions were held both on the main campus, at One James North, and via video conference for satellite locations; and an online survey was widely publicized and available for completion throughout October.

In addition, the policy was shared directly with a number of key stakeholders and offices for review and feedback including: the MSU, GSA and MAPS, the Directors of Residence Life and Indigenous Student Services, the Coordinators of the Women and Gender Equity Network, the Pride Centre and Diversity Services, MUFA and representatives of employee groups, the Chairs of the President's Advisory Committee on Building an Inclusive Community, the Ombuds Office, the Consultant on Sexual Violence Prevention and Response, the Office of Legal Services, Environmental and Occupational Health Support Services, Security Services, etc.

The responses and comments received from the survey and other consultations were then reviewed and additional clarifications were made to the Policy as a result, including revising the format and location of the various flow-charts, and seeking to make the available options and

processes under the Policy clearer and more transparent. A summary chart listing the key revisions to the Sexual Violence Policy, together with the rationale for the changes made, is attached, along with the updated draft Policy.

Since it is intended that the Sexual Violence Policy and the Policy on Discrimination and Harassment will operate as companion policies, adjustments have been made to the Policy on Discrimination and Harassment to ensure consistency between the two policies wherever possible. A copy of the updated draft Policy on Discrimination and Harassment is attached.

Next Steps:

Subject to the approval of Senate and the Board of Governors, the updated Sexual Violence Policy and Policy on Discrimination and Harassment will become effective on January 1, 2020. As noted within the policies, they will continue to be subject to review on a regular basis to ensure that they are most effectively meeting the needs of the University community. The Equity and Inclusion Office is also in the process of updating the website of the Sexual Violence Prevention and Response Office, including the Sexual Violence Response Protocol pages, and will continue to develop further guides and resources for the campus community over the coming months.

Attachments:

Summary of Revisions to the Sexual Violence Policy
Updated draft Sexual Violence Policy
Updated draft Discrimination and Harassment Policy

Schedule A

Membership of the Core Review Team

Equity and Inclusion Office:

Arig al Shaibah, Associate Vice-President (Equity and Inclusion) (*Chair*)

Pilar Michaud, Director, Human Rights and Dispute Resolution

Student Support and Case Management Office:

Allison Drew-Hassling, Director, Student Support and Case Management

Human Resources Services:

Maggie Pooran, Executive Director, Employee and Labour Relations

Faculty of Health Sciences Professionalism Office:

Robin Edwards, Advisor, Professionalism

University Secretariat:

Michelle Bennett, Hearings, Policy and Privacy Manager

Office of the President:

Esme Davies, Senior Advisor and Legal Counsel to the President

Summary of Revisions to the Sexual Violence Policy

Section	Change and Rationale
Overall	
Formatting	<ul style="list-style-type: none"> - Reordered and retitled sections for better flow and clarity
Responsibility	<ul style="list-style-type: none"> - Responsible Executive changed from University Secretariat to Associate Vice-President, Equity and Inclusion (inaugural role) – to reflect the oversight of the sexual violence prevention and response portfolio - Policy-specific enquiries to be directed to Equity and Inclusion Office
I - Introduction	
Scope	<ul style="list-style-type: none"> - Fore-fronted definition of sexual violence, consistent with Ontario sexual violence and harassment action plan act - Better articulated that sexual harassment, which is in violation of the Human Rights Code, may be dealt with under the Policy on Discrimination and Harassment; this improves clarity on the practical application of and procedural intersections between the Sexual Violence Policy and the Policy on Discrimination and Harassment
Commitment	<ul style="list-style-type: none"> - Clarified commitment to confidentiality, timeliness, procedural fairness, thoroughness - Clarified commitments that describe trauma-informed, inclusive and culturally relevant principles and practices
Review	<ul style="list-style-type: none"> - Regularized Policy review timeline (aligned with expectations for such policy reviews), now that Policy has been in place for a couple of years and initial short-term review period complete - Added consultation with Graduate Student Association in addition to MSU
Terms and Definitions	<ul style="list-style-type: none"> - Moved all definitions to an appendix, except left definition of sexual violence at the fore, so as not to be encumbered with a lot of information at the outset
II – Options and Supports	
	<ul style="list-style-type: none"> - Fore-fronted reference to confidentiality and its limits - Clarified when University may be obliged to act (and how) - Clarified difference between disclosing and reporting - Clarified difference between forms of reporting: submitting a complaint to the University under the Policy and making a criminal report to the Police - Improved clarity regarding confidentiality and risk assessment that may lead to limits; and what can or cannot be done) without an official report - Better explained voluntary resolution (when and how it may be engaged)

Section	Change and Rationale
III - Confidentiality	
	<ul style="list-style-type: none"> - Further clarified limits to confidentiality - Clarified protocol for sharing identity of respondents with Police where there is future risk of violence or concerns for safety of broader community - Clarified commitment to protect identity of complainant, unless consent is provided or circumstances relating to risk mitigation oblige the University to share this information with Police, and clarified the way such decisions are made
IV – Procedural Guidelines	
Advisor/Support	<ul style="list-style-type: none"> - Clarified who can accompany parties throughout the process
Self-Incrimination	<ul style="list-style-type: none"> - Removed section on self-incrimination as it was being read as caution/warning about self-incrimination, and therefore acting as a deterrent to disclosure, as opposed to an assurance that the university would aim to provide “amnesty” against self-incrimination wherever possible; agreed that the concept of self-incrimination/amnesty would be detailed in resources that could explain this in more detail with examples
Interim Measures	<ul style="list-style-type: none"> - Clarified when and how interim measures will be implemented - Codified the practice of reviewing interim measures throughout the investigation process
V – Roles and Responsibilities	
AVP, Equity and Inclusion	<ul style="list-style-type: none"> - Inaugural role of the Associate Vice-President, Equity and Inclusion and their responsibilities have been written into the Policy: oversight of Equity and Inclusion Office, and strategic campus sexual violence prevention and response efforts
Directors and Intake Offices	<ul style="list-style-type: none"> - Established Sexual Violence Prevention and Response Office as central University resource with new intake function in addition to four other Intake Offices (Human Rights, Employee/Labour Relations, FHS Professionalism Office, Student Support and Case Management Office) - Updated the Policy to include the proposed new role of Director, Sexual Violence Prevention and Response Office (SVPRO) in place of the references to the Coordinator, Sexual Violence Response, and included the Director’s responsibilities, including: specialized advising; complaint intake services; consultation to Directors and Decision-Makers; involvement in case management as part of their inclusive trauma-informed response and support responsibilities; and oversight of prevention education and response training programs - Updated Policy to reflect interaction between Director, Human Rights & Dispute Resolution (HRDR), Directors of Intake Offices, and new Director, SVPRO (which has new intake functions)

Section	Change and Rationale
Response Team	<ul style="list-style-type: none"> - Renamed and clarified functions of former Assessment Team, now called Response Team and convened by the Director of HRDR, who will make preliminary assessment of complaint (consulting with partners as needed) to determine if Policy applies, if prima facie case exists, and if Response Team needs to be convened where a situation warrants a coordinated response involving multiple partners. This is consistent with recommendations in the Gender-Based Violence Framework for Post-Secondary Institutions: <i>“When an incident of GBV becomes known of through a report, known within the public realm whether through social media, a news report, or when the violence is determined by the PSI to be a community safety risk, key stakeholders should be brought together to provide a coordinated response. This will help streamline services while avoiding duplication, service gaps and allowing for a proactive response.”</i>
Security Services	<ul style="list-style-type: none"> - Security Services roles written into Policy to clarify and codify their responsibilities when receiving disclosures, complaints using the Sexual Violence Policy, and criminal reports, as well as when University is obligated to make a report to Police Services
Supervisors	<ul style="list-style-type: none"> - Added and clarified types of supervisors and their responsibilities
Employees	<ul style="list-style-type: none"> - Clarified and codified obligations of all employees in accordance with Occupational Health and Safety Act
Community Members	<ul style="list-style-type: none"> - Clarified responsibilities of Community Members and appropriately articulated these in the Sexual Violence Response Protocol – these responsibilities require education/training to develop knowledge and skills that supervisors expected to monitor through performance management
VI – Investigations	
	<ul style="list-style-type: none"> - Clarified when a University-initiated investigation would be warranted - Clarified that scope/parameters of the investigation are to be determined by the Decision-Maker
VII – Adjudication and Decisions	
	<ul style="list-style-type: none"> - Clarified what information about outcomes is provided to Respondents and Complainants - Clarified that in cases where a Respondent has more than one type of relationship with the University (such as a student who also holds a staff appointment) more than one Decision-Maker may be involved and sanctions and remedies may be administered under one or both of the processes relevant to the Respondent’s status

Section	Change and Rationale
VII - Sanctions and Remedies	
	<ul style="list-style-type: none"> - Removed request for impact statement since the Complainant has an opportunity to describe impact in their written statement of complaint at the outset of the process, then again during the investigation process; requesting another written impact statement is additionally burdensome and potentially re-traumatizing to the Complainant and, therefore, not consistent with survivor-centric principles and practices - Clarified types of remedies possible (as examples) - Clarified who can recommend preventative systemic interventions where there may be broader organizational issues
Appendix A - Definitions	
	<ul style="list-style-type: none"> - Ensured definitions of Sexual Violence, Sexual Harassment (including Workplace Violence and Harassment), Sexual Assault, and Consent are consistent with definitions in the legislation (Ontario Sexual Violence and Harassment Action Plan Act, Ontario Occupational Health and Safety Act, Ontario Human Rights Code, and Criminal Code of Canada) - Added and clarified the term Poisoned Environment
Appendix B - Resources	
	<ul style="list-style-type: none"> - Updated names of personnel and offices
Appendix C - Jurisdiction	
	<ul style="list-style-type: none"> - Added the language of “affiliate” to more clearly capture all types of organizational relationships associated with the University to which the Policy should apply and for which there may be an agreed upon joint investigation process and/or sharing of findings or relevant outcomes (e.g this could apply to affiliated hospitals or other third party organizations, or to bodies such as the MSU)
Appendix E – Flow Charts	
	<ul style="list-style-type: none"> - Updated to reflect changes in Procedures and embedded within the Policy for ease of reference, rather than being a standalone section

Note:

The Discrimination and Harassment Policy has been updated to bring it into alignment with the format of the Sexual Violence Policy, as well as to streamline and clarify the language describing procedures. The only substantive addition to the text is the clarification that the Discrimination and Harassment Policy addresses all types of harassment, including claims of harassment on the basis of protected human rights grounds as well as claims that are not grounds-based.

Complete Policy Title:
Sexual Violence Policy

Policy Number (if applicable):

Approved by:
Senate /
Board of Governors

Date of Most Recent Approval:
Xxxxx, 2019 /
xxxx, 2019
effective January 1, 2020

Date of Original Approval(s):
December 14, 2016 / December 15, 2016
effective January 1, 2017

Supersedes/Amends Policy dated:
December 14, 2016 / December 15, 2016
effective January 1, 2017

Responsible Executive:
Associate Vice-President, Equity and
Inclusion

Policy Specific Enquiries:
[Equity and Inclusion Office](#)

Reviewed for Compliance (OHSA):
December 2019

General Policy Enquiries:
[Policy \(University Secretariat\)](#)

DISCLAIMER: *If there is a Discrepancy between this electronic policy and the written copy held
by the policy owner, the written copy prevails*

TABLE OF CONTENTS

SECTION I: INTRODUCTION.....	1
PURPOSE.....	1
SCOPE.....	1
MCMASTER'S COMMITMENT.....	2
POLICY REVIEW.....	2
TERMS AND DEFINITIONS	3
SECTION II: OPTIONS AND SUPPORTS.....	4
OPTIONS.....	4
DISCLOSURE.....	4
REPORTING.....	4
COMPLAINT.....	5
VOLUNTARY RESOLUTION.....	5
CRIMINAL REPORT.....	5
OTHER EXTERNAL OPTIONS	5
OPTIONS CHART.....	6
SECTION III: CONFIDENTIALITY	7
CONFIDENTIALITY (LIMITATIONS)	7
SECTION IV: PROCEDURAL GUIDELINES.....	9
ADVISOR / SUPPORT PERSON.....	9
TIME LIMITATIONS FOR BRINGING FORWARD A COMPLAINT	9
REPRISAL.....	9
INTERIM MEASURES AND ONGOING SUPPORT OF ALL PARTIES.....	9
DATA GATHERING & RECORD KEEPING.....	10
SECTION V: ROLES AND RESPONSIBILITIES	11
SENIOR ADMINISTRATION.....	11
ASSOCIATE VICE-PRESIDENT, EQUITY AND INCLUSION	11
DIRECTOR, SEXUAL VIOLENCE PREVENTION AND RESPONSE OFFICE.....	11
INCLUSIVE, TRAUMA-INFORMED RESPONSE AND SUPPORT	11
PREVENTION EDUCATION AND RESPONSE TRAINING	12
INTAKE OFFICES.....	12
DIRECTOR, HUMAN RIGHTS & DISPUTE RESOLUTION.....	13
RESPONSE TEAM	13
INVESTIGATORS.....	13
DECISION-MAKERS FOR INTAKE AND INVESTIGATIONS.....	14
SECURITY SERVICES SPECIAL CONSTABLES.....	14
SUPERVISORS.....	15
EMPLOYEES.....	15
COMMUNITY MEMBERS	15

SECTION VI: INVESTIGATIONS	16
INTAKE AND INITIATION OF COMPLAINTS.....	16
DECISION TO NOT INVESTIGATE	17
UNIVERSITY INITIATED INVESTIGATION.....	17
INVESTIGATION PROCEDURES	17
 SECTION VII: ADJUDICATION AND DECISIONS	19
ADJUDICATION.....	19
STUDENT RESPONDENT	19
FACULTY RESPONDENT	20
REFERRAL TO HEARING	20
STAFF RESPONDENT.....	21
COMMUNITY MEMBER RESPONDENT	22
NOTIFICATION OF OUTCOME.....	22
RESPONDENT.....	22
COMPLAINANT.....	22
REGULATORY / PROFESSIONAL LICENSING BODIES.....	22
AFFECTED PARTIES	22
SYSTEMIC AND PREVENTIVE INTERVENTIONS.....	22
 SECTION VIII: SANCTIONS AND REMEDIES	23
SANCTIONS.....	23
REMEDIES.....	23
 APPENDIX A: DEFINITIONS	24
 APPENDIX B: RESOURCES	29
SUPPORT FOR THE UNIVERSITY COMMUNITY	29
ADDITIONAL SUPPORT FOR STUDENTS	29
ADDITIONAL SUPPORT FOR STAFF AND FACULTY	29
SUPPORT IN THE BROADER COMMUNITY	29
GUIDANCE ABOUT A POLICY AND/OR PROCEDURES	29
INDEPENDENT RESOURCE.....	29
 APPENDIX C: JURISDICTION	30
 APPENDIX D: RELATED POLICIES AND LEGISLATION	31

SECTION I: INTRODUCTION

PURPOSE

1. All members of the University Community ("Community Members" see clause 5 below) have a right to study, work, and live in an environment that is free of [Sexual Violence](#).
2. The purpose of this Policy is to:
 - a) articulate McMaster University's commitment to Sexual Violence prevention and response;
 - b) identify services and resources related to **Sexual Violence** that are available to all members of the McMaster University Community ("University Community"); and
 - c) explain the complaint and reporting options, supports, and accommodations that are available to all members of the University Community who experience Sexual Violence.

SCOPE

3. **Sexual Violence**¹ means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's [Consent](#), and includes [Sexual Assault](#), [Sexual Harassment](#), stalking, indecent exposure, voyeurism and sexual exploitation.
4. This Policy prohibits all forms of Sexual Violence:
 - a) acts of [Sexual Assault](#), which fall under the broad definition of Sexual Violence, are considered a violation of this Policy and its procedures below shall apply; and
 - b) acts of [Sexual Harassment](#), which fall under the broad definition of Sexual Violence, may be considered violations of the [Discrimination & Harassment Policy](#) and its procedures may apply.
5. The Policy applies to:
 - a) **all Members of the University Community** ("Community Members") include: students (graduate, undergraduate, and continuing education), staff, faculty, medical residents, volunteers, visitors (including visiting professors), and institutional administrators and officials representing McMaster University; and
 - b) **all University-related activities**, which are activities ([authorized](#) and [non-authorized](#)) where there is a clear nexus to the working or learning environment at the University (on and off University premises).
6. When allegations of Sexual Harassment are to be processed under the *Discrimination & Harassment Policy*, there may be circumstances where the allegations in a Complaint necessitate following the procedures under both this Policy and the *Discrimination & Harassment Policy*.
7. Where a Complaint is filed that involves behaviour prohibited by this Policy, as well as behaviour more appropriately dealt with under the *Discrimination & Harassment Policy*, the Complaint may be processed under the *Discrimination & Harassment Policy*, without compromising the Complainant's right to access the specialized supports available through the Sexual Violence Prevention and Response Office. However, any proceedings related to the Complaint will determine if there has been a violation of the *Discrimination &*

¹ [Ministry of Training, Colleges and Universities Act, R.S.O. 1990, c. M.19](#)

Harassment Policy, in addition to any findings related to this Policy. The decision regarding which policy or policies are most appropriate will be made by the University.

8. Unless otherwise specified in this Policy, the Policy and its provisions apply where the University has the jurisdiction to pursue, adjudicate, or take steps to safeguard the University community.

MCMaster's COMMITMENT

9. Notwithstanding the limits of confidentiality, described below, the University recognizes that enabling confidential disclosures of experiences of Sexual Violence enhances individual and community safety. The University is committed to creating an environment in which Community Members feel able to disclose experiences of Sexual Violence and access support, accommodations and information on complaint and reporting options under the [Sexual Violence Response Protocol](#).
10. The University recognizes that making a [Disclosure](#), filing a [Complaint](#), or being the focus of allegations of Sexual Violence may be difficult. The University is committed to ensuring that all individuals making disclosures or who are parties to a complaint, be they [Complainants](#) or [Respondents](#), will be treated with dignity and respect, will be guaranteed due process and procedural fairness, will be afforded privacy and confidentiality within its reasonable limits, and will have access to appropriate support and assistance throughout.
11. When a University complaint process is initiated, the University is committed to providing an intake, investigation, and adjudication process that is trauma-informed, timely, and follows the principles of procedural fairness.
12. The University is committed to addressing Sexual Violence in a manner that is informed by current knowledge, scholarship and best practices in understanding how Sexual Violence intersects with other forms of violence and social inequities.
13. The University recognizes that the experience of Sexual Violence can be traumatic, having negative immediate and/or longer-term effects on an individual's physical, mental, emotional, spiritual, and social health and wellbeing. The University is committed to providing appropriate trauma-informed support, accommodations, resources and referrals.
14. The University recognizes that socially marginalized individuals (on the basis of factors such as race, disability, Indigeneity, sexual orientation, gender identity and gender expression, religion, spirituality, age, citizenship and socio-economic status) experience disproportionately higher incidences of sexual and other forms of violence. The University is committed to ensuring culturally respectful and relevant supports and services that are attuned to systemic social inequities. The University recognizes that individuals from diverse communities who face systemic barriers and discrimination may be reluctant to disclose Sexual Violence to institutional authorities. The University is committed to examining and eliminating individual bias and institutional barriers in the organization and delivery of its services and supports.

POLICY REVIEW

15. The Policy will be reviewed annually for compliance with the *Occupational Health & Safety Act*. The Policy will be reviewed every three years in accordance with the *Sexual Violence and Harassment Plan Act* in a process inclusive of input from students, key University constituencies, women's organizations and other community partners with expertise in Sexual Violence.

16. Student participation in the three-yearly policy review process will be coordinated by the [Equity and Inclusion Office](#) in collaboration with the McMaster Student Union, and the McMaster Graduate Student Association, and will include a diverse cross-section of campus partners with experience and expertise related to Sexual Violence prevention and response.

TERMS AND DEFINITIONS

17. A full glossary of terms and definitions may be found in [Appendix A](#).
18. For the purpose of interpreting this document:
- a) words in the singular may include the plural and words in the plural may include the singular
 - b) Directors, members of the Administration, and Decision-Makers in this Policy may, where appropriate, delegate their authority;
 - c) **AVP Equity and Inclusion** means the Associate Vice-President, Equity and Inclusion;
 - d) **Chief Human Resources Officer** means the Assistant Vice-President & Chief Human Resources Officer;
 - e) **Dean of Students** means the Associate Vice-President (Students and Learning) and Dean of Students;
 - f) **Director (ELR)** means the Executive Director, Employee & Labour Relations;
 - g) **Director (HRDR)** means the Director, Human Rights & Dispute Resolution Program;
 - h) **Director (SVPRO)** means the Director, Sexual Violence Prevention and Response Office;
 - i) **Director (SSCM)** means the Director, Student Support & Case Management Office;
 - j) **Hearing Procedures** means the Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence;
 - k) **Provost** means the Provost and Vice-President (Academic);
 - l) **Tenure and Promotion Policy** means the McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion; and
 - m) **Security Services** means McMaster University Security and Parking Services.

SECTION II: OPTIONS AND SUPPORTS

OPTIONS

19. Community Members who believe there has been a violation of the Policy have a number of options available to them: **Disclosure, Reporting** (under the Policy and includes filing a Complaint, and/or Voluntary Resolution), making a **Criminal Report**, or **Other External Options**.
20. Prior to pursuing one of the options below, [Community Members](#) should read [Section III: Confidentiality](#). It is important to be aware that, **depending on the circumstances and nature of the incident disclosed**, the University may be obliged to:
 - a) conduct a triage of violence risk;
 - b) initiate a University-led Investigation of the incident regardless of whether or not the individual making the disclosure chooses to participate in the process; and/or
 - c) notify Hamilton Police Services of the allegation and name of the individual who is the subject of the allegation and/or contact other relevant agencies to fulfill legal obligations.
21. Individuals are encouraged to consult with the Director (SVPRO), who will provide holistic support for disclosures, assistance with requests for accommodation, and advice on options, at any point in time, regardless of how the individual chooses to proceed.
22. While encouraged to contact the [Director \(SVPRO\)](#) for disclosure support, complaint intake, and reporting options, Community Members who experience Sexual Violence may choose to contact any one of the [Intake Offices](#) to make a Complaint pursuant to the Sexual Violence Policy.
23. Disclosing an experience of Sexual Violence is a separate decision from making a report. Each decision will result in different levels of University involvement and action.

DISCLOSURE

24. A Disclosure is made when an individual informs a Community Member about an experience of Sexual Violence because they wish to access support, accommodations and/or information about their options, under the [Sexual Violence Response Protocol](#).

REPORTING

25. A Report occurs when an individual determines that they wish to pursue an official Complaint through one or more of the following avenues: a Complaint to the University under this Policy, Voluntary Resolution under this Policy, a Criminal Report through the justice system, or other reporting options external to this Policy. Reporting options are not mutually exclusive.
26. Individuals who file a Report may ultimately be required to attend/participate in a hearing, either internal to the University, or external through arbitration, or criminal court, etc.

Complaint

27. A Complaint is made when an individual submits an Incident Report to their Supervisor, or a written statement of [Complaint](#) to the Director (SVPRO) or an Intake Office making an allegation of Sexual Violence because they wish to initiate a formal University process, which may require an Investigation into the allegations and finding of facts.

Voluntary Resolution

28. In certain circumstances, a Complainant and Respondent may be interested in attempting a resolution of a Complaint at any time before the completion of an Investigation.
29. The following conditions must be present before considering if Voluntary Resolution is a viable option:
- a) the University is able to meet its responsibilities pursuant to the *Occupational Health & Safety Act*; and
 - b) the Complainant and the Respondent both agree to:
 - (i) attempt to reach a resolution in good faith;
 - (ii) the methods to be used to seek resolution; and
 - (iii) the terms of what would constitute resolution.
30. A meeting between the Complainant and the Respondent will **not** be a requirement for Voluntary Resolution.
31. A Voluntary Resolution may be facilitated by an [Intake Office](#), and the methods may include fact-finding discussions, clarification of the issues, facilitated conversations, mediation, coaching, voluntary no contact agreements, reconciliation, restoration processes, workplace restoration processes.

CRIMINAL REPORT

32. A Criminal Report is made when an individual files a report of Sexual Violence with a police service or with [Security Services](#). Filing a Criminal Report with Security Services will result in a report to [Hamilton Police Service](#).

OTHER EXTERNAL OPTIONS

33. Individuals may exercise other University options external to this Policy (e.g. the grievance provisions of applicable collective agreements) or other options external to the University (e.g. through civil litigation or *Ontario Human Rights Code* provisions).

OPTIONS CHART

Central Sexual Violence Complaint Intake Office

[Sexual Violence Prevention and Response Office](#), Equity and Inclusion Office (All Community Members)

Additional Complaint Intake Offices

[Human Rights & Dispute Resolution Program](#), Equity and Inclusion Office (All Community Members)

[Student Support & Case Management Office \(SSCM\)](#), Student Affairs (Students)

[Employee and Labour Relations \(ELR\)](#), Human Resources Services (Faculty and Staff members)

[Faculty of Health Sciences \(FHS\) Professionalism Office](#) (FHS Community Members)

DISCLOSURE

Informing someone in the University community about an experience of Sexual Violence because they wish to access support, accommodations and/or information about their options.

CRIMINAL REPORT

When an individual files a report of Sexual Assault with a police service or with [Security Services](#). Filing a report with Security Services will result in a report to Hamilton Police Service.

COMPLAINT

A Complaint can be initiated through completion of an Incident Report submitted to a Supervisor, or through submitting a written Complaint with the [Sexual Violence Prevention and Response Office](#) or through one of the Intake Offices (listed above) making an allegation of Sexual Violence because they wish to initiate a University process, which may require an investigation and finding of facts.

OTHER EXTERNAL OPTIONS

Options external to the University (e.g. civil litigation or Ontario Human Rights Code provisions) or other options external to this Policy (e.g. grievance provisions of applicable collective agreements)

VOLUNTARY RESOLUTION

Attempting a resolution of a Complaint at any time *before* the completion of an Investigation.

SECTION III: CONFIDENTIALITY

CONFIDENTIALITY (LIMITATIONS)

34. The University recognizes the importance of confidentiality both for individuals coming forward to Disclose or Report an experience of Sexual Violence and for individuals who are the subject of a Complaint, and will take steps to protect the confidentiality of both parties to the extent permitted by its legal obligations outlined below.
35. The University and its employees and agents will protect personal information and handle records in accordance with the *Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*, where applicable in the circumstances, with the provisions of applicable collective agreements and, in the case of health care providers, in keeping with any professional obligations.
36. When making a Disclosure or Report to any University office, individuals shall receive clear and transparent information about the level of, and limits to, confidentiality that apply.
37. The University recognizes that confidentiality is a crucial consideration in creating an environment in which individuals feel able to [Disclose](#) incidents of [Sexual Violence](#) and to access [Support](#), [Accommodations](#), and information. The University will share identifying information only in circumstances where it is necessary in order to administer this Policy, to address safety concerns, or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or to meet such requirements, will be disclosed. Such circumstances include those where:
 - a) an individual is at risk of harm to self;
 - b) an individual is at risk of harming others;
 - c) there are reasonable grounds to be concerned about risk of future violence or the safety of the University and/or broader community;
 - d) disclosure is required by law, for instance, suspected abuse of someone under the age of 16, reports of intimate partner/domestic violence, or to comply with legislation, such as the *Occupational Health and Safety Act* the *Workplace Safety and Insurance Act*, or with human rights legislation; and/or
 - e) to comply with the reporting requirements of regulatory bodies and/or professional licensing bodies.
38. Where there are reasonable grounds to be concerned about risk of future violence or the safety of the broader community or the public, or where the University is otherwise obligated to do so, the University may report the incident to Hamilton Police Services. In these situations:
 - a) the relevant [Decision-Maker](#) will be responsible for making the decision to disclose information to Hamilton Police Services;
 - b) the name of the Respondent, if known, will be shared; and
 - c) the name of the Complainant will not be shared without their consent, unless doing so would address a reporting obligation or mitigate a safety risk.

39. Some offices and Community Members have additional limitations to confidentiality because of their particular reporting requirements or professional obligations. For example:
 - a) all regulated health professionals are obligated to report suspected sexual abuse of a patient by a regulated health professional to that professional's governing body if this information is acquired during the course of their practice; and
 - b) Special Constables in [Security Services](#) are required to investigate reports of abuse of someone under the age of 16 and reports of intimate partner/domestic violence and to lay charges in all cases when there are reasonable grounds to believe a criminal offence has been committed, regardless of whether the target of the violence wishes to have further involvement with the legal process.
40. As part of the University's responsibility to maintain an environment free from Sexual Violence, information may be shared on a need-to-know basis.
41. Procedural limits to confidentiality may also occur if the University is subject to legal proceedings that, in the opinion of the Provost or the Vice-President (Administration), require the disclosure of information.
42. The importance of preserving the confidentiality of Complaints and any related proceedings will be explained to all parties as a necessary measure to protect the integrity of the proceedings.

SECTION IV: PROCEDURAL GUIDELINES

ADVISOR / SUPPORT PERSON

43. An Individual who is a party to a Complaint may be accompanied by an [Advisor](#), a [Support Person](#) or legal counsel at any stage of any of the procedures outlined in this Policy. Any costs of accompaniment or representation are to be borne by the individual.

TIME LIMITATIONS FOR BRINGING FORWARD A COMPLAINT

44. There are no time limitations on bringing forward a [Complaint](#). However, individuals are encouraged to report a Complaint at the earliest opportunity, as the longer the time lapse between the incident and the Complaint, the more difficult it becomes to investigate effectively. Once a Complaint is received, it will be dealt with as expeditiously as possible.

REPRISAL

45. The University prohibits reprisal or threats of reprisal against any person who, sincerely and in good faith, makes use of this Policy or participates in any process held under its jurisdiction. Any individual who is concerned that they are the subject of reprisals or threats should report their concerns to an Intake Office. Where appropriate, sanctions under the relevant policy (including this Policy, [Discrimination & Harassment Policy](#), and/or the [Code of Student Rights and Responsibilities](#)) legislation or contract, may be applied against the individual(s) responsible for the reprisal.

INTERIM MEASURES AND ONGOING SUPPORT OF ALL PARTIES

46. At any stage in proceedings under this Policy it may be necessary to take Interim Measures in order to safeguard the environment of Community Members who are involved or may be affected. Interim Measures shall not be construed as evidence of either guilt or a finding of violation of this Policy, or as an affirmation of innocence/finding of non-violation of this Policy.
47. The authority to approve Interim Measures will rest with the relevant [Decision-Maker](#) in line with the Respondent's reporting structure.
48. Interim Measures will be reviewed on an ongoing basis by the Director of the appropriate [Intake Office](#) throughout the process to ensure the measures remain necessary and appropriate in the circumstances. Interim Measures are temporary and do not extend beyond the final resolution of a Complaint.
49. Interim Measures may include, but are not limited to, the rearrangement of academic/employment responsibilities or oversight, an administrative leave of absence, the rearrangement of residence location (where possible), adjustments in University activities (e.g. attendance at guest lectures, social events), issuance of a no contact order, or implementation of a [persona non grata](#) declaration.
50. In the event an [Employee](#) is directed to take an administrative leave as an Interim Measure, the conditions of the administrative leave shall accord with the terms of any applicable collective agreement. In the absence of an applicable collective agreement (e.g. where the employee is faculty or The Management Group (TMG)), the leave shall be without loss of pay or benefits. It is understood that an administrative leave as an Interim Measure is non-disciplinary and is designed to separate a person from a situation or another

person until the matter has been resolved. During such period, the person can continue to access relevant University [Support Services](#).

51. Should an Investigation extend beyond six months, there will be a full review by the [Response Team](#) in consultation with the Decision-Maker to assess progress, to consider fairness to all parties, thoroughness, timeliness, and confidentiality, and to consider any necessary next steps.

DATA GATHERING & RECORD KEEPING

52. The [Director \(SVPRO\)](#) is responsible for: maintaining and reporting data relating to Sexual Violence consultations and disclosures as well as prevention education and response training initiatives and programs.
53. The [Equity and Inclusion Office](#) is responsible for collecting and reporting annual anonymized, aggregate data on Consultations, Disclosures, Complaints, Investigations, and all Outcomes and Sanctions, to the Senate and the Board of Governors.
54. Data for the annual report is collected and maintained by the Equity and Inclusion Office and includes data collected from the Sexual Violence Prevention and Response Office, the Human Rights and Dispute Resolution Program, Employee & Labour Relations, the Student Support & Case Management Office, the Faculty of Health Sciences Professionalism Office, and Security Services. The purpose of the annual report is to inform education and training initiatives.
55. In developing the annual report, the utmost care will be taken to ensure that individuals' identities remain confidential and that data gathering does not discourage individuals who wish to disclose from coming forward.
56. All notes, materials, Investigation reports, and decisions, pertaining to Complaints will be kept by the relevant Intake Office for seven years. These records may be retained longer, subject to the discretion of the appropriate Director.

SECTION V: ROLES AND RESPONSIBILITIES

SENIOR ADMINISTRATION

57. The Senior Administration has overarching responsibility for maintaining a University environment in which Sexual Violence is unacceptable, for providing the resources required to support such an environment, and for ensuring the timely development and review of relevant policies through Senate and Board of Governors procedures.
58. In addition, the Senior Administration is responsible for enabling Community Members to function with the highest standards of integrity, accountability, and responsibility. Activities may include disseminating information about the University's expectations and providing education to all Community Members on issues related to Sexual Violence.

ASSOCIATE VICE-PRESIDENT, EQUITY AND INCLUSION

59. The [AVP Equity and Inclusion](#) oversees the Equity and Inclusion Office, which houses the Sexual Violence Prevention and Response Program and the Human Rights and Dispute Resolution Program, both of which play roles in campus sexual violence prevention and response.
60. The AVP Equity and Inclusion is accountable for leading a coordinated campus sexual violence prevention and response effort in collaboration with campus partners, including convening a working group, representative of McMaster's diverse student, faculty and staff populations, to advise on the effectiveness of campus sexual violence prevention and response efforts.

DIRECTOR, SEXUAL VIOLENCE PREVENTION AND RESPONSE OFFICE

61. The [Director \(SVPRO\)](#), is responsible for establishing the Office as a central University resource for any Community Member who has experienced any form of Sexual Violence, including sexual assault, sexual harassment, and intimate partner violence, or any Community Member seeking information or consultation on issues related to trauma-informed response and support or prevention education and response training.

Inclusive, Trauma-Informed Response and Support

62. Community Members who Disclose an experience of Sexual Violence to a member of the Sexual Violence Prevention and Response Office, can expect that the Office will:
 - a) provide trauma-informed response and support;
 - b) consider safety measures that may be necessary;
 - c) make a referral for medical services as needed;
 - d) actively and empathically listen to individual needs and concerns without judgment;
 - e) share reporting options available;
 - f) clarify commitments to Confidentiality and its Limits;
 - g) explain the difference between Disclosure and Reporting;
 - h) make a referral to police if the individual chooses that option;
 - i) conduct a Complaint intake if the individual chooses that option;
 - j) assist the individual to navigate any relevant University systems and procedures;

- k) facilitate workplace, academic, and/or residence accommodations;
 - l) consider differing cultural needs and offer/refer to culturally relevant supports;
 - m) provide information about and referral to campus and community services;
 - n) liaise with relevant partners to ensure coordinated response and support; and
 - o) facilitate ongoing assessment, planning and case management.
63. The Director (SVPRO) is responsible for providing guidance to Community Members who consult on Disclosures they receive, providing information on how to support the individual and facilitate a referral, and assessing whether the limits of confidentiality apply.

Prevention Education and Response Training

64. The [Director \(SVPRO\)](#) is responsible for overseeing a prevention education and training response program, including:
- a) promoting the [Health & Safety Training](#) Program's *Violence & Harassment Prevention* training that is coordinated by Environmental & Occupational Health Support Services;
 - b) educational initiatives for the campus community that are attuned to the broader social context in which Sexual Violence occurs and includes topics such as: addressing sexual violence myths and misconceptions, promoting healthy masculinity, creating a culture of consent; and
 - c) training initiatives for frontline campus community and student-facing service providers, and for those with particular responsibilities related to this Policy, that integrate an intersectional anti-oppressive trauma-informed analysis of Sexual Violence. Training will include skill-building related to receiving Disclosures and providing appropriate support and referral to University and external resources for community members.
65. The University Secretary, in consultation with the Director (SVPRO) will ensure that the members of the [Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence](#) receive appropriate education and training on Sexual Violence .

INTAKE OFFICES

66. While encouraged to contact the Director (SVPRO) for disclosure support, complaint intake, and reporting options, Community Members who experience Sexual Violence may alternatively choose to file an incident report with their Supervisor (in the case of staff) or make a Complaint to one of the following Intake Offices:
- a) [Human Rights & Dispute Resolution Program \(HRDR\)](#), Equity and Inclusion Office (All Community Members)
 - b) [Student Support & Case Management Office \(SSCM\)](#), Student Affairs (Students)
 - c) [Employee and Labour Relations \(ELR\)](#), Human Resources Services (Faculty and Staff members)
 - d) [Faculty of Health Sciences \(FHS\) Professionalism Office](#) (FHS Community Members)
67. Intake Coordinators are responsible for ensuring the Complainant fully understands the procedures of the Policy and what may result from the decision to file a Complaint, and for consulting with the Director (SVPRO) to ensure a trauma-informed and intersectional approach.

68. The statement of Complaint will be reviewed by the respective Intake Office [Director](#), in consultation with the [Director \(HRDR\)](#), to determine the applicability of this Policy, the *Discrimination & Harassment Policy*, and/or other University policies.
69. The Director of the relevant Intake Office will review any Interim Measures on an ongoing basis throughout the process to ensure they remain necessary and appropriate in the circumstances.

DIRECTOR, HUMAN RIGHTS & DISPUTE RESOLUTION

70. The [Director \(HRDR\)](#) is responsible for assessing every Complaint received and making a determination as to the applicability of the Sexual Violence Policy, the *Discrimination & Harassment Policy*, or other University policies, in consultation with the [Director \(SVPRO\)](#) and with the respective Director(s) of the relevant Intake Offices(s). The Director (HRDR) is responsible for activating the Response Team, as required.
71. The Director (HRDR) is responsible for working in close partnership with individuals and offices involved in administering this Policy, including but not limited to: the Response Team, Investigators, Intake Offices, Decision-Makers, Senior Administrators, the University Secretariat, and University Counsel, to ensure the effective administration of this Policy and the *Discrimination & Harassment Policy*.
72. The Director (HRDR) will, in collaboration with the Director (SVPRO) and other relevant Intake Office Directors, consider [Interim Measures](#) as they relate to the parties involved in the matter and recommend them to the relevant Decision-Maker; recommend and/or facilitate any further safety planning and accommodations; and consider other University responses that may be necessary.

RESPONSE TEAM

73. The Response Team is activated by the [Director \(HRDR\)](#), where a case potentially presents community risk and/or requires consultation with multiple partners for a coordinated response.
74. The Response Team will be chaired by the Director (HRDR) and will include the Director (SVPRO), as a consultant, and, as appropriate in the circumstances, the Directors of other relevant campus partners.
75. As necessary the Director (HRDR) may draw upon representatives of other key services and/or departments (e.g. Director of Housing and Conference Services, Director of the Student Wellness Centre, etc.), disclosing identities only on a need-to-know basis in order to appropriately respond to the matter.
76. When the allegations include the potential for an ongoing/further risk of violence, the Director (HRDR) may, on behalf of the Response Team, consult with the Director of Security Services, disclosing identities on a need-to know basis.

INVESTIGATORS

77. All Investigators, whether internal or external to the University, will have training and expertise in the area of Sexual Violence and in using an intersectional, anti-oppressive, trauma-informed approach to investigation processes. Investigators will follow the mandate and scope of the Investigation as determined by the University.

DECISION-MAKERS FOR INTAKE AND INVESTIGATIONS

78. The Decision-Makers are, as applicable, the:
- a) Assistant Vice President & Chief Human Resources Officer for staff Respondents;
 - b) Associate Vice-President (Students and Learning) & Dean of Students for student Respondents;
 - c) Provost and Vice-President (Academic) for faculty Respondents; and
 - d) Executive Vice-Dean & Associate Vice-President (Academic) for faculty Respondents in the Faculty of Health Sciences.
79. More than one Decision-Maker may be involved in cases where a Respondent has more than one type of relationship with the University (such as a student who also holds a staff appointment).
80. When the Respondent is a Community Member but is not currently a student, staff, or faculty member, the Investigation report will be reviewed by the Decision-Maker related to the Respondent's area of activity at the University.
81. Decision-Makers are responsible for reviewing and responding to Investigation Reports (see [Investigation Procedures](#)), and authorizing appropriate Interim Measures.
82. When the line of authority is unclear, the Provost or the Vice-President (Administration), as appropriate, will determine the appropriate individual in the line of authority.
83. Should there be a conflict of interest with a Decision-Maker, the appropriate Vice-President shall assume the responsibilities of the Decision-Maker. Similarly, if that Vice-President is in a conflict then another Vice-President or the President shall act.
84. Decision-Makers are responsible for determining whether Hamilton Police Services need to be notified and for authorizing that notification, as specified in clauses 38 - 39.

SECURITY SERVICES SPECIAL CONSTABLES

85. All Special Constables will receive training on intersectional, anti-oppressive, and trauma-informed response to Disclosures and Reports of Sexual Violence.
86. [Security Services](#) will respond to Community Member Disclosures and Reports, as follows:
- a) if the Community Member elects only to make a Disclosure or a Complaint under this Policy, Security Services will record the matter in their internal reports, refer the person to the [Director \(SVPRO\)](#) and will then take no further action (subject to clause 39);
 - b) if the Community Member elects to make a Criminal Report, Security Services will report the incident to Hamilton Police Services, liaise with the person and police, and refer the individual to the Director (SVPRO) for ongoing support, accommodations that may be required, and for assessing whether the limits of confidentiality apply and a response may be required by the University.
87. Security Services will investigate all reports of Sexual Assault that:
- a) originate from a call received by a Special Constable to attend the scene of a reported Sexual Assault;

- b) result from a Complainant electing to make a Criminal Report of Sexual Assault to a Special Constable; and/or
- c) arise from a Special Constable observing, disrupting or arresting an individual in the act of committing a Sexual Assault.

SUPERVISORS

88. Within the University Community it is recognized that there are various types of supervisors: [Academic Supervisors](#), [Academic Administrators](#), and [Workplace Supervisors](#). All such supervisors are responsible for:
- a) modeling acceptable standards of behavior;
 - b) supporting any employee or student who, in good faith, reports a potential violation of the Policy;
 - c) contacting one of the Intake Offices for guidance and advice to address the matter as appropriate in the circumstances, and cooperating with Intake Offices during Investigations, and/or in the implementation of Interim Measures, and/or sanctions; and
 - d) completing all required training and ensuring that the people they are supervising are trained appropriately on the Policy and [RMM 300 Health and Safety Training Program](#).

EMPLOYEES

89. [Employees](#) are required to complete initial and periodic refresher training in Violence and Harassment Prevention, in accordance with the [Health & Safety Training Program](#).
90. Employees have additional legal obligations when they become aware of incidents of [Workplace Harassment](#) and [Workplace Violence](#) as follows:
- a) in accordance with the *Occupational Health and Safety Act*, all employees of the University must report any incident of Workplace Harassment and/or Workplace Violence, which includes Sexual Violence, to their Supervisor or to an Intake Office. Any immediate or urgent incidents should also be reported to [Security Services](#).
 - b) Workplace Supervisors must take every reasonable precaution to protect the safety of an employee. Supervisors are expected to follow the *Sexual Violence Response Protocol*, and to consult with either the [Director \(SVPRO\)](#) or [Employee and Labour Relations \(ELR\)](#) office when they receive a Disclosure, receive an incident report of Sexual Violence, or otherwise become aware of an incident of Sexual Violence in the workplace. Any immediate or urgent incidents should be reported to Security Services.

COMMUNITY MEMBERS

91. All [Community Members](#) are responsible for contributing to an environment that is free of Sexual Violence, and for participating in relevant education and training programs.
92. All Community Members are expected to be familiar with the [Sexual Violence Response Protocol](#), and to act in accordance with the guidelines provided for supporting an individual who makes a Disclosure.

SECTION VI: INVESTIGATIONS

INTAKE AND INITIATION OF COMPLAINTS

93. If an individual wishes to file a [Complaint](#) of Sexual Violence for the University to address, they are encouraged to contact the [Director \(SVPRO\)](#) in the central **Sexual Violence Prevention and Response Office** for disclosure support, complaint intake, and reporting options; however, individuals may alternatively choose to file an Incident Report with their Supervisor or contact an Intake Coordinator in any one of the [Intake Offices](#) (refer to page 6).
94. Any Community Member who is the subject of an allegation under the Policy will be assisted by the Director (SVPRO) or another Intake Office Director who will ensure that they receive support and guidance and are in receipt of relevant information, services and supports relating to the Policy.
95. The Director (SVPRO) and all Intake Coordinators are responsible for:
 - a) ensuring that Complainants are aware of the options available to them in seeking a response;
 - b) assisting Complainants in understanding what may be involved in, and what may result from, each of the options; and
 - c) assisting a Complainant who wishes to move forward with completing a **Complaint Intake Form**, which includes a description of: what happened; who was involved in the incident; when and where the incident occurred; who (if anyone) saw or heard the incident, or saw or heard something of relevance prior to or after the alleged incident(s) of Sexual Violence;
 - d) individuals who contact an Intake Office and wish to file a Criminal Report will be assisted with contacting [Security Services](#) in order to file the report.
96. All Complaint Intake Forms are sent to the [Director \(HRDR\)](#), who will review and assess the Complaint, in consultation with the [Director \(SVPRO\)](#) and relevant Intake Office Director(s) on an immediate and priority basis in order to, as appropriate:
 - a) confirm that it fits within the scope of the Policy;
 - b) consider requirements pursuant to the *Occupational Health and Safety Act*;
 - c) consider whether the parties are interested in voluntary resolution, and whether it is feasible/appropriate in the circumstances;
 - d) determine if an Investigation is required, and, if so, set parameters accordingly, in consultation with the appropriate Decision-Maker (including, for example, which University office will be involved; internal or external investigator; timelines, mandate and scope for the Investigation);
 - e) convene, at their discretion, the [Response Team](#), to provide consultation;
 - f) consider and coordinate appropriate Accommodations and/or Interim Measures as they relate to all parties involved in the matter; and
 - g) as necessary, draw upon representatives of relevant services or departments in order to appropriately respond to the matter.
97. At any time during proceedings under this Policy, the Response Team, when convened, may determine it is necessary to disclose identities on a need-to know basis in order to administer the Policy.

Decision to Not Investigate

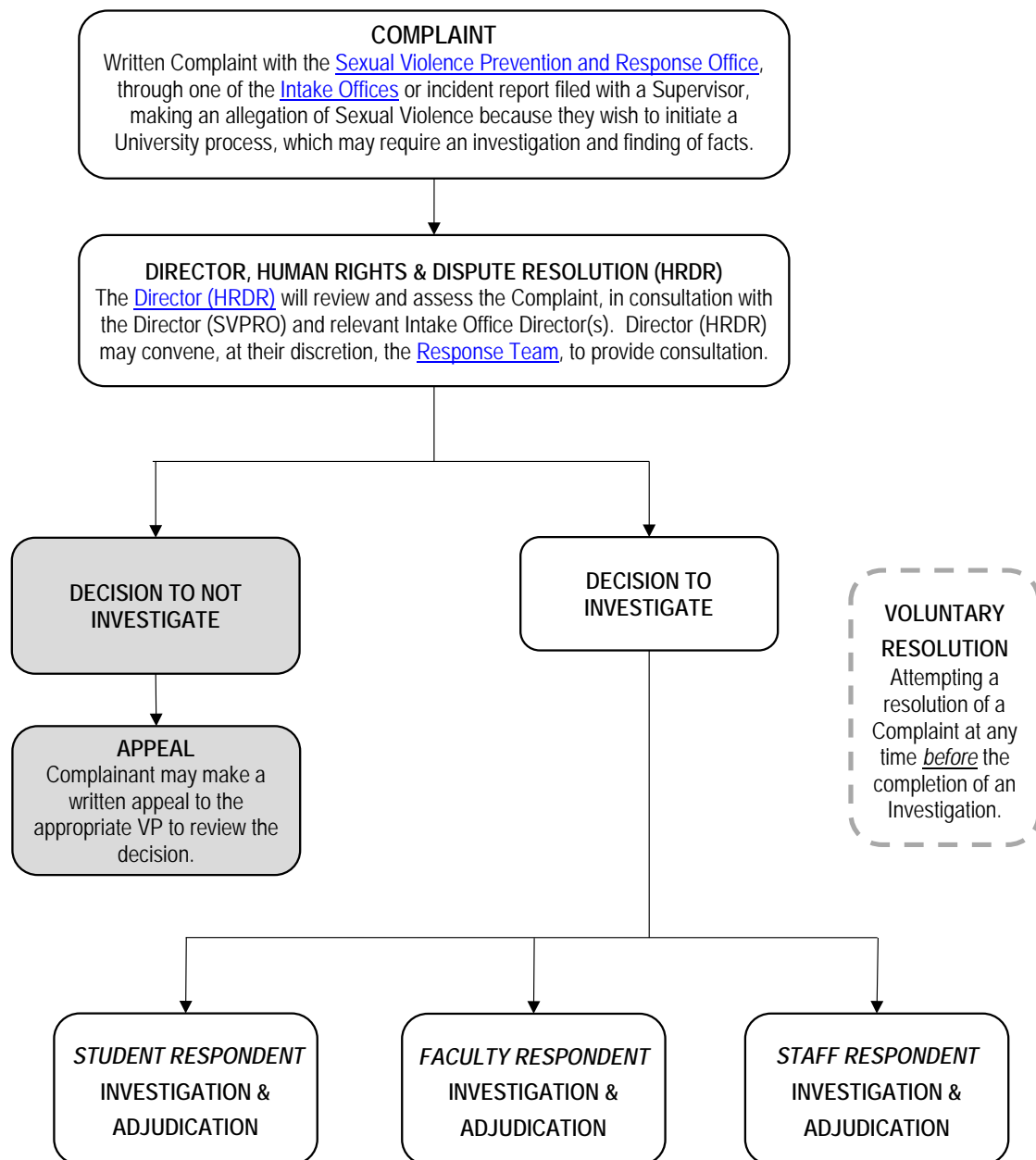
98. In some circumstances a decision may be made to not investigate. The decision will be communicated in writing, with reasons, to the Complainant by the relevant Decision-Maker. The Complainant will be informed of their right to make a written request for review of the decision to the Vice-President to whom the Decision-Maker reports.

UNIVERSITY INITIATED INVESTIGATION

99. The University may become aware of situations where a University-initiated Investigation may be warranted, including, but not limited to circumstances where:
- a) allegations are made about the conduct of a Community Member by an individual who is not, or is no longer, a Community Member;
 - b) one or more individuals disclose experiences of Sexual Violence involving one individual or multiple individuals within a group/organizational environment;
 - c) the University has a duty to investigate pursuant to the *Occupational Health and Safety Act*;
 - d) the power differential in the alleged incident indicates the potential for a pattern of repeated Sexual Violence; and/or
 - e) situations reveal broader issues to be addressed, including concerns for a Poisoned Environment.
100. The Director (HRDR), in collaboration with the appropriate Intake Office Director(s), will consult with the appropriate Decision-Maker(s) to determine whether an Investigation is warranted, on the basis of both the circumstances and nature of the allegations.
101. Individuals have the right not to participate as a Complainant in any University-Initiated Investigation that may occur.

INVESTIGATION PROCEDURES

102. Respondents have the right to know the case against them, and to produce any relevant documentation, evidence, or other information, and identify witnesses to the Investigator in response to any allegations.
103. The Investigator will impartially collect evidence and interview those witnesses they deem relevant in relation to the Complaint. The Investigator may request that the appropriate authority at the University adjust the scope and the manner in which the Investigation will be conducted in order to ensure a thorough and fair investigation process.
104. All Community Members are expected to meet with the Investigator if requested to do so and to participate in good faith.
105. Complainants and Respondents have the option of being accompanied by a Support Person or Advisor.
106. All those who meet with an Investigator are required to keep confidential the Investigation and any information shared, to ensure the integrity of the proceedings. Failure to do so could be considered a breach of privacy and could be subject to a sanction under the relevant University policy.
107. An individual who was not previously identified as a Respondent but who, during the course of an Investigation, is identified as a potential Respondent (by the Investigator and with the approval of the University) will be notified and given an opportunity to meet with the Investigator and to respond to any allegations.



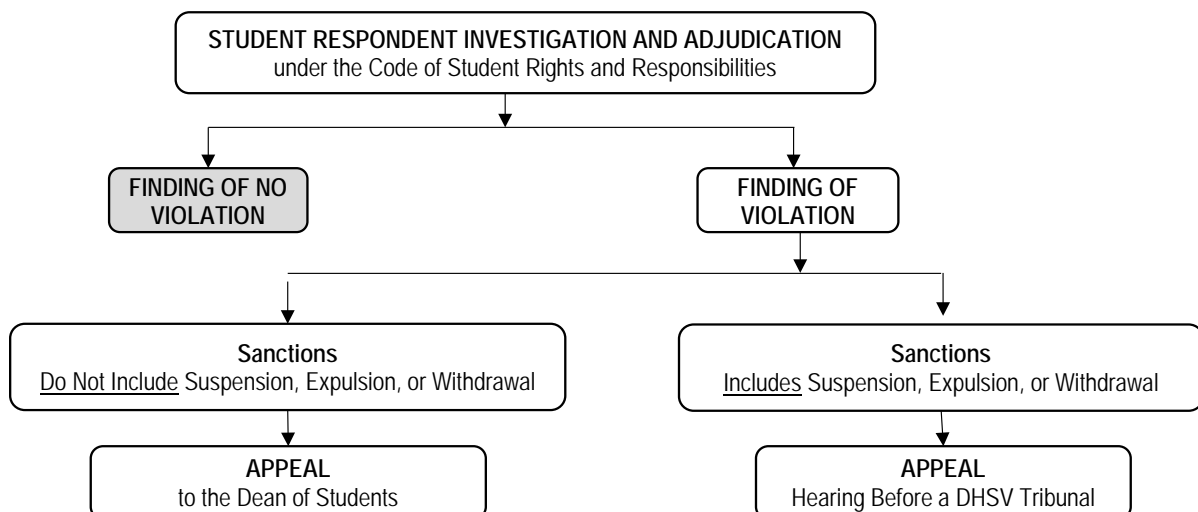
SECTION VII: ADJUDICATION AND DECISIONS

ADJUDICATION

108. Decision-Makers shall decide, on a balance of probabilities, whether the alleged Violation of the Policy has occurred.
109. Where a Respondent has more than one type of relationship with the University (such as a student who also holds a staff appointment) the relevant Decision-Makers may decide to adjudicate the matter jointly and any sanctions and remedies may be administered under one or both of the processes relevant to the Respondent's status.

STUDENT RESPONDENT

110. The Investigation Report will be provided to the [Director \(SCCM\)](#) or [Dean of Students](#) as appropriate, to consider and decide upon the findings and recommendations contained in the report and adjudicate the outcome.
111. Sanctions and remedies will be processed in accordance with the procedures in the [Code of Student Rights and Responsibilities](#) ("the Code").
112. In matters where the sanctions **do not include** suspension, expulsion, or withdrawal (voluntary or involuntary), the Respondent may appeal the outcome to the Dean of Students. When the Decision-Maker is the Dean of Students, the appeal will be to the Provost.
113. In matters where the sanctions **include** a suspension, expulsion, or withdrawal (voluntary or involuntary), the Respondent may appeal the decision made by the Dean of Students to the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence. (see [Hearing Procedures](#)).

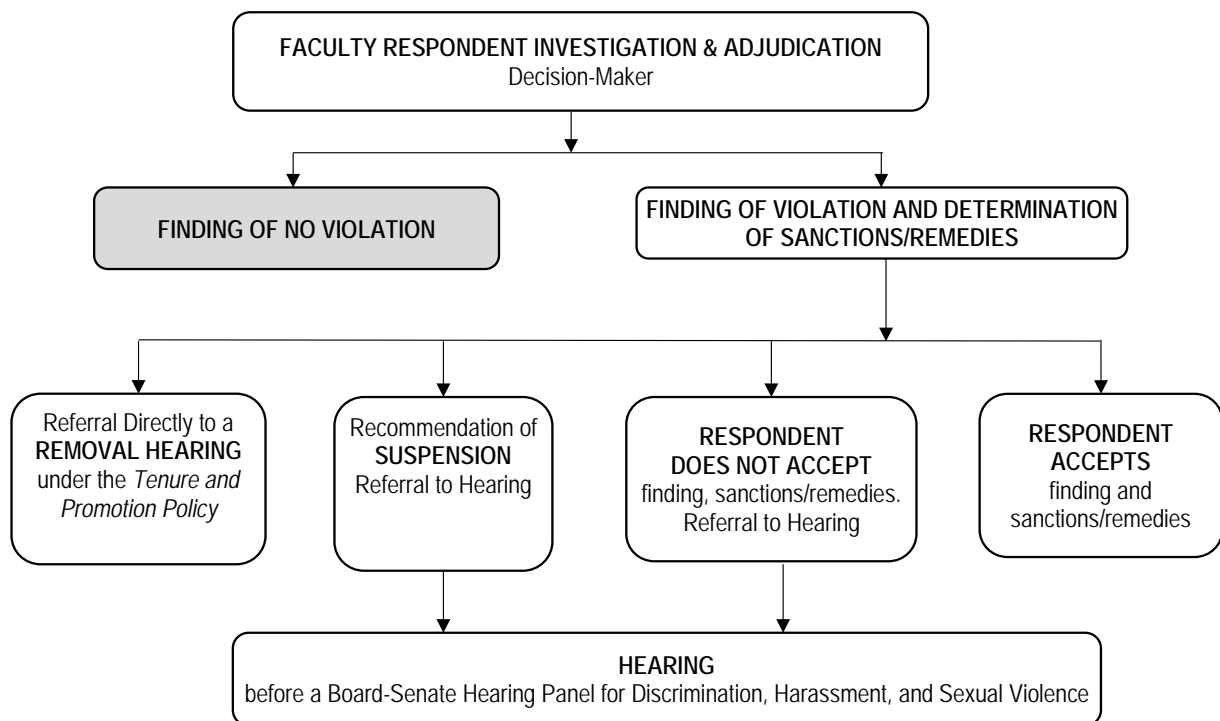


FACULTY RESPONDENT

114. The Investigation Report will be provided to the Decision-Maker (the Provost or the Executive Vice-Dean & Associate Vice-President (Academic) as appropriate) to consider the findings and recommendations contained in the report.
115. When considering the findings and recommendations, the Decision-Maker may consult with relevant offices (e.g. the Equity and Inclusion Office, Employee & Labour Relations, etc.) to ensure that outcomes are consistently applied, and are appropriate to relevant legislation, professional standards and regulations, and/or licensing bodies.
116. If the Decision-Maker makes a finding of violation of the Policy, the Decision-Maker will recommend the appropriate sanctions and/or remedies.
117. If the Respondent accepts the findings and the sanctions and/or remedies recommended by the Decision-Maker, the sanctions and/or remedies will be implemented, and the matter will be closed.

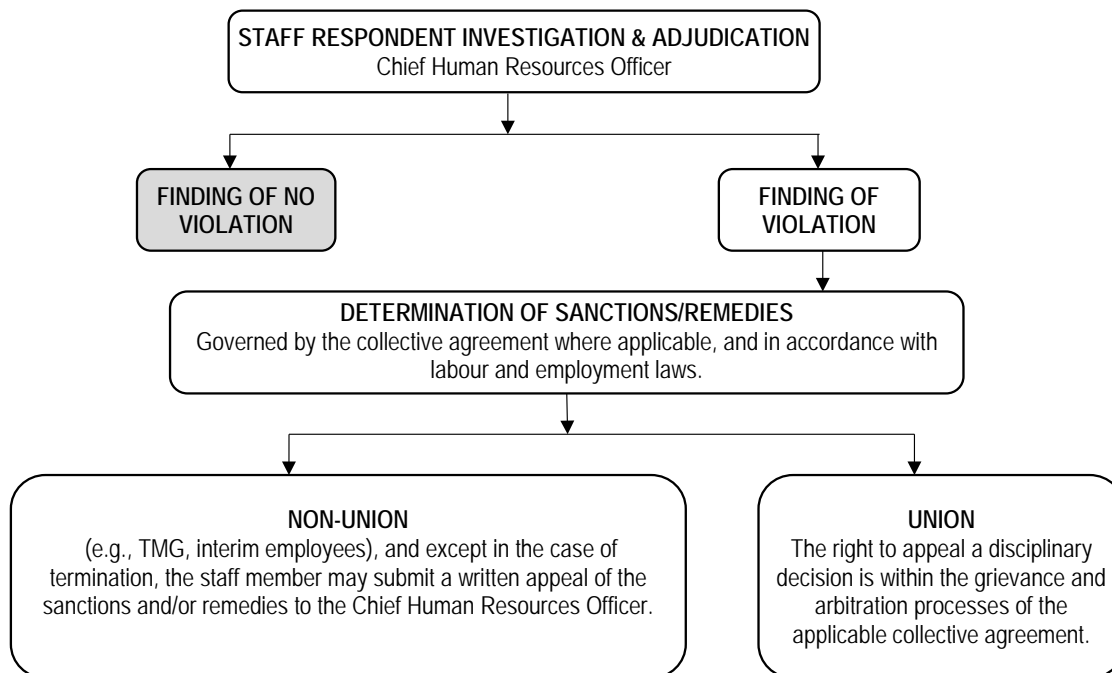
Referral to Hearing

118. If the Respondent does not accept the recommendations, or the Decision-Maker believes that suspension from the University is the appropriate sanction, the matter will be referred to a [DHSV Tribunal](#) for a hearing.
119. If it is determined by the Decision-Maker that Removal Proceedings should be initiated, the matter will be referred directly to the Procedures for Removal under the [Tenure and Promotion Policy](#).



STAFF RESPONDENT

120. The Investigation Report will be provided to the Chief Human Resources Officer to consider the findings and recommendations contained in the report.
121. If the Chief Human Resources Officer makes a finding of violation of the Policy, the matter will be referred to the [Director \(ELR\)](#) to support the [Workplace Supervisor](#) in the processes to determine appropriate remedies and/or sanctions to ensure that outcomes are consistently applied, and are appropriate to relevant legislation, professional standards and regulations, collective agreements and/or licensing bodies.
122. In the case of a staff member who is a member of a union, the right to appeal the remedies and/or sanctions is within the grievance and arbitration processes of the collective agreement, as may be applicable.
123. In the case of a staff member who is not a member of a union (e.g., members of The Management Group, interim employees), and except in the case of termination, the staff member may submit a written appeal of the remedies and/or sanctions imposed by the Workplace Supervisor to the Chief Human Resources Officer.
124. In the case where the Respondent's reporting line is through to the Chief Human Resources Officer, the appeal will be made to the Vice-President (Administration).



COMMUNITY MEMBER RESPONDENT

125. When the Respondent is a [Community Member](#) but is **not** currently a student, staff, or faculty member, the relevant [Decision-Maker](#) (related to the Respondent's area of activity at the University) will consider the findings and recommendations contained in the report.
126. If the Decision-Maker makes a finding of violation of the Policy, the Decision-Maker will decide on the appropriate sanctions/remedies.

NOTIFICATION OF OUTCOME**Respondent**

127. Respondents will receive a written decision from the relevant Decision-Maker, that will include:
- a) the decision with respect to a **Finding or No Finding** of Violation of the Policy;
 - b) reasons for the decision;
 - c) a summary outlining the findings;
 - d) if the outcome is *no finding of violation* of the Policy the matter will be closed;
 - e) if the outcome is a *finding of violation* of the Policy, the Respondent will be informed of the process by which sanction(s) and/or remedies will be recommended or ordered (as per the relevant adjudication process related to the Respondent); and
 - f) where relevant, confirmation of any Interim Measures that will remain in place until sanctions are imposed.

Complainant

128. If the matter has been referred to a Hearing the Complainant will be informed of the referral.
129. Within the constraints of relevant legislation, the Complainant will be informed of the findings and reasons that are directly related to their complaint.
130. In all cases, information about any sanctions/remedies that have direct relevance to the Complainant will be provided to them.

Regulatory / Professional Licensing Bodies

131. Where required by a regulatory / professional licensing body, the relevant findings will be communicated to that professional licensing body.

Affected parties

132. Other affected parties will be informed about the findings and/or any sanctions/remedies that have a direct impact on them, within the constraints of relevant legislation.

SYSTEMIC AND PREVENTIVE INTERVENTIONS

133. Investigations may reveal broader systemic issues to be addressed as a future preventative measure, regardless of whether or not there has been a finding of Sexual Violence. In such instances, appropriate intervention measures may be recommended by Decision-Makers and /or the AVP Equity and Inclusion.

SECTION VIII: SANCTIONS AND REMEDIES

SANCTIONS

134. Sanctions shall be proportional to the severity of the offence, considering any aggravating, mitigating and/or contextual factors. Previous findings of a violation of this Policy or a related violation of the *Discrimination & Harassment Policy* will be taken into account when sanctions are determined, and the severity of sanctions may be greater as a result. Sanctions may be used independently or in combination for any single violation and may be varied and depending on the nature of the Respondent's relationship with the University may be administered under more than one process.
135. **Sanctions** may include, but are not limited to:
- a) written reprimand;
 - b) inclusion of the decision, or summary of the decision as appropriate to comply with confidentiality requirements, in a specified file (e.g. Tenure & Promotion Dossier) of the Respondent, for a specified period of time;
 - c) the exclusion of the Respondent from, or oversight during, one or more designated University activities or duties;
 - d) a **No Contact Order**, which may include restrictions on: registration for specific classes, other academic/non-academic activities, attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals;
 - e) a **Persona Non Grata (PNG)** declaration, which is undertaken when an individual is denied the privilege of entering designated portion(s) of the University's buildings or grounds. If individuals issued a PNG are found or seen in the area they are denied, they may be subject to a charge by Security Services under the *Trespass to Property Act*;
 - f) for Student Respondents, all sanctions in the [Code of Student Rights and Responsibilities](#) for findings of Sexual Violence, including but are not limited to: behavioural contract/bond, suspension, expulsion; and for Residence students, residence probation, room transfer, denial of readmission, eviction;
 - g) for staff or faculty, **Suspension or Recommendation for Suspension**, as applicable, suspension involves relieving the Respondent of their University duties and denying them access to University facilities and services for a stated period of time and may be with or without pay and/or benefits. A recommendation for suspension of a **faculty** Respondent shall be dealt with in accordance with Section V of the [Tenure and Promotion Policy](#) and the common law where applicable; and/or
 - h) for staff or faculty, **Dismissal or Recommendation for Removal**, as applicable. A recommendation for removal of a **faculty** Respondent shall be dealt with in accordance with Section VI of the [Tenure and Promotion Policy](#) and the common law where applicable.

REMEDIES

136. **Remedies** may include but are not limited to:
- a) mandated counselling;
 - b) training or coaching; and/or
 - c) [Restoration Processes](#) / [Workplace Restoration Processes](#).

APPENDIX A: DEFINITIONS

All definitions in this Policy include, but are not limited to, the definitions articulated in the [Ontario Human Rights Code](#) and described in the [Occupational Health and Safety Act](#).

Accommodations under this Policy are adjustments to individuals' academic, workplace, or residence arrangements made to support them and/ or enhance their safety (e.g. a change in assignment deadlines or tutorial group, a change in supervisory arrangements, a change in residence location).

Advisor: A person of the individual's choice who acts in an advisory role during the complaint and investigation process (e.g. friend, family member, union representative, legal counsel), but is not a witness or potential witness in the matter. The Advisor may be present during Investigation interviews but may not participate as a representative. The Advisor may assist the individual at a Hearing before a Tribunal of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence.

Agent: Anyone hired by the University or working on behalf of the University such as an external investigator or a physician or other health care professional.

Balance of Probabilities is the test to be met to show, by the weight of the evidence presented, that all of the facts necessary to make a determination that a violation of the Policy has occurred, have a greater likelihood of being true than not.

Community Members include, but are not limited to: students (graduate, undergraduate, and continuing education), staff, faculty, medical residents, volunteers, visitors (including visiting professors), and institutional administrators and officials representing McMaster University.

Complainant: The individual who files a Complaint alleging a violation of the Policy for the University's response.

Complaint: A Complaint is made when an individual notifies an Intake Coordinator of an allegation under the Policy or files an incident report with their Supervisor and seeks the University's response.

Confidentiality: Refers to the obligation of an individual or organization to safeguard entrusted information. The practice of confidentiality includes obligations to protect information from unauthorized access, use, disclosure, modification, loss or theft. Confidentiality differs from anonymity in that the identity of the person making the Disclosure is known to the person receiving the Disclosure.

Consent² in the context of sexual activity, is the voluntary agreement of an individual to engage in the sexual activity in question. **The law also says that there is NO CONSENT where:**

- the agreement is expressed by the words or conduct of a person *other* than the individual;
- the individual is incapable of consenting to the activity;
- the person induces the individual to engage in the activity by abusing a position of trust, power or authority;
- the individual expresses, by words or conduct, a lack of agreement to engage in the activity;
- the individual, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity;
- the individual may be bodily harmed or is threatened with bodily harm; or

² Source: Criminal Code of Canada

- the individual is under the age of consent.

Criminal Report: Occurs when a person reports an experience of Sexual Violence to the police or to McMaster Security Services. Filing a report with Security Services will result in a report to Hamilton Police Service.

Disclosure: When an individual informs someone in the University community about an experience of Sexual Violence because they wish to access support, accommodations and/or information about their options.

Dismissal: Dismissal/termination proceedings for staff Respondents shall be dealt with in accordance with the established policies and procedures and by the terms of existing contracts of employment or collective agreements and the common law where applicable.

DHSV Tribunal: A Tribunal of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence.

Employee: Where applicable, employee is used to refer to staff (see below) and faculty (see below).

Event (Authorized): Authorized events are University scheduled or University approved activities, occurring on or off University premises, e.g. public lectures, performances, placements (co-op or clinical), athletic events, work or study-related conferences/training sessions, etc. These events can include work or study-related travel. Events that are approved under the [Policy on Students Groups \(Recognition, Risk Assessment and Event Planning\)](#) are also authorized events.

Event (Non-authorized): Non-authorized events are events that are not scheduled or approved by the University and may occur on or off University premises e.g. group trips that have not been approved under the [Policy on Students Groups \(Recognition, Risk Assessment and Event Planning\)](#), drinking games in residence, house parties, etc.

Expulsion applies to student Respondents and is the loss of all academic privileges at the University for an indefinite period.

Faculty are defined as academic teaching staff, clinical faculty, and senior academic librarians who are members of the "teaching staff". Teaching staff as defined in the McMaster University Act means the employees of the University or of a college affiliated with the University who hold the academic rank of professor, associate professor, assistant professor or lecturer.

Incident Report: An [incident report](#) is a report completed by a Community Member and signed by their Supervisor when an incident/injury occurs in their working environment while they are engaged in University-related activities.

Interim Measures: Steps that are taken in order to safeguard the environments of individuals disclosing Sexual Violence and of individuals whose conduct is being questioned. Interim measures shall not be construed as evidence of either guilt or a finding of Sexual Violence, or as an affirmation of innocence or finding that no Sexual Violence occurred.

No Contact Order: Includes restrictions on: registration for specific classes, other academic or non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals.

Persona Non Grata (PNG): An official declaration that an individual is denied the privilege of entering designated portion(s) of the University's buildings or grounds. If individuals issued a PNG are found or seen in the area they are denied, they will be subject to a charge by Security Services under the *Trespass to Property Act*.

Poisoned Environment means an environment where harassing and/or discriminatory conduct, on the basis of a person's sexuality, gender identity or gender expression, is found to be sufficiently severe, intimidating, hostile, offensive, and/or pervasive to cause significant and unreasonable interference to a person's study or work environment. A Poisoned Environment can interfere with and/or undermine work or academic performance and can cause emotional and psychological stress for some employees or students not experienced by other employees or students. As such, it results in unequal terms and conditions of employment or study and prevents or impairs full and equal enjoyment of employment or educational services, benefits, or opportunities. Although a person may not be the target of the conduct, a person may feel the effects of certain harassing or discriminatory conduct at their place of work or study.

Recommendation for Removal: A recommendation for removal of a faculty Respondent will be dealt with in accordance with Section VI of the Tenure and Promotion Policy and the common law where applicable.

Respondent: Those about whom allegations have been made in a Complaint process.

Restoration Processes: Processes focusing on restoring the losses suffered by Complainants, holding Respondents accountable for the harm they have caused, and building peace within communities. Restoration Processes are premised on the voluntary and cooperative participation of all parties in the resolution process. This process, which may not be appropriate or viable in all cases, can be facilitated by an Intake Office.

Senior Administration: For the purposes of this Policy, Senior Administration refers to the President, Provost and Vice-President (Academic), and Vice-President (Administration).

Sexual Assault³ is an assault committed in circumstances of a sexual nature such that the sexual integrity of an individual is violated, and it includes, but is not limited to, any unwanted, non-consensual, sexual activity, such as unwanted kissing, fondling, sexual grabbing, and/or intercourse/rape.

Sexual Harassment⁴ means engaging in a course of vexatious comment or conduct against an individual because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance to an individual where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual Violence⁵ means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

³ Source: Criminal Code of Canada

⁴ Source: Government of Ontario, [Human Rights Code](#), 2019

⁵ Source: [Ministry of Training, Colleges and Universities Act, R.S.O. 1990, c. M.19](#)

Staff: Employees of the University including, but not limited to: The Management Group (TMG), unionized employees, temporary employees, casual employees, non-teaching staff⁶, Sessional Faculty, Post-doctoral Fellows, and Teaching Assistants.

Student: A student is any individual recorded by the University Registrar as enrolled in an educational course of study recognised by the Senate and for whom the University maintains education records.

Supervisor: there are various types of supervisors within the University Community, which include the following:

- **Academic Supervisor** who oversees the academic work of a student, the most common example being a faculty member overseeing a graduate student's academic work;
- **Academic Administrator** is any faculty or staff member acting in their capacity as supervisor/administrator within a Faculty, Academic Department, etc., which includes, but is not limited to, Department Chairs, Deans, or other supervisors who oversee the work of a [Community Member](#) (e.g. a faculty member overseeing a Post-Doctoral fellow / technician / undergraduate or graduate student performing research in the faculty member's laboratory).
- **Workplace Supervisor** is "a person who has charge of a workplace or authority over a [Worker](#)" (*Occupational Health and Safety Act*). Supervisors are responsible for knowing the *Duties of Supervisors* under the Act.

Support: The provision of resources appropriate to the individual and the circumstances. This may include access to the Student Wellness Centre, Employee Family Assistance Program, and/or McMaster Students Union (MSU). Support resources do not include the provision of legal counsel.

Support Person: A person of the individual's choice who acts in a supportive role but is not an active participant in the process (e.g. friend, Elder, parent, religious advisor). The Support Person may be present during Investigation interviews but may not participate as a representative.

Suspension involves relieving a faculty or staff Respondent of their University duties and denying them access to University facilities and services for a stated period of time, which may be with or without pay and/or benefits. A recommendation for suspension of a faculty member will be dealt with in accordance with Section V of the Tenure and Promotion policy and the common law where applicable. Suspensions of staff members will be dealt with in accordance with established policies and procedures and by the terms of existing contracts of employment or collective agreements and the common law where applicable. For a student Respondent, suspension is the loss of all academic privileges at the University for a specified period of time and/or until imposed conditions are met. The student is eligible to return after this time but may be required to fulfill specified non-academic conditions upon return.

Tenure and Promotion Policy: The McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion.

Voluntary Resolution: Steps taken (e.g. arrangement of academic, work or living environment / conditions) to resolve or remedy a Complaint, with which both the Complainant and Respondent have agreed.

⁶ "non-teaching staff" means the employees of the University and of a college affiliated with the University who are not members of the teaching staff –The McMaster University Act, 1976

Workplace Harassment⁷ means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; or workplace sexual harassment.

Workplace Restoration is the establishment or re-establishment of harmonious working relationships between individuals and within a team, group or unit.

Workplace Sexual Harassment⁸ means engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Workplace Violence⁹ means: the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Worker: a person who performs work or supplies services for monetary compensation; and a person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution. Unpaid students, learners and trainees who are workers under the Occupational Health and Safety Act have the same duties and rights as paid workers. Placement employers have the same duties to protect the health and safety of unpaid students, learners or trainees who are workers under the Occupational Health and Safety Act as they do to protect their paid workers. The definition of “worker” does not include a volunteer who works for no monetary payment of any kind.

⁷ Occupational Health and Safety Act

⁸ Government of Canada [Restoring The Workplace Following A Harassment Complaint: A Manager's Guide](#)

⁹ Occupational Health and Safety Act

APPENDIX B: RESOURCES

The [Sexual Violence Response Protocol](#) is an information resource for all Community Members making or receiving Disclosures of Sexual Violence. Additional resources include, but are not limited to:

Support for the University Community

- Sexual Violence Prevention and Response Office, Equity and Inclusion Office
- Human Rights & Dispute Resolution Program, [Equity and Inclusion Office](#)
- [Faculty of Health Sciences Professionalism Office](#)
- [Security Services](#)
- [Chaplaincy Centre](#)

Additional Support for Students

- [Student Wellness Centre](#) (personal counselling and medical services)
- [Student Support & Case Management](#) (support and guidance about the Code of Student Rights and Responsibilities)
- [Indigenous Student Services](#) (community support and resources for Indigenous students)
- [Women and Gender Equity Network, McMaster Student Union](#) (peer support and resources)
- [Graduate Students Association Health & Dental Plans](#) (health benefits include access to psychological counselling in the community)

Additional Support for Staff and Faculty

- [Union or Association](#)
- [Employee & Labour Relations](#)
- [Employee Health Services](#)
- [Employee and Family Assistance Program](#) (access to professional counsellors, legal guidance and other supportive services available to staff and faculty)

Support in the Broader Community

- [Good2Talk](#) (24/7 phone support for students offered by professional counsellors)
- [Sexual Assault Centre Hamilton & Area](#) (SACHA) (24/7 phone support, counselling, accompaniment)
- [Sexual Assault/Domestic Violence Care Centre](#)
- [Hamilton Police Services – Victim Services Branch](#)
- [John Howard Society](#) or [Elizabeth Fry Society](#) (for individuals in conflict with the law)

Guidance about a Policy and/or Procedures

- [Equity and Inclusion Office](#)
- [Employee & Labour Relations](#)
- [Student Support & Case Management](#)
- [University Secretariat](#)

Independent Resource

- [Ombuds Office](#) provides an independent, impartial, and confidential process through which students may pursue a just, fair and equitable resolution of a University related concern.

APPENDIX C: JURISDICTION

1. Complaints may be made, or Investigations initiated about any alleged violation of this Policy involving any Community Member, including members of recognized groups, teams and clubs. The Policy may extend to incidents that occur off campus where there is a clear nexus to the working and/or learning environment at the University and recognizes that social media conduct may give rise to a violation of the Policy.
2. Nothing in this Policy is meant to supersede the terms and conditions of any collective agreement, or any other contractual agreement, entered into by the University and its employee groups. In the event that the provisions of this Policy contradict any such collective or contractual agreement, the collective or contractual agreement governs, to the extent of the contradiction.
3. To the extent that this Policy affects the terms and conditions of employment of faculty of the University, it may be subject to discussion and/or approval in accordance with the University policy entitled, *The Joint Administration/Faculty Association Committee to Consider University Financial Matters and to Discuss and Negotiate Matters Related to Terms and Conditions of Employment of Faculty*, revised by the Board of Governors on October 20, 1988 (the 'Joint Administration/Faculty Association' policy).
4. Should a Complainant, with respect to the subject matter of a Complaint dealt with under this Policy and/or the [Discrimination & Harassment Policy](#), seek redress under the [Ontario Human Rights Code](#), the [Criminal Code](#), the [Occupational Health and Safety Act](#), the provisions of an applicable collective agreement, or through civil litigation, or any other forum external to the University, the appropriate Decision-Maker, in consultation with the [Director \(HRDR\)](#), and/or relevant Intake Office Director, will determine whether proceedings under this Policy will be initiated.
5. If proceedings under this Policy and/or the [Discrimination & Harassment Policy](#) have already been initiated, the appropriate Decision-Maker, in consultation with the Director (HRDR), and/or relevant Intake Office Director, will determine in the circumstances whether or not the proceedings under this Policy will:
 - a) be permanently discontinued;
 - b) be disallowed; or
 - c) be suspended until proceedings in the external or other forum are concluded, although Interim Measures may be put in place to safeguard the environments of the parties involved.
6. If a jurisdictional issue arises between the University and an affiliate, off-site entity or other third party, a senior officer of the affiliate/third party, and the University Provost or Dean and Vice-President (Health Sciences) or relevant Decision-Maker in conjunction with the University Vice-President (Administration), will attempt a resolution, which may include a joint Investigation or an agreement to share the findings and/or other relevant outcomes with the other party. In the absence of any agreement to the contrary, the University will proceed with the Investigation according to University policy and procedures.
7. This Policy is not intended to supersede or interfere with the criminal justice system; all persons have the right to pursue legal avenues.
8. Respondents in a Complaint procedure must be Community Members. If a person alleged to have engaged in Sexual Violence is not currently a Community Member, the University has no jurisdiction to pursue or adjudicate the incident. However, the University reserves the right to take whatever steps it considers appropriate to safeguard the University Community.
9. As part of the University's commitment to a Discrimination and Harassment free working, studying and living environment, all external agencies, third-party service providers, and independent contractors who do business on the University and are considered agents of the University will be informed of the existence of this Policy and of the University's expectation that these external entities shall govern themselves accordingly while doing business with the University. Information to this effect will be included in all contracts.

APPENDIX D: RELATED POLICIES AND LEGISLATION

This Policy is to be read in conjunction with the following policies, statements, and collective agreements. Any question of the application of this Policy or related policies shall be determined by the Provost and Vice President (Academic) or the Vice President (Administration) as appropriate, and in conjunction with the administrator of the other policy or policies. The University reserves the right to amend or add to the University's policies and statements from time to time (this is not a comprehensive list):

- [Academic Accommodation of Students with Disabilities](#)
- [Academic Freedom, Statement \(SPS E1\)](#)
- [Accessibility – University Policy on](#)
- [Code of Conduct for Faculty and Procedures for Taking Disciplinary Action](#)
- [Code of Student Rights and Responsibilities](#)
- [Complaint Resolution Procedure for TMG](#)
- [Conflict of Interest Guidelines- Undergraduate Studies and Graduate Studies](#)
- [Discrimination & Harassment Policy](#)
- [Employee & Labour Relations – Collective Agreements](#)
- [Faculty General Grievance Procedure](#)
- [Freedom of Information and Protection of Privacy Act](#)
- [Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence](#)
- [Ministry of Training, Colleges and Universities Act](#)
- [Ontario Human Rights Code](#)
- [Occupational Health and Safety Act](#)
- [Personal Health Information Protection Act](#)
- [Professional Behavior Code for Graduate Learners, Health Sciences](#)
- [Professional Behavior Code for Undergraduate Learners, Health Sciences](#)
- [Senate Resolutions re Group Conflict](#)
- [Senate Mediation Procedures](#)
- [Sexual Violence Response Protocol](#)
- [Statement on Building an Inclusive Community with a Shared Purpose](#)
- [Inclusive Communications, Policy Statement and Guidelines on](#)
- [Students Groups \(Recognition, Risk Assessment and Event Planning\), Policy on](#)
- [Tenure and Promotion Policy \(McMaster University Revised Policy and Regulations with Respect to Academic appointment, Tenure and Promotion\)](#)
- [Trespass to Property Act](#)
- [Violence in the Workplace, Policy on](#)
- [Workplace Accommodation, Policy on](#)
- [Workplace & Environmental Health and Safety Policy](#)



Policies, Procedures and Guidelines

Complete Policy Title:
Sexual Violence Policy

Policy Number (if applicable):

Approved by:
Senate / Board of Governors

Date of Most Recent Approval:
December 14, 2016 / December 15, 2016
effective January 1, 2017

Date of Original Approval(s):

Supersedes/Amends Policy dated:

Reviewed for Compliance (OHSA):
November 12, 2018

Responsible Executive:
University Secretariat

Enquiries:
[University Secretariat](#)

DISCLAIMER: *If there is a Discrepancy between this electronic policy and the written copy held by the policy owner, the written copy prevails*

TABLE OF CONTENTS

SECTION I: INTRODUCTION	1
PURPOSE	1
McMASTER'S COMMITMENT	1
POLICY REVIEW	2
PREVENTION, EDUCATION, AND TRAINING	2
SCOPE OF THE POLICY	2
All Members of the University Community ("Community Members")	2
All University-related activities	3
All instances of Sexual Violence	3
DEFINITIONS	3
OPTIONS FOR DISCLOSING AND/OR REPORTING ALLEGATIONS OF SEXUAL VIOLENCE	4
Disclosure	4
Complaint	4
Criminal Report	4
Other Options	4
SECTION II: SUPPORTS (UNIVERSITY & COMMUNITY)	5
SUPPORTS	5
Sexual Violence Response Coordinator	5
SECTION III: CONFIDENTIALITY	6
CONFIDENTIALITY (LIMITATIONS)	6
SECTION IV: PROCEDURAL GUIDELINES	7
ACCOMPANIMENT / REPRESENTATION	7
TIME LIMITATIONS FOR BRINGING FORWARD A COMPLAINT	7
PROTECTION FROM REPRISAL	7
COOPERATION AND SELF-INCRIMINATION	7
SAFETY, SUPPORT, AND INTERIM MEASURES	7
Ongoing Safety and Support of All Parties	7
DATA GATHERING & RECORD KEEPING	8
SECTION V: ROLES AND RESPONSIBILITIES	9
SEXUAL VIOLENCE RESPONSE COORDINATOR	9
FACULTY AND STAFF	9
STUDENT LEADERS	9
INTAKE COORDINATORS	10
SEXUAL VIOLENCE ASSESSMENT TEAM	10
INVESTIGATORS	10
EQUITY & INCLUSION OFFICE	10
DIRECTOR, HUMAN RIGHTS & DISPUTE RESOLUTION	10
DECISION-MAKERS FOR INTAKE AND INVESTIGATIONS	11
SENIOR ADMINISTRATION	11
ALL MEMBERS OF THE UNIVERSITY COMMUNITY	11

SECTION VI: INVESTIGATIONS	12
INTAKE AND INITIATION OF COMPLAINTS.....	12
Decision Not to Investigate	13
UNIVERSITY INITIATED INVESTIGATION.....	13
INVESTIGATION PROCEDURES	13
Voluntary Resolution.....	14
SECTION VII: ADJUDICATION AND DECISIONS	15
Student Respondent.....	15
Faculty Respondent.....	15
Staff Respondent.....	15
Community Member Respondent (not student, staff or faculty)	16
FINDINGS AND DECISIONS.....	16
No Finding of Violation of the Policy	16
Finding of Violation of the Policy.....	16
DETERMINATION OF SANCTIONS AND REMEDIES	17
SECTION VIII: OUTCOMES AND SANCTIONS	18
OUTCOMES	18
Voluntary Resolution.....	18
SANCTIONS.....	18
REMEDIES	19
SYSTEMIC AND PREVENTIVE INTERVENTIONS	19
APPENDIX A: DEFINITIONS	20
APPENDIX B: RESOURCES	24
Support for the University Community	24
Additional Support for Students	24
Additional Support for Staff and Faculty	24
Support in the Broader Community.....	24
Guidance about a Policy and/or Procedures	24
Independent Resource	24
APPENDIX C: JURISDICTION.....	25
JURISDICTION.....	25
APPENDIX D: RELATED POLICIES AND LEGISLATION.....	26
APPENDIX E: FLOWCHARTS.....	27

SECTION I: INTRODUCTION

PURPOSE

1. The purpose of this Policy is to:
 - a) articulate McMaster University's commitment to preventing and addressing Sexual Violence; and
 - b) explain the options, policies, supports, and services that are available to all members of the McMaster University Community ("University Community") who are affected by Sexual Violence.
2. Links to a summary overview and guide to the Policy may be found on the [Equity and Inclusion Office](#) website.

MCMASTER'S COMMITMENT

3. All members of the University Community ("[Community Members](#)") have a right to study, work, and live in an environment that is free of [Sexual Violence](#).
4. The University is committed to creating an environment in which [Survivors](#) feel able to disclose incidents of Sexual Violence and access support, accommodations and information. The University recognizes that enabling Survivors to confidentially disclose incidents of Sexual Violence enhances individual and community safety.
5. The University recognizes that making a [Disclosure](#), filing a [Complaint](#), or being the focus of allegations of Sexual Violence is difficult. Survivors, [Complainants](#) and [Respondents](#) will be treated with dignity and respect and will have access to appropriate support and assistance throughout.
6. When incidents are identified for the University's investigation and adjudication, the University is committed to providing a complaint process that is trauma-informed, timely and fair to all parties.
7. The University's approach to addressing Sexual Violence is designed in keeping with its commitment to inclusion and its support of diversity, and with the following key elements of current scholarship and practice knowledge:
 - a) Sexual Violence can have negative and different effects on a Survivor's physical, mental, emotional, spiritual, and social health and wellbeing. The University recognizes the possible traumatic effects of Sexual Violence and is committed to providing appropriate and respectful emotional support, accommodations and information about the options available to Survivors;
 - b) Individuals face different risks of Sexual Violence related to, among other factors, race, disability, Indigenelty, sexual orientation, gender identity and gender expression, religion, spirituality, age, citizenship and socio-economic status. The University is committed to ensuring that its supports and services are attuned to these systemic differences in order that all Community Members can access them and be received with care. The University will support Survivors in their decision-making about how best to proceed and ensure their own safety and integrity;
 - c) Survivors of Sexual Violence may have different degrees of confidence in institutional services and remedies (e.g. courts, police, and official authorities) because of their associations of such institutions with sexism, colonialism, racism, and other forms of systemic oppression. For example, women from racially diverse and Indigenous communities may be reluctant to disclose Sexual Violence to institutional authorities due to concerns that racism may impact whether an institution will

take their disclosure or complaint seriously, or that their disclosure or complaint may reinforce racist beliefs about men from their communities. The University is committed to building confidence in its services, supports and remedies and responding to Sexual Violence in a manner that is fair and does not reproduce discriminatory dynamics.

POLICY REVIEW

8. The Policy will be reviewed annually for compliance with the *Occupational Health & Safety Act*. For all other purposes, the Policy will receive an initial review within two years. Thereafter it will be reviewed every three years in accordance with the *Sexual Violence and Harassment Plan Act* in a process inclusive of input from students, key university constituencies, women's organizations and other community partners with expertise in Sexual Violence.
9. Student participation in the three-yearly policy review process will be coordinated by the [Equity and Inclusion Office](#) in partnership with the McMaster Student Union, and the McMaster Graduate Student Association, and will include the diverse working group charged in an ongoing way with advising on educational initiatives on Sexual Violence (see clause 11).

PREVENTION, EDUCATION, AND TRAINING

10. Prevention through education is a fundamental aspect of the University's commitment to addressing Sexual Violence.
11. The Equity and Inclusion Office is responsible for convening a diverse working group comprised of on and off campus partners to coordinate regular and ongoing prevention, education, and training initiatives that include:
 - a) prevention, education and training initiatives that will be attuned to the broader social context in which Sexual Violence occurs and will include topics such as: addressing rape culture, creating a culture of [consent](#), receiving and providing trauma-informed [support, options following Sexual Violence](#), University and external resources for Survivors, Complainants and Respondents and their family and friends; and
 - b) training to support those with particular responsibilities related to this Policy will be provided on an ongoing basis, integrating an anti-oppressive and trauma-informed analysis of Sexual Violence.
12. The University Secretary, in consultation with the [Director, Human Rights & Dispute Resolution](#) (Equity and Inclusion Office), will ensure that the members of the [Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence](#) receive training in the particular sensitivities surrounding Sexual Violence.

SCOPE OF THE POLICY

13. Unless otherwise specified in this Policy, the Policy and its provisions apply to all acts of Sexual Violence where the University has the jurisdiction to pursue, adjudicate, or take steps to safeguard the University community. All such acts of Sexual Violence are considered a violation of this Policy. The Policy applies to:

All Members of the University Community ("Community Members")

- a) Community Members include: students (graduate, undergraduate, and continuing education), staff, faculty, postdoctoral fellows, adjunct professors, visiting professors, sessional faculty, teaching

assistants, clinical faculty, medical residents, volunteers, visitors, and institutional administrators and officials representing McMaster University.

All University-related activities

- b) University-related activities are activities ([authorized](#) and [non-authorized](#)) that occur on University premises or on non-University premises where there is a clear nexus to the working or learning environment at the University; and

All instances of Sexual Violence

- c) all instances of Sexual Violence that have occurred or are occurring during University-related activities.

DEFINITIONS

14. For the purpose of interpreting this document:
- words in the singular may include the plural and words in the plural may include the singular;
 - references to the role of an Associate Vice-President include the Assistant Vice-President and Chief Human Resources Officer where relevant.
15. All definitions in this Policy include, but are not limited to, the definitions articulated in the [Ontario Human Rights Code](#) and described in the [Occupational Health and Safety Act](#) and the [Ministry of Training, Colleges and Universities Act](#).
16. Explanations of the various terms used in this Policy are set out in [Appendix A: Definitions](#); a number of the key terms are also defined below:
- Sexual Violence** means any sexual act or act targeting a person's sexuality, gender identity or gender expression whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without a person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.
 - Consent** is defined as approval, given freely, willingly, and knowingly by each participant to sexual activity. It must be given through ongoing communication by words or actions, or both. It occurs continuously and moment to moment. Consent cannot be assumed. Consent cannot be given if a person's ability to resist or consent is impaired. Consent may be compromised where individuals are in a position of power, trust and/or authority over the person whose consent is required.

CONSENT:

- should never be assumed or implied
- is not silence or the absence of "no"
- cannot be given if the person is impaired by alcohol or drugs, or unconscious
- can never be obtained through threats or coercion
- can be withdrawn at any time
- cannot be given if the perpetrator abuses a position of trust, power or authority
- cannot be given by anyone other than the person participating in the sexual activity

Any type of sexual activity without consent is Sexual Violence. (Source: the Government of Ontario - [Let's stop sexual harassment and violence website](#)) This policy prohibits all forms of Sexual Violence.

- c) **Survivors** are individuals disclosing incidents of Sexual Violence.

- d) **Complainants** are individuals who file a Complaint alleging a violation of the Policy for the University's response.
- e) **Respondents** are those about whom allegations have been made in a complaint process.
- f) **Accommodations** under this Policy are adjustments to individuals' academic, workplace or residence arrangements made to support them and/ or enhance their safety (e.g. a change in assignment deadlines or tutorial group, a change in supervisory arrangements, a change in residence location).

OPTIONS FOR DISCLOSING AND/OR REPORTING ALLEGATIONS OF SEXUAL VIOLENCE

17. Community Members who believe there has been a violation of this Policy have a number of options available to them. The [Sexual Violence Response Coordinator](#)'s services, as well as supports and accommodations, are available to them, at any point in time, regardless of how they decide to proceed ([Section II: Supports](#)). Individuals may pursue one or more of the following options:

Disclosure

- a) a Disclosure is made when an individual informs someone in the University community about an experience of Sexual Violence because they wish to access support, accommodations and/or information about their options;

Complaint

- b) a Complaint is made when an individual notifies an [Intake Coordinator](#) of an allegation of Sexual Violence, and seeks the University's response;

Criminal Report

- c) a Criminal Report is made when an individual files a report of Sexual Violence with a police service or with McMaster [Security Services](#). Filing a report with McMaster Security Services will result in a report to the [Hamilton Police Service](#); and/or

Other Options

- d) Individuals may exercise other options external to this Policy (e.g. the grievance provisions of applicable collective agreements, provisions of the Occupational Health & Safety Act) or other options external to the University (e.g. through civil litigation or Ontario Human Rights Code provisions).
18. Individuals who file a Complaint, a Criminal Report, or pursue other options as outlined above, may be required to attend/participate in a hearing, either internal to the University, or external through arbitration, or criminal court, etc.

SECTION II: SUPPORTS (UNIVERSITY & COMMUNITY)

19. Survivors, Complainants, and Respondents are encouraged to make use of available supports (below) and resources ([Appendix B](#)).

SUPPORTS

20. Individuals who wish to make a Disclosure are encouraged to contact the [Sexual Violence Response Coordinator](#).

Sexual Violence Response Coordinator

21. The Sexual Violence Response Coordinator will, as may be appropriate in the circumstances:
- respond to [Disclosures](#) of Sexual Violence by listening to the Survivor's needs and concerns;
 - explain the supports and services that are available to the Survivor;
 - explain the options available to the Survivor, and assist with navigating the option(s) they select;
 - explain the limits to confidentiality regarding Disclosures and [Complaints](#);
 - facilitate workplace, academic, and/or residence [Accommodations](#) for the Survivor;
 - refer the Survivor to University and/or community counselling, advocacy and/or medical [services](#);
 - activate the [Sexual Violence Assessment Team](#) to facilitate safety planning and to consider other University responses that may be necessary; and
 - if an individual chooses to file a Complaint, the Sexual Violence Response Coordinator may assist in transitioning the matter to an Intake Coordinator so as to minimize the need for the individual to retell information, and may accompany the individual during the intake process.
22. Any Community Member who is the subject of an allegation of Sexual Violence is also encouraged to contact any of the offices below to ensure that they are in receipt of relevant information and services:
- [Equity and Inclusion Office](#) (all community members)
 - [Employee/Labour Relations](#) (faculty and staff)
 - [Student Support & Case Management](#) (students)
 - [Faculty of Health Sciences Professionalism Office](#) (faculty, staff, and students in the Faculty of Health Sciences)

SECTION III: CONFIDENTIALITY

CONFIDENTIALITY (LIMITATIONS)

23. The University and its employees and agents will protect personal information and handle records in accordance with the [Freedom of Information and Protection of Privacy Act](#) and the [Personal Health Information Protection Act](#), with the provisions of applicable collective agreements and, in the case of health care providers, in keeping with any professional obligations.
24. The University recognizes that confidentiality is a crucial consideration in creating an environment in which individuals feel able to [disclose](#) incidents of [Sexual Violence](#) and to access [support](#), [Accommodations](#), and information. The University will share identifying information only in circumstances where it is necessary in order to address safety concerns or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or to meet such requirements, will be disclosed. Such circumstances include those where:
 - a) an individual is at risk of harm to self;
 - b) an individual is at risk of harming others;
 - c) there are reasonable grounds to be concerned with risk of future violence or the safety of the University and/or broader community;
 - d) disclosure is required by law; for instance, suspected abuse of someone under the age of 16; or, to comply with the [Occupational Health and Safety Act](#) or with human rights legislation;
 - e) evidence of the disclosed incident of Sexual Violence is available in the public realm (e.g. video shared publicly on social media); and/or
 - f) to comply with the reporting requirements of regulatory bodies.
25. Some offices and Community Members have additional limitations to confidentiality because of their particular reporting requirements or professional obligations. For example:
 - a) all regulated health professionals are obligated to report suspected sexual abuse of a patient by a regulated health professional to that professional's governing body if this information is acquired during the course of their practice; and
 - b) Special Constables in Security Services are required to investigate reports of domestic violence and to lay charges in all cases when there are reasonable grounds to believe an offence has been committed, regardless of whether the Survivor wishes to have further involvement with the legal process.
26. Procedural limits to confidentiality may also occur if the University is subject to legal proceedings that, in the opinion of the Provost and Vice-President (Academic) or the Vice-President (Administration), (in consultation with the President), require the disclosure of information.
27. The importance of preserving the confidentiality of Complaints and any related proceedings will be explained to all parties as a necessary measure to protect the integrity of the proceedings.

SECTION IV: PROCEDURAL GUIDELINES

ACCOMPANIMENT / REPRESENTATION

28. Survivors, Complainants, and Respondents may be accompanied by a [Support Person](#) or an [Advisor](#) at any stage of any of the procedures outlined in this Policy. Any costs of accompaniment or representation are to be borne by the individual.

TIME LIMITATIONS FOR BRINGING FORWARD A COMPLAINT

29. There are no time limitations on bringing forward a [Complaint](#). However, individuals are encouraged to report a Complaint at the earliest opportunity, as the longer the time lapse between the incident and the Complaint, the more difficult it becomes to investigate effectively. Once a Complaint is received, it will be dealt with as expeditiously as possible.

PROTECTION FROM REPRISAL

30. The University prohibits reprisal or threats of reprisal against any Community Member who, sincerely and in good faith, makes use of this Policy or participates in any process held under its jurisdiction. Any individual or body found to be making such reprisals or threats will be subject to sanctions under the appropriate policy (including this Policy, [Discrimination, Harassment & Sexual Harassment: Prevention and Response](#) policy, and the [Code of Student Rights and Responsibilities](#)) as circumstances dictate.

COOPERATION AND SELF-INCRIMINATION

31. It is possible that individuals questioned as witnesses, informants or bystanders about an alleged incident of Sexual Violence may, by cooperating responsibly with the University's processes, reveal their own infraction of a University regulation or code (e.g. alcohol use, unsanctioned use of University facilities). In such instances, and given the University's commitment to addressing [Sexual Violence](#), every effort will be made to support individuals coming forward and, if appropriate and possible, take their cooperation into account if any sanction applies to their conduct.

SAFETY, SUPPORT, AND INTERIM MEASURES

Ongoing Safety and Support of All Parties

32. The [Sexual Violence Assessment Team](#) considers, recommends, and/or coordinates Accommodations and/or [Interim Measures](#) as they relate to the parties involved in the matter; facilitates any safety planning; and considers other University responses that may be necessary.
33. At any stage in proceedings under this Policy it may be necessary to take Interim Measures in order to safeguard the environment of [Survivors](#), [Complainants](#), and/or [Respondents](#). Interim Measures shall not be construed as evidence of either guilt or a finding of violation of this Policy, or as an affirmation of innocence/finding of non-violation of this Policy.
34. Interim Measures will be reviewed on an ongoing basis throughout the process to ensure they remain necessary and appropriate in the circumstances. Interim measures are temporary and do not extend beyond the final resolution of a Complaint.

35. The authority to approve Interim Measures will rest with the relevant decision-maker in line with the Respondent's reporting structure, or their delegate ([Clause 54](#)).
36. Interim Measures may include, but are not limited to, the rearrangement of academic/employment responsibilities or oversight, the rearrangement of residence location (where possible), adjustments in University activities (e.g. attendance at guest lectures, social events), implementation of a [No Contact Order](#), or implementation of a [Persona Non Grata](#) designation.
37. In the event an [employee](#) is directed to take an administrative leave as an Interim Measure, the conditions of the administrative leave shall accord with the terms of any applicable collective agreement. In the absence of an applicable collective agreement, the leave shall be without loss of pay or benefits. It is understood that an administrative leave as an interim measure is non-disciplinary and is designed to separate a person from a situation or another person until the matter has been resolved. During such period, the person can continue to access relevant University [support services](#).

DATA GATHERING & RECORD KEEPING

38. The [Equity and Inclusion Office](#) is responsible for providing an annual anonymized, aggregate report on Disclosures, Accommodations, Complaints, Investigations, and all Outcomes and Sanctions to the Senate and the Board of Governors. Data for the report are collected, kept and maintained by the Equity and Inclusion Office and includes data provided to that office by Employee/Labour Relations, the Student Support & Case Management Office, and the Faculty of Health Sciences Professionalism Office. The purpose of the report is to:
 - a) inform educational and preventive initiatives;
 - b) identify situations where a University Initiated Investigation may be warranted ([Section VI](#)); and
 - c) comply with government reporting requirements.
39. In fulfilling these requirements, utmost care will be taken to ensure that individuals' identities are not compromised and that data gathering does not discourage individuals who wish to disclose from coming forward.
40. All notes, materials, investigation reports, and decisions, pertaining to Complaints will be kept by the relevant Intake Office for seven years. These records may be retained longer, subject to the discretion of the appropriate Director or decision-maker.

SECTION V: ROLES AND RESPONSIBILITIES

SEXUAL VIOLENCE RESPONSE COORDINATOR

41. The Sexual Violence Response Coordinator is responsible for:
 - a) responding to Disclosures of Sexual Violence, providing Survivors with support, information about resources, and the options available to them;
 - b) consulting with all relevant University and community stakeholders to ensure a consistently respectful and supportive response to Disclosures of Sexual Violence, and working closely with them to implement campus-wide anti-violence programming integrating an anti-oppressive and trauma-informed analysis of Sexual Violence; and
 - c) when requested to do so by a Survivor, accompanying the Survivor to a meeting with the Intake Coordinator.

FACULTY AND STAFF

42. Faculty members and staff, acting in their capacity as supervisors within a Faculty, Academic Department, or Residence, and/or Workplace Supervisors are responsible for cooperating with the Sexual Violence Response Coordinator and/or the Intake Offices in the implementation of Accommodations and Interim Measures.
43. Faculty and staff and others, who are health care providers, are required to maintain the confidentiality of patient information disclosed during a medical interaction (e.g. doctors, nurses in Student Wellness Centre) in accordance with their professional obligations.
44. Members of the faculty and staff (with the exception of those identified in clause 43 above) who receive Disclosures must:
 - a) inform individuals coming forward of the reporting requirements and limits to confidentiality that apply to them;
 - b) contact the Sexual Violence Response Coordinator for guidance, **and** to report the Disclosure (without providing identifying information, unless the individual has given permission to do so); and
 - c) refer the individual to the [Sexual Violence Response Coordinator](#).

STUDENT LEADERS

45. Students in designated positions of responsibility and/or leadership who receive Disclosures must:
 - a) inform individuals coming forward of the reporting requirements and limits to confidentiality that apply to them;
 - b) contact the Sexual Violence Response Coordinator for guidance, **and** report the Disclosure (without providing identifying information unless the individual has given permission to do so); and
 - c) refer the individual to the Sexual Violence Response Coordinator.

INTAKE COORDINATORS

46. The Intake Coordinators are responsible for the initial intake of Complaints, including ensuring the Complainant fully understands the procedures of the Policy and what may result from the decision to file a Complaint. The Intake Coordinators activate the Sexual Violence Assessment Team.
47. Intake Coordinators are located in the following offices:
 - a) [Equity and Inclusion Office](#) (available to all Community Members, students, staff and faculty)
 - b) [Student Support & Case Management](#) Office (available to students)
 - c) [Employee/Labour Relations](#) (available to staff and faculty)
 - d) [Faculty of Health Sciences Professionalism Office](#) (available to faculty, staff, and students in the Faculty of Health Sciences).

SEXUAL VIOLENCE ASSESSMENT TEAM

48. The Sexual Violence Assessment Team ("Assessment Team") is responsible for assessing every [Complaint](#) of Sexual Violence received by the University.
49. The Assessment Team will include: the Intake Coordinator, the [Director, Human Rights & Dispute Resolution](#) (or delegate), a Co-Chair of the [Violence Risk Assessment Team](#) (or delegate), and, as necessary in the circumstances, the [Director, Employee/Labour Relations](#) (or delegate), the [Director, Student Support & Case Management](#) (or delegate), and/or the [Faculty of Health Sciences Professionalism](#) Advisor (or delegate).
50. As necessary, and disclosing identities only on a need-to-know basis in order to appropriately respond to the matter, the Assessment Team may draw upon representatives of key services and/or departments (e.g. Director of Housing and Conference Services, Director of the Student Wellness Centre, Director of Security Services).

INVESTIGATORS

51. All Investigators appointed under this Policy, whether internal or external to the University, will have training and expertise in the area of Sexual Violence and a trauma-informed, anti-oppressive approach to investigation processes.

EQUITY & INCLUSION OFFICE

52. The Equity & Inclusion Office is responsible for: maintaining and reporting on data relating to Disclosures, accommodations and Complaints as set out in clauses [38-40](#); and coordinating the University's preventive, educational and training initiatives and programs.

DIRECTOR, HUMAN RIGHTS & DISPUTE RESOLUTION

53. The Director, Human Rights and Dispute Resolution is responsible for working in close partnership with individuals and offices involved in implementing this Policy, including but not limited to: the Sexual Violence Response Coordinator, the Sexual Violence Assessment Team, Investigators, Associate Vice-Presidents, Assistant Vice-Presidents, Senior Administration, and the University Secretariat.

DECISION-MAKERS FOR INTAKE AND INVESTIGATIONS

54. The decision-makers under the intake and investigations procedures include, as applicable, the: Assistant Vice President and Chief Human Resources Officer; Associate Vice-President (Students and Learning) & Dean of Students; Associate Vice-President, Academic, (Faculty of Health Sciences); Vice-President (Administration); and Provost and Vice-President (Academic).
55. When Respondents fall under their jurisdiction, decision-makers are responsible for reviewing and responding to investigation reports (see [Investigation Procedures](#)).
56. When the line of authority is unclear, the Provost and Vice-President (Academic) or the Vice-President (Administration), as appropriate, will determine the appropriate individual in the line of authority.
57. Should there be a conflict of interest with an Associate Vice-President, the appropriate Vice-President shall assume the responsibilities of the Associate Vice-President under this Policy. Similarly, if that Vice-President is in a conflict then another Vice-President or the President shall act.

SENIOR ADMINISTRATION

58. The Senior Administration has overarching responsibility for maintaining a University environment in which Sexual Violence is unacceptable, for providing the resources required to support such an environment, and for ensuring the timely development and review of relevant policies through Senate and Board of Governors procedures.
59. In addition, the Senior Administration is responsible for enabling Community Members to function with the highest standards of integrity, accountability, and responsibility. Activities may include disseminating information about the University's expectations and providing education to all Community Members on issues related to rape culture and Sexual Violence.

ALL MEMBERS OF THE UNIVERSITY COMMUNITY

60. All members of the University Community are responsible for contributing to an environment that is free of Sexual Violence, for participating in education and training programs when appropriate, and for referring individuals disclosing Sexual Violence to the Sexual Violence Response Coordinator.

SECTION VI: INVESTIGATIONS

INTAKE AND INITIATION OF COMPLAINTS

61. If an individual wishes to file a [Complaint](#) of Sexual Violence for the University to address, they must contact an Intake Coordinator in the [Equity and Inclusion Office](#), the [Student Support & Case Management Office](#), [Employee/Labour Relations](#), or [Faculty of Health Sciences Professionalism Office](#). The Sexual Violence Response Coordinator may assist an individual in transitioning the matter to an Intake Coordinator so as to minimize the need for the individual to retell information, and may accompany the individual during the intake process.
62. The Intake Coordinator is responsible for:
 - a) ensuring that [Complainants](#) are aware of the options available to them in seeking a response to the incident of Sexual Violence that they have experienced; and
 - b) assisting Complainants in understanding what may be involved in, and what may result from, each of the options; and
 - c) assisting the Complainant with completing a **Complaint Intake Form**, which includes a brief description of: what happened; who was involved in the incident; when it happened; where it happened; who (if anyone) saw or heard it happen, or saw or heard something of relevance prior to or after the alleged incident(s) of Sexual Violence.
63. The Intake Coordinator will activate the [Sexual Violence Assessment Team](#).
64. Members of the Sexual Violence Assessment Team will assess the Complaint on an immediate and priority basis. Identities of the Complainant and/or Respondent will only be shared with the relevant Sexual Violence Assessment Team members on a need-to-know basis. During this assessment, the Sexual Violence Assessment Team may determine it is necessary to disclose identities on a need-to-know basis in order to administer the Policy.
65. The Sexual Violence Assessment Team reviews the Complaint in order to:
 - a) confirm that it fits within the scope of the Policy;
 - b) consider requirements pursuant to the [Occupational Health and Safety Act](#);
 - c) determine an appropriate and respectful way to inform the [Respondent](#) of the Complaint, and ensure that written details of the Complaint are provided;
 - d) determine if an investigation is required, and, if so, set parameters accordingly, in consultation with the appropriate Associate Vice-President (including, for example, which University office to mobilize; internal or external investigator; timelines, mandate and scope for the investigation);
 - e) consider and coordinate appropriate Accommodations and/or Interim Measures as they relate to all parties involved in the matter; and
 - f) as necessary, draw upon representatives of relevant services or departments in order to appropriately respond to the matter.
66. The Sexual Violence Assessment Team will review any Interim Measures on an ongoing basis throughout the process to ensure they remain necessary and appropriate in the circumstances.

Decision Not to Investigate

67. In some circumstances a decision may be made not to investigate. The decision will be communicated in writing, with reasons, to the parties by the appropriate Associate Vice-President. The Complainant will be informed of their right to make a written request for review of the decision to the Vice-President to whom the Associate Vice-President reports.

UNIVERSITY INITIATED INVESTIGATION

68. Through data gathering on Disclosures and Complaints, the [Sexual Violence Response Coordinator](#) or [Director, Human Rights & Dispute Resolution](#) may become aware of situations where a University-initiated Investigation may be warranted, including, but not limited to circumstances where:
- a) repeated allegations are made about the conduct of the same individual and/or specific environment;
 - b) allegations are made about the conduct of a Community Member by an individual who is not, or is no longer, a Community Member;
 - c) the power differential in the alleged incident suggests the potential for a pattern of repeated Sexual Violence; and/or
 - d) the University has a duty to investigate pursuant to the [Occupational Health and Safety Act](#).
69. The Director, Human Rights & Dispute Resolution will consult with the [Sexual Violence Assessment Team](#) and the appropriate Associate Vice-President to determine whether an investigation is warranted.
70. Survivors may choose not to request an investigation by the University, and have the right not to participate in any investigation that may occur.

INVESTIGATION PROCEDURES

71. Investigations conducted under this Policy will follow the principles of procedural fairness. Respondents have the right to know the case against them, and to produce evidence and witnesses to the Investigator in response to any allegations.
72. The Investigator will impartially collect evidence and interview witnesses in relation to the Complaint. In consultation with the appropriate Director (or delegate), the Investigator has discretion to adjust the scope and the manner in which the investigation will be conducted in compliance with this Policy and the principles of procedural fairness.
73. All Community Members are expected to meet with the Investigator if requested to do so. Notwithstanding this expectation, the following applies:
- a) Survivors retain the right to decline to participate in any Investigation initiated by the University, regardless of whether or not they have been identified as a potential witness during the course of an Investigation; and
 - b) health care providers and professionals will only be expected to provide information within the limits of their duty to patient confidentiality.
74. Complainants, Respondents and witnesses have the option of being accompanied by a Support Person or Advisor.

75. All those who meet with an Investigator are required to keep confidential the meeting and any information shared to ensure the integrity of the proceedings. Failure to do so could be considered a breach of privacy.
76. An individual who was not previously identified as a Respondent but who, during the course of an investigation, is identified as a potential Respondent will be notified and given an opportunity to meet the Investigator and to respond to any allegations.

Voluntary Resolution

77. In certain circumstances, a Complainant and Respondent may be willing to attempt a resolution of a Complaint at any time before the completion of an Investigation. Voluntary Resolution is not mandatory and may not be appropriate in all matters. See [clause 97 Voluntary Resolution](#).

SECTION VII: ADJUDICATION AND DECISIONS

78. At the conclusion of an Investigation, the following procedures apply for adjudication and decision-making, dependent upon the constituency of the Respondent.

Student Respondent

79. The adjudication will be processed in accordance with the procedures in the [Code of Student Rights and Responsibilities](#) ("the Code"). If it is determined, on a balance of probabilities, that Sexual Violence occurred, sanctions will apply in accordance with the Code.
80. In matters where the sanctions do not include suspension, expulsion, or withdrawal (voluntary or involuntary), the Respondent may appeal the decision and/or the sanction(s) to the Associate Vice-President (Students and Learning) & Dean of Students.
81. In matters where the sanctions include a suspension, expulsion, or withdrawal (voluntary or involuntary), the Respondent may appeal the decision made by the Associate Vice-President (Students and Learning) & Dean of Students to the [Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence](#). (See Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence).

Faculty Respondent

82. The investigation report will be reviewed by the Provost and Vice-President (Academic) (or delegate) to determine, on a balance of probabilities, if Sexual Violence has occurred. If it is so determined, the Provost will make recommendations regarding sanctions and/or remedies, and initiate a disciplinary process.
83. If the Respondent accepts the sanction(s) and/or remedies recommended by the Provost, the recommendations will be implemented and the matter will be closed.

Referral to Hearing

84. If the Respondent does not accept the recommendations, or the Provost believes that suspension from the University for a period of time is the appropriate sanction, the matter will be referred to a Tribunal of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence (DHSV Tribunal) for a hearing.
85. At the hearing the Provost has the burden of proof to present evidence, and on a balance of probabilities, to satisfy the DHSV Tribunal that the alleged incident of Sexual Violence has occurred.
86. If it is determined by the Provost that Removal Proceedings should be initiated, the matter will be referred directly to the Procedures for Removal under the [Tenure and Promotion Policy](#).

Staff Respondent

87. The investigation report will be reviewed by the Assistant Vice-President and Chief Human Resources Officer (or delegate) to determine, on a balance of probabilities, if Sexual Violence has occurred. If it is so determined, the matter will be referred to the [Director, Employee/Labour Relations](#) to initiate a disciplinary process.

88. The disciplinary decision in matters relating to Sexual Violence will be approved by the appropriate Vice-President (in line with the Respondent's reporting structure) before being imposed.
89. In the case of a staff member who is a member of a union, the right to appeal the disciplinary decision is within the grievance and arbitration processes of the collective agreement.
90. In the case of a staff member who is not a member of a union (e.g., members of The Management Group, interim employees), and except in the case of termination, the staff member may submit a written appeal of the disciplinary decision to the Vice-President (Administration) (or delegate). In the case where the Respondent's reporting line is through to the Vice-President (Administration), the appeal will be made to another Vice-President.

Community Member Respondent (not student, staff or faculty)

91. When the Respondent is a Community Member but is not currently a student, staff, or faculty member, the investigation report will be reviewed by the Associate Vice-President related to the Respondent's area of activity at the University. The relevant Associate Vice-President will determine, on a balance of probabilities, if Sexual Violence has occurred. If it is so determined, the Associate Vice-President will decide on the appropriate sanctions/remedies.
92. The Respondent may submit a written appeal of the decision and/or sanctions to the Vice-President to whom the Associate Vice-President reports.

FINDINGS AND DECISIONS

No Finding of Violation of the Policy

93. The Complainant and Respondent will receive a written decision from the relevant decision-maker, that will include:
 - a) the decision that there is No Finding of Violation of the Policy;
 - b) reasons for the decision; and
 - c) a summary outlining the findings.

Finding of Violation of the Policy

94. The Complainant and Respondent will receive a written decision from the relevant decision-maker, that will include:
 - a) the decision that there is a Finding of Violation of the Policy;
 - b) reasons for the decision;
 - c) a summary outlining the findings;
 - d) the **Respondent** will receive confirmation of any Interim Measures that will remain in place until sanctions are imposed;
 - e) the **Complainant** will receive information about any Interim Measures that have a direct impact on the Complainant, such as a no-contact order, that will remain in place until sanctions are imposed.

Impact Statement

- f) the Complainant will be provided the opportunity to submit a written **impact statement** to the decision maker, **within five business days of receipt of the written decision**, to be considered in determining the appropriate sanction(s).

DETERMINATION OF SANCTIONS AND REMEDIES

- 95. The decision-maker shall consider the Complainant's impact statement, and any mitigating and/or contextual factors in determining/implementing appropriate sanctions and remedies, and the reasons shall be clearly articulated in writing to the Respondent and the Complainant as follows:
 - a) the **Respondent** will be informed of all sanctions imposed;
 - b) the **Complainant** will receive information about any sanctions/remedies taken by the University, within the constraints of relevant legislation. In all cases, information about any sanctions/remedies that have a direct impact on the Complainant will be provided to them.
- 96. Where required by a professional licensing body, the results of the investigation may also be communicated to that professional licensing body.

SECTION VIII: OUTCOMES AND SANCTIONS

OUTCOMES

Voluntary Resolution

97. In certain circumstances, a Complainant and Respondent may be willing to attempt a resolution of a Complaint at any time before the completion of an Investigation. Voluntary Resolution is not mandatory and may not be appropriate in all Sexual Violence complaints. The following conditions will apply when considering Voluntary Resolution as a viable option:
- a) there has been **no admission of guilt and no findings have been made** in the matter;
 - b) the Complainant and the Respondent both agree with:
 - i. attempting to reach a resolution;
 - ii. the method of achieving resolution;
 - iii. the terms of the final resolution; and
 - iv. accepting that the agreed upon resolution is not a finding of guilt or breach of the Policy;
 - c) a meeting between the Complainant and the Respondent will **not** be required; and
 - d) a Voluntary Resolution may be facilitated by the appropriate [Intake Office](#).

SANCTIONS

98. Sanctions are decided based on the merits of the case and shall be proportional to the severity of the offence. If there are mitigating and/or contextual factors in determining/implementing the sanction, the reasons shall be clearly articulated by the decision-maker.
99. The existence of any previous findings of Sexual Violence will be taken into account when sanctions are determined, and the severity of sanctions may be greater as a result. Sanctions may be used independently or in combination for any single violation and may be varied.
100. Sanctions may include, but are not limited to:
- a) written reprimand;
 - b) inclusion of the decision in a specified file(s) of the Respondent, for a specified period of time;
 - c) the exclusion of the Respondent from, or oversight during, one or more designated University activities or duties;
 - d) a **No Contact Order**, which may include restrictions on: registration for specific classes, other academic or non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals;
 - e) a **Persona Non Grata (PNG)** designation, which is given to an individual who is denied the privilege of entering designated portion(s) of the University's buildings or grounds. If PNG individuals are found or seen in the area they are denied, they will be subject to a charge by [Security Services](#) under the Trespass to Property Act;
 - f) for student Respondents, all sanctions in the [Code of Student Rights and Responsibilities](#) for findings of Sexual Violence. These include, but are not limited to: behavioural contract, behavioural bond,

suspension, expulsion, and for students in Residence: residence probation, room transfer, denial of readmission, eviction;

- g) for staff or faculty, **Suspension or Recommendation for Suspension**, as applicable;
- h) for staff or faculty, **Dismissal or Recommendation for Removal**, as applicable.

REMEDIES

- 101. Remedies may include but are not limited to:
 - a) mandatory referral to counselling;
 - b) training or coaching; and/or
 - c) Restorative Justice processes.

SYSTEMIC AND PREVENTIVE INTERVENTIONS

- 102. Investigations may reveal broader issues to be addressed whether or not a finding of Sexual Violence has been found. In such instances, appropriate educational and preventive intervention measures may be recommended by the Associate Vice-President.

APPENDIX A: DEFINITIONS

Accommodations

Accommodations under this Policy are adjustments to individuals' academic, workplace or residence arrangements made to support them and/ or enhance their safety (e.g. a change in assignment deadlines or tutorial group, a change in supervisory arrangements, a change in residence location).

Advisor

A person of the individual's choice who acts in an advisory role during the complaint and investigation process (e.g. friend, family member, union representative, legal counsel). The Advisor may be present during Investigation interviews but may not participate as a representative. The Advisor may represent the individual at a Hearing before a Tribunal of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence.

Agent

Anyone hired by the University or working on behalf of the University such as an external investigator or a physician or other health care professional.

Balance of Probabilities

Balance of Probabilities is the test to be met to show, by the weight of the evidence presented, that all of the facts necessary to make a determination that Sexual Violence has occurred, have a greater likelihood of being true than not.

Complainant

The individual who files a Complaint alleging a violation of the Policy for the University's response.

Complaint

A Complaint is made when an individual notifies an Intake Coordinator of an allegation of Sexual Violence and seeks the University's response.

Confidentiality

Refers to the obligation of an individual or organization to safeguard entrusted information. The practice of confidentiality includes obligations to protect information from unauthorized access, use, disclosure, modification, loss or theft. Confidentiality differs from anonymity in that the identity of the person making the Disclosure is known to the person receiving the Disclosure.

Consent

Consent is defined as approval, given freely, willingly, and knowingly by each participant to sexual activity. It must be given through ongoing communication by words or actions, or both. It occurs continuously and moment to moment. Consent cannot be assumed. Consent cannot be given if a person's ability to resist or consent is impaired. Consent may be compromised where individuals are in a position of power, trust and/or authority over the person whose consent is required.

CONSENT:

- should never be assumed or implied
- is not silence or the absence of "no"
- cannot be given if the person is impaired by alcohol or drugs, or unconscious
- can never be obtained through threats or coercion
- can be withdrawn at any time
- cannot be given if the perpetrator abuses a position of trust, power or authority

- cannot be given by anyone other than the person participating in the sexual activity
- Any type of sexual activity without consent is Sexual Violence. (Source: the Government of Ontario - [Let's stop sexual harassment and violence website](#))

Criminal Report

Occurs when a person reports an experience of Sexual Violence to the police or to McMaster Security Services. Filing a report with [Security Services](#) will result in a report to the Hamilton Police Service.

Disclosure

When a Survivor informs someone in the University community that they have experienced Sexual Violence in order to access support, accommodations and/or information about their options.

Dismissal

Dismissal/termination proceedings for staff Respondents shall be dealt with in accordance with the established policies and procedures and by the terms of existing contracts of employment or collective agreements and the common law where applicable.

Employee

Where applicable, employee is used to refer to staff (see below) and faculty (see below).

Event (Authorized)

Authorized events are University scheduled or University approved activities, occurring on or off University premises, e.g. public lectures, performances, placements (co-op or clinical), athletic events, work or study-related conferences/training sessions, etc. These events can include work or study-related travel. Events that are approved under the Student Event Risk Management Policy, or Field Trips and Electives Policy are also authorized events.

Event (Non-authorized)

Non-authorized events are events that are not scheduled or approved by the University and may occur on or off University premises e.g. group trips that have not been approved under the Student Event Risk Management Policy, drinking games in residence, house parties, etc.

Expulsion

Expulsion applies to student Respondents and is the loss of all academic privileges at the University for an indefinite period.

Faculty

Faculty are defined as those academic teaching staff and senior academic librarians who are members of the McMaster University Faculty Association.

Interim Measures

Steps that are taken in order to safeguard the environments of individuals disclosing Sexual Violence and of individuals whose conduct is being questioned. Interim measures shall not be construed as evidence of either guilt or a finding of Sexual Violence, or as an affirmation of innocence or finding that no Sexual Violence occurred.

No Contact Order

Includes restrictions on: registration for specific classes, other academic or non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text,

social media, through a third party etc.) with a specific individual or group of individuals.

Persona Non Grata (PNG) A designation which is given to an individual who is denied the privilege of entering designated portion(s) of the University's buildings or grounds. If PNG individuals are found or seen in the area they are denied, they will be subject to a charge by [Security Services](#) under the Trespass to Property Act;

Recommendation for Removal

A recommendation for removal of a faculty Respondent shall be dealt with in accordance with Section VI of the [McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion](#) and the common law where applicable.

Recommendation for Suspension

A recommendation for suspension of a faculty Respondent shall be dealt with in accordance with Section V of the [McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion](#) and the common law where applicable. Suspension involves relieving the Respondent of their University duties and denying them access to University facilities and services for a stated period of time, and may be with or without pay and/or benefits as recommended by a Tribunal and determined by the President.

Respondent

Those about whom allegations have been made in a Complaint process.

Restorative Justice

Restorative Justice is an outcome following the determination of finding and focuses on restoring the losses suffered by Survivors, holding Respondents accountable for the harm they have caused, and building peace within communities. This process can be facilitated by the Equity and Inclusion Office.

Senior Administration

The President, Provost and Vice-President (Academic), Vice-President (Administration).

Sexual Assault

Any non-consensual sexual activity, including but not limited to touching, grabbing, kissing, fondling, and oral, anal, or vaginal penetration.

Sexual and/or Gender-Based Harassment

Sexual and/or gender-based harassment is:

- a) Engaging in a course of vexatious comment or conduct because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual Violence

Sexual Violence means any sexual act or act targeting a person's sexuality, gender identity or gender expression whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without a person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

Staff

Employees of the University including, but not limited to, The Management Group (TMG), Unionized Employees, Temporary/Casual, non-teaching staff, Sessional Faculty, Post-doctoral Fellows, and Clinical Faculty. Graduate students employed as Teaching Assistants may be treated as an employee, depending on circumstances (see the definition of “Worker” under the Occupational Health and Safety Act).

Student

A student is any individual recorded by the University Registrar as enrolled in an educational course of study recognised by the Senate and for whom the University maintains education records.

Supervisor

A person who has charge of a workplace or authority over a worker. See the Ministry of Labour guide “Who is a Supervisor” under the [Occupational Health and Safety Act](#).

Support

The provision of resources appropriate to the individual and the circumstances. This may include access to the Student Wellness Centre, Employee Family Assistance Program, and/or McMaster Students Union (MSU). Support resources does not include the provision of legal counsel.

Support Person

A person of the individual’s choice who acts in a supportive role but is not an active participant in the process (e.g. friend, Elder, parent, religious advisor).

Survivor

Survivors are individuals disclosing incidents of Sexual Violence.

Suspension

Relieving the staff Respondent of their University duties and denying them access to University facilities and services for a stated period of time, and may be with or without pay and/or benefits. Suspensions shall be dealt with in accordance with established policies and procedures and by the terms of existing contracts of employment or collective agreements and the common law where applicable. For a student Respondent, suspension is the loss of all academic privileges at the University for a specified period of time and/or until imposed conditions are met. The student is eligible to return after this time but may be required to fulfill specified non-academic conditions upon return.

Violence Risk Assessment Team

The Violence Risk Assessment Team is a sub-committee of the Crisis Management Group. This team takes a multi-disciplinary approach to assessment, investigation, and response to reports of behaviour that is of potential concern or threat to the University community. The team is made up a diverse population of the campus including representation from Human Resources, Health and Safety, Academics, Dean of Students and Student Affairs.

Voluntary Resolution

Steps taken (e.g. arrangement of academic, work or living environment / conditions) to resolve a Complaint, with which both the Complainant and Respondent have agreed.

APPENDIX B: RESOURCES

The [Sexual Violence Response Protocol](#) is an information resource for Survivors and for all Community Members who have disclosed or may receive Disclosures of Sexual Violence. Additional resources include, but are not limited to:

Support for the University Community

- [Equity and Inclusion Office](#)
- [Faculty of Health Sciences Professionalism Office](#)
- [Security Services](#)
- [Chaplaincy Centre](#)

Additional Support for Students

- [Student Wellness Centre](#) (personal counselling and medical services)
- [Student Support & Case Management](#) (support and guidance about the Code of Student Rights and Responsibilities)
- [Women and Gender Equity Network, McMaster Student Union](#) (peer support and resources)
- [MSU Peer Support Line](#) (24 hour a day telephone support line, including legal advice and counselling)
- [Graduate Students Association Health & Dental Plans](#) (health benefits include access to psychological counselling in the community)

Additional Support for Staff and Faculty

- Union or Association
- [Employee/Labour Relations](#)
[Employee and Family Assistance Program](#) (access to professional counsellors, legal guidance and other supportive services available to staff and faculty)

Support in the Broader Community

- [Good2Talk](#) (24/7 phone support for students offered by professional counsellors)
- [Sexual Assault Centre Hamilton & Area \(SACHA\)](#)
- [Sexual Assault/Domestic Violence Care Centre](#)
- [Hamilton Police Services – Victim Services Branch](#)
- [John Howard Society](#) (for individuals in conflict with the law)
[Elizabeth Fry Society](#) (for individuals in conflict with the law)

Guidance about a Policy and/or Procedures

- [Equity and Inclusion Office](#)
- [Employee/Labour Relations](#)
- [Student Support & Case Management](#)
- [University Secretariat](#)

Independent Resource

- [Ombuds Office](#) (provides an independent, impartial, and confidential process through which members of the University community may pursue a just, fair and equitable resolution of a University related concern.)

Note: this resource list will be reviewed at least annually and updated as appropriate.

APPENDIX C: JURISDICTION

JURISDICTION

1. Nothing in this Policy is meant to supersede the terms and conditions of any collective agreement, or any other contractual agreement, entered into by the University and its employee groups. In the event that the provisions of this Policy contradict any such collective or contractual agreement, the collective or contractual agreement governs, to the extent of the contradiction.
2. To the extent that this Policy affects the terms and conditions of employment of faculty of the University, it may be subject to discussion and/or approval in accordance with the University policy entitled, *The Joint Administration/Faculty Association Committee to Consider University Financial Matters and to Discuss and Negotiate Matters Related to Terms and Conditions of Employment of Faculty*, revised by the Board of Governors on October 20, 1988 (the 'Joint Administration/Faculty Association' policy).
3. This Policy is not intended to supersede or interfere with the criminal justice system; all persons have the right to pursue legal avenues.
4. Should a Complainant, with respect to the subject matter of a Complaint dealt with under this Policy, seek redress under the [Ontario Human Rights Code](#), the [Criminal Code](#), the [Occupational Health and Safety Act](#), the provisions of an applicable collective agreement, or through civil litigation, or any other forum external to the University, the appropriate Associate Vice-President, in consultation with the [Director, Human Rights & Dispute Resolution](#), will determine in the circumstances whether proceedings under this Policy will be initiated. If proceedings under this Policy have already been initiated, the appropriate Associate Vice-President, in consultation with the [Director, Human Rights & Dispute Resolution](#), will determine in the circumstances whether or not the proceedings under this Policy will:
 - a) be permanently discontinued;
 - b) be disallowed; or
 - c) be suspended until proceedings in the external or other forum are concluded, although Interim Measures may be put in place to safeguard the environments of the parties involved.
5. Respondents in a Complaint procedure must be Community Members. If a person alleged to have committed Sexual Violence is not currently a Community Member, the University has no jurisdiction to pursue or adjudicate the incident. However, the University reserves the right to take whatever steps it considers appropriate to safeguard the University Community.

APPENDIX D: RELATED POLICIES AND LEGISLATION

This Policy is to be read in conjunction with the following policies, statements, and collective agreements. Any question of the application of this Policy or related policies shall be determined by the Provost and Vice President (Academic) or the Vice President (Administration) as appropriate, and in conjunction with the administrator of the other policy or policies. The University reserves the right to amend or add to the University's policies and statements from time to time (this is not a comprehensive list):

- [Academic Accommodation of Students with Disabilities](#)
- [Academic Freedom, Statement on](#)
- [Accessibility Policy](#)
- [Bill 132, Sexual Violence and Harassment Action Plan Act \(Supporting Survivors and Challenging Sexual Violence and Harassment\), 2016](#)
- [Code of Conduct for Faculty](#)
- [Code of Student Rights and Responsibilities](#)
- [Complaint Resolution Procedure for TMG](#)
- [Conflict of Interest Guidelines: Undergraduate and Graduate Studies](#)
- [Discrimination, Harassment & Sexual Harassment: Prevention and Response](#)
- [Employment Accommodation, Policy and Procedures on](#)
- [Employee/Labour Relations – Collective Agreements](#)
- [Faculty General Grievance Procedure](#)
- [Freedom of Information and Protection of Privacy Act](#)
- [Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence](#)
- [Ministry of Training, Colleges and Universities Act](#)
- [Ontario Human Rights Code](#)
- [Occupational Health and Safety Act](#)
- [Personal Health Information Protection Act](#)
- [Professional Behaviour Code for Graduate Learners, Health Sciences](#)
- [Professional Behaviour Code for Undergraduate Learners, Health Sciences](#)
- [Senate Resolutions re Group Conflict](#)
- [Senate Mediation Procedures](#)
- [Sexual Violence Response Protocol](#)
- [Statement on Building an Inclusive Community with a Shared Purpose](#)
- [Statement and Guidelines on Inclusive Communications](#)
- [Student Event Risk Management Policy](#)
- [Tenure and Promotion Policy](#)
- [Violence in the Workplace, Policy on](#)

APPENDIX E: FLOWCHARTS

Community Members disclosing Sexual Violence have a number of options.

The [Sexual Violence Response Coordinator](#)'s services are available to them regardless of how they decide to proceed.

Individuals may pursue one or more of these options, which are not mutually exclusive.

DISCLOSURE

A Disclosure is made when an individual informs someone in the University community about an experience of Sexual Violence because they wish to access support, accommodations and/or information about their options

COMPLAINT

A Complaint is when an individual notifies an Intake Coordinator of an allegation of Sexual Violence and seeks the University's response. Intake Coordinators are in the [Equity and Inclusion Office](#), the [Student Support & Case Management Office](#), [Employee/Labour Relations](#), or [Faculty of Health Sciences Professionalism Office](#).

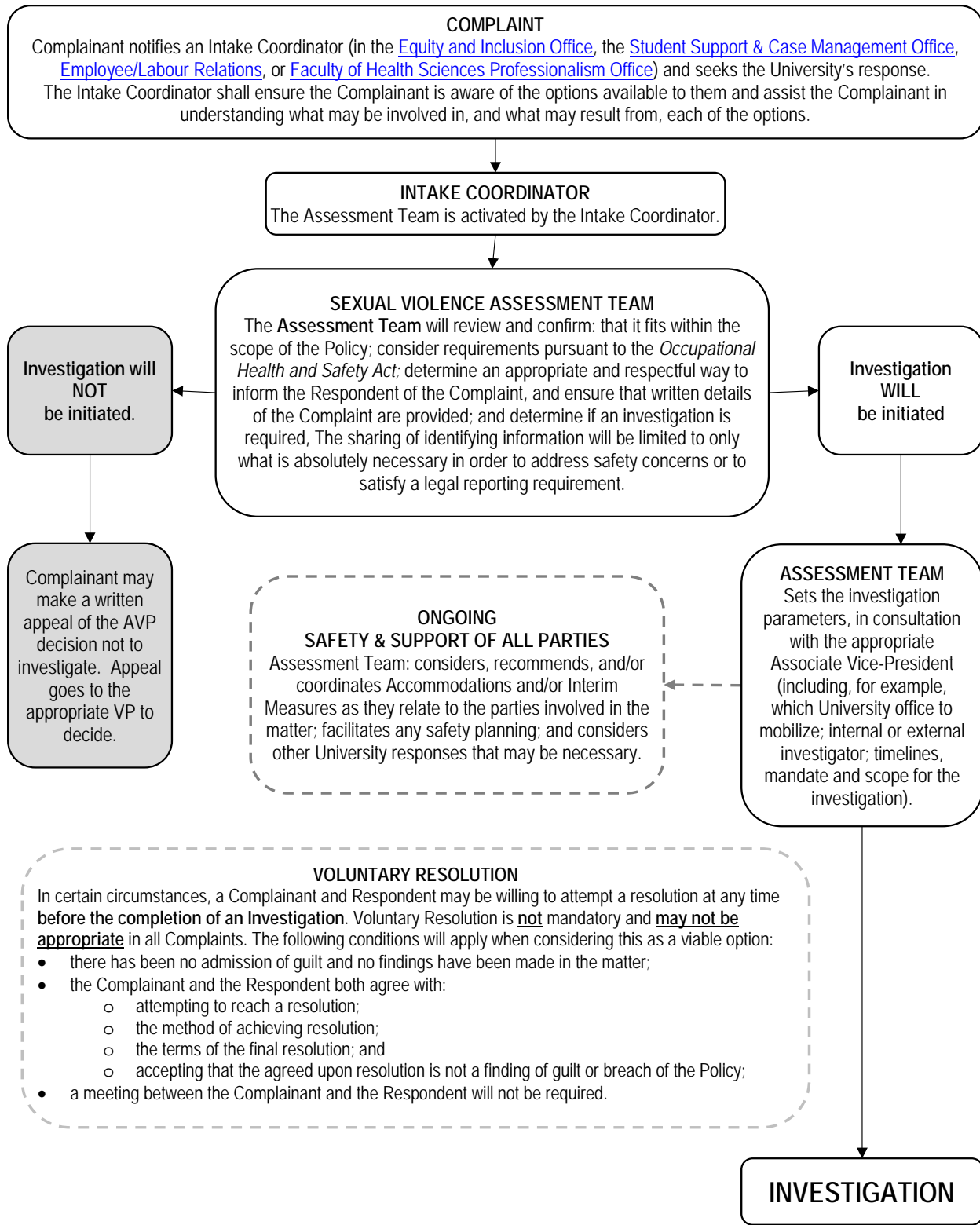
CRIMINAL REPORT

A Criminal Report is when an individual files a report of Sexual Violence with a police service or with McMaster [Security Services](#). Filing a report with McMaster Security Services will result in a report to the [Hamilton Police Service](#).

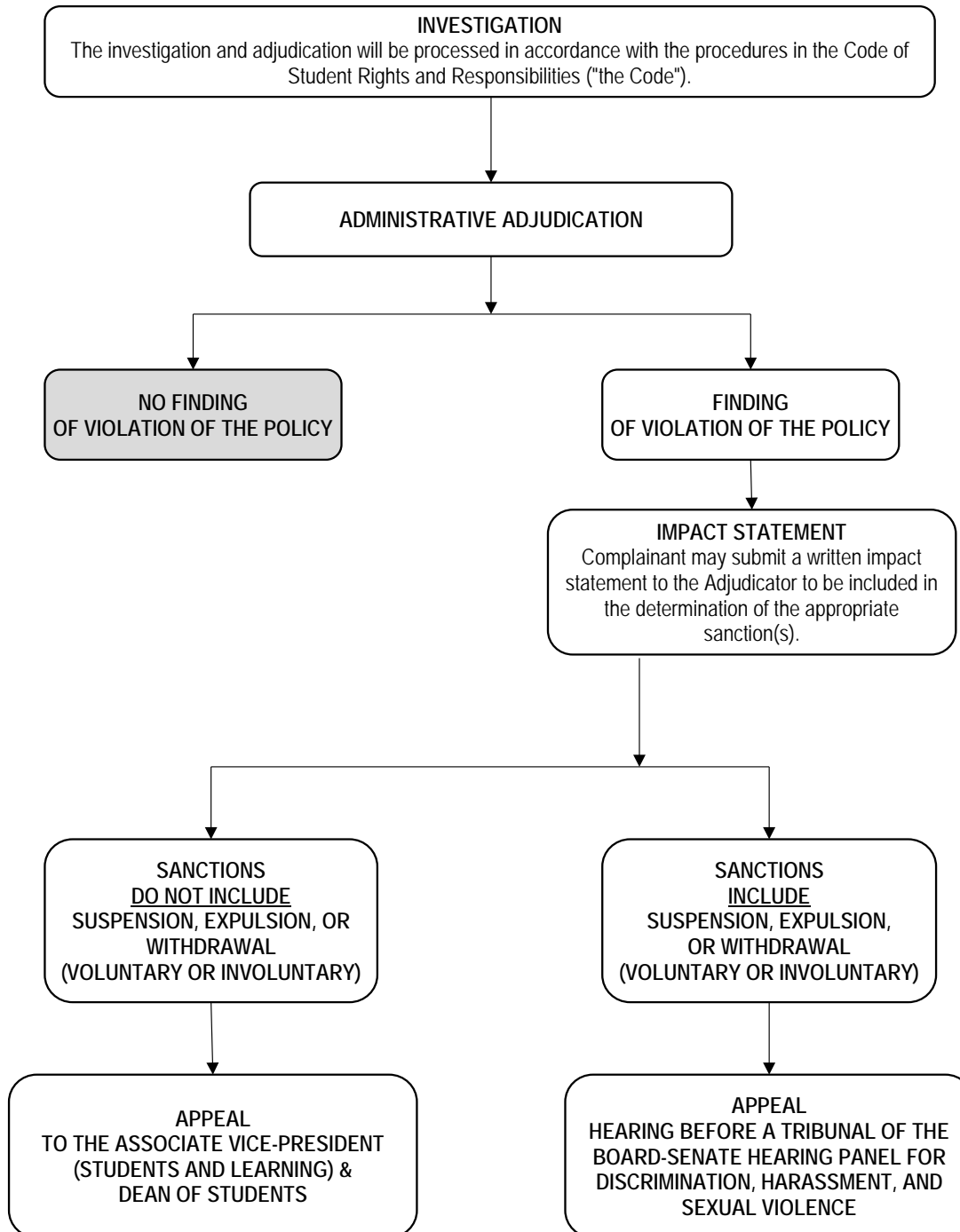
OTHER OPTIONS

Options external to the University (e.g. civil litigation or Ontario Human Rights Code provisions) or other options external to this Policy (e.g. grievance provisions of applicable collective agreements, provisions of the Occupational Health & Safety Act)

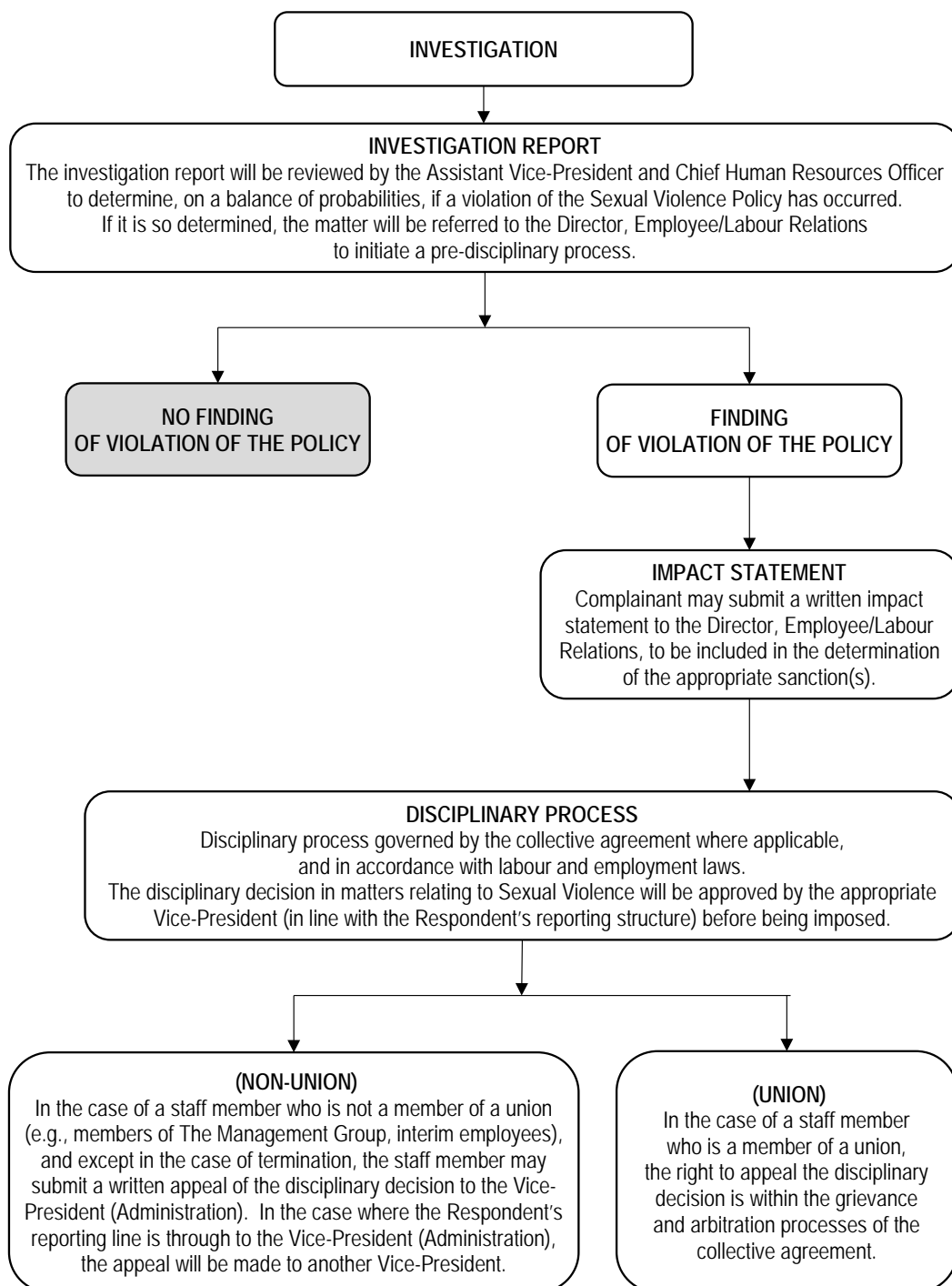
The University recognizes that confidentiality is a crucial consideration in creating an environment in which individuals feel able to [disclose](#) incidents of [Sexual Violence](#) and to access [support](#), [Accommodations](#), and information. The University will share identifying information only in circumstances where it is necessary in order to address safety concerns or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or to meet such requirements, will be disclosed. Such circumstances include those where: an individual is at risk of harm to self; an individual is at risk of harming others; there are reasonable grounds to be concerned with risk of future violence or the safety of the University and/or broader community; disclosure is required by law; for instance, suspected abuse of someone under the age of 16; or, to comply with the [Occupational Health and Safety Act](#) or with human rights legislation; evidence of the disclosed incident of Sexual Violence is available in the public realm (e.g. video shared publicly on social media); and/or to comply with the reporting requirements of regulatory bodies.



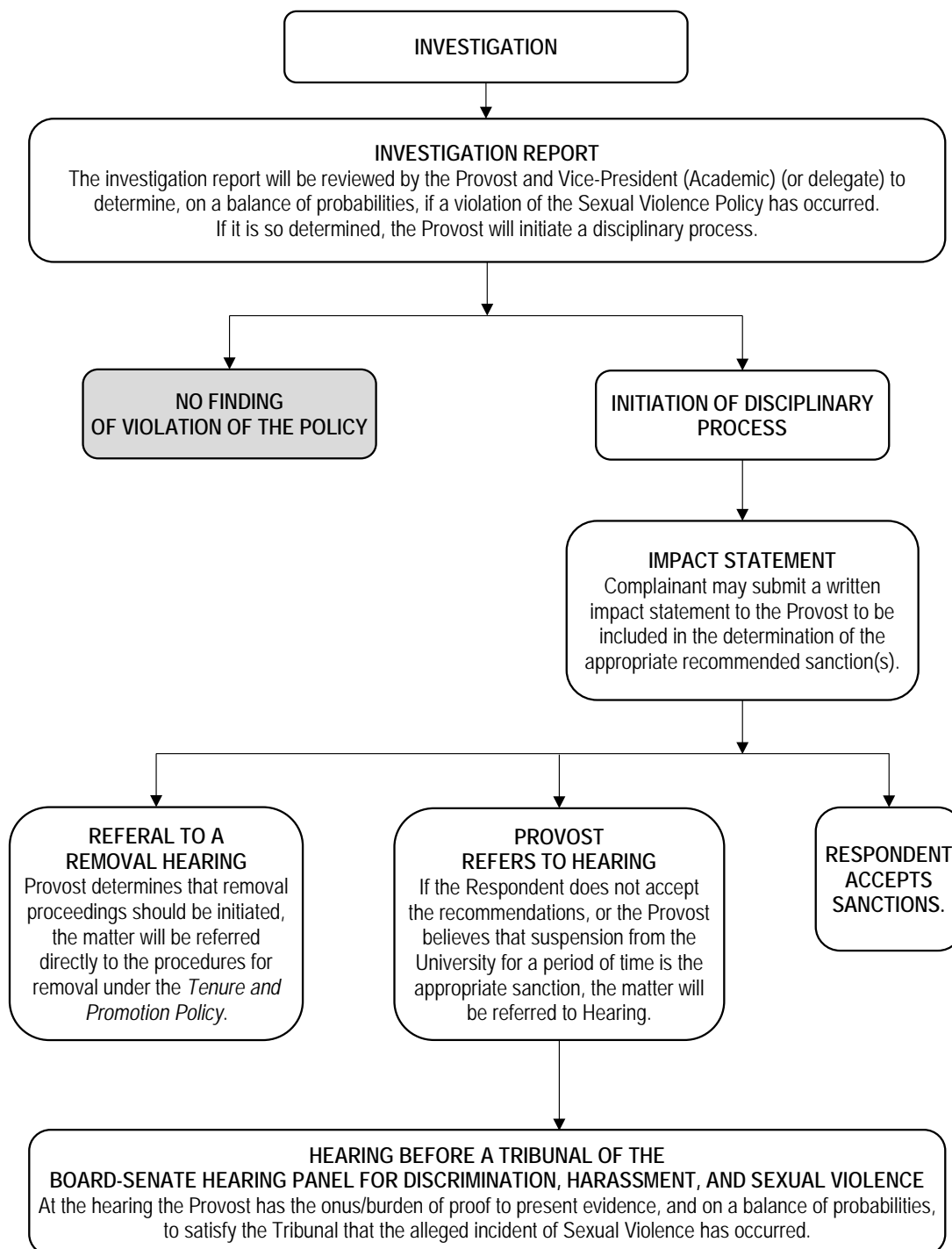
STUDENT RESPONDENT



STAFF RESPONDENT



FACULTY RESPONDENT



Complete Policy Title:

Discrimination & Harassment Policy

Policy Number (if applicable):

Approved by:

Senate /
Board of Governors

Date of Most Recent Approval:

xxx, 2019 /

xxxx, 2019

effective January 1, 2020

Date of Original Approval(s):

May 13, 2015 / June 4, 2015
effective July 1, 2015

Supersedes/Amends Policy dated:

May 17, 2017 / June 8, 2017
effective June 8, 2017

Responsible Executive:

Associate Vice-President, Equity and
Inclusion

Policy Specific Enquiries:

[Equity and Inclusion Office](#)

Reviewed for Compliance (OHSA):

December xx 2019

General Policy Enquiries:

[Policy \(University Secretariat\)](#)

DISCLAIMER: *If there is a Discrepancy between this electronic policy and the written copy held by the policy owner, the written copy prevails*

TABLE OF CONTENTS

SECTION I: INTRODUCTION.....	1
PREAMBLE.....	1
SCOPE.....	1
MCMASTER'S COMMITMENT.....	2
POLICY REVIEW.....	2
TERMS AND DEFINITIONS.....	2
 SECTION II: OPTIONS.....	 4
OPTIONS.....	4
DISPUTE RESOLUTION.....	4
REPORTING.....	4
COMPLAINT.....	5
VOLUNTARY RESOLUTION.....	5
CRIMINAL REPORT.....	5
OTHER EXTERNAL OPTIONS.....	5
OPTIONS CHART.....	6
 SECTION III: CONFIDENTIALITY.....	 7
CONFIDENTIALITY (LIMITATIONS).....	7
 SECTION IV: PROCEDURAL GUIDELINES.....	 9
ADVISOR / SUPPORT PERSON.....	9
TIME LIMITATIONS FOR BRINGING FORWARD A COMPLAINT.....	9
REPRISAL.....	9
INTERIM MEASURES AND ONGOING SUPPORT OF ALL PARTIES.....	9
DATA GATHERING & RECORD KEEPING.....	10
 SECTION V: ROLES AND RESPONSIBILITIES.....	 11
SENIOR ADMINISTRATION.....	11
ASSOCIATE VICE-PRESIDENT, EQUITY AND INCLUSION.....	11
DIRECTOR, HUMAN RIGHTS & DISPUTE RESOLUTION.....	11
INTAKE OFFICES.....	12
RESPONSE TEAM.....	12
INVESTIGATORS.....	12
DECISION-MAKERS FOR INTAKE AND INVESTIGATIONS.....	13
SECURITY SERVICES SPECIAL CONSTABLES.....	13
SUPERVISORS.....	14
EMPLOYEES.....	14
COMMUNITY MEMBERS.....	14
 SECTION VI: INVESTIGATIONS.....	 15
INTAKE OF COMPLAINTS.....	15
DECISION TO NOT INVESTIGATE.....	15
UNIVERSITY INITIATED INVESTIGATION.....	16
INVESTIGATION PROCEDURES.....	16

SECTION VII: ADJUDICATION AND DECISIONS	18
ADJUDICATION.....	18
STUDENT RESPONDENT	18
FACULTY RESPONDENT	19
REFERRAL TO HEARING	19
STAFF RESPONDENT	20
COMMUNITY MEMBER RESPONDENT	21
NOTIFICATION OF OUTCOME.....	21
RESPONDENT	21
COMPLAINANT	21
REGULATORY / PROFESSIONAL LICENSING BODIES.....	21
AFFECTED PARTIES	21
SYSTEMIC AND PREVENTIVE INTERVENTIONS.....	21
 SECTION VIII: SANCTIONS AND REMEDIES.....	22
SANCTIONS.....	22
REMEDIES.....	22
 APPENDIX A: DEFINITIONS	23
 APPENDIX B: RESOURCES	28
SUPPORT FOR THE UNIVERSITY COMMUNITY	28
ADDITIONAL SUPPORT FOR STUDENTS	28
ADDITIONAL SUPPORT FOR STAFF AND FACULTY	28
SUPPORT IN THE BROADER COMMUNITY	28
GUIDANCE ABOUT A POLICY AND/OR PROCEDURES	28
INDEPENDENT RESOURCE.....	28
 APPENDIX C: JURISDICTION	29
 APPENDIX D: RELATED POLICIES AND LEGISLATION.....	30

SECTION I: INTRODUCTION

PREAMBLE

1. All members of the University Community ("Community Members" see clause 5 below) have a right to study, work, and live in an environment that is free of Discrimination and Harassment.
2. The purpose of this Policy is to:
 - a) articulate McMaster University's commitment to Discrimination and Harassment prevention and response;
 - b) identify services and resources related to **Discrimination and Harassment** that are available to all members of the McMaster University Community ("University Community"); and
 - c) explain the complaint and reporting options, supports, and accommodations that are available to all members of the University Community who experience Discrimination and/or Harassment.

SCOPE

3. This Policy prohibits Discrimination and/or Harassment on the grounds articulated in the [Ontario Human Rights Code](#): age; ancestry, colour, race; citizenship; [ethnic origin](#); place of origin; [creed](#); [disability](#); family status; marital status (including single status); gender identity, gender expression; receipt of public assistance (in housing only); record of offences (in employment only); sex (including pregnancy and breastfeeding); and sexual orientation.
4. This Policy prohibits Harassment which is a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Harassment may include Sexual and/or Gender-Based Harassment, Workplace Sexual Harassment, as well as Harassment on any one or more of the grounds articulated in the Human Rights Code.
5. This Policy expressly prohibits any discriminatory or harassing action and/or conduct, verbal or non-verbal, directed at or about one or more individuals or groups, that creates a [poisoned environment](#) which interferes with academic or work performance, in a manner that exceeds academic freedom.
6. The Policy applies to:
 - a) **all Members of the University Community** ("Community Members") include: students (graduate, undergraduate, and continuing education), staff, faculty, medical residents, volunteers, visitors (including visiting professors), and institutional administrators and officials representing McMaster University; and
 - b) **all University-related activities**, which are activities ([authorized](#) and [non-authorized](#)) where there is a clear nexus to the working or learning environment at the University (on and off University premises).
7. When allegations of Sexual Harassment are to be processed under the [Sexual Violence Policy](#), there may be circumstances where the allegations in a Complaint necessitate following the procedures under both this Policy and the *Sexual Violence Policy*.
8. Where a Complaint is filed that involves behaviour prohibited by this Policy, as well as behaviour more appropriately dealt with under the *Sexual Violence Policy*, the Complaint may be processed under the *Sexual Violence Policy*. However, any proceedings related to the Complaint will determine if there has

been a violation of the *Sexual Violence Policy*, in addition to any findings related to this Policy. The decision regarding which policy or policies are most appropriate will be made by the University.

9. Unless otherwise specified in this Policy, the Policy and its provisions apply where the University has the [jurisdiction](#) to pursue, adjudicate, or take steps to safeguard the University community.

MCMASTER'S COMMITMENT

10. The University upholds a fundamental commitment to freedom of expression and association for all its members and to academic freedom for faculty. In exercising those freedoms, all its members are required to respect the rights and freedoms of others, including the right to freedom from Discrimination and Harassment.
11. The University recognizes that supporting an environment free of Discrimination and Harassment is important for the well-being and dignity of individuals as well as for the overall climate and welfare of the University community. Accordingly, the University is committed to providing the policies, resources, and organizational structures required to support an environment free from Discrimination and Harassment.
12. As part of this commitment the University provides a range of educational and community-building activities that foster understanding of human rights issues and of the harm incurred by their violation and communicate the expectation of and support for a work, study and living environment free from Discrimination and Harassment.
13. When a University complaint process is initiated, the University is committed to providing an intake, investigation, and adjudication process that is timely and follows the principles of procedural fairness.
14. The University has a legal and ethical responsibility to address [Complaints](#) of Discrimination and Harassment, to enable accessible processes for resolution, and to provide support to all Community Members involved in such processes. The Administration may also respond when it is identified that there is [Systemic Discrimination](#) and/or Harassment that needs to be addressed.

POLICY REVIEW

15. The Policy will be reviewed annually for compliance with the *Occupational Health and Safety Act*.
16. For all other purposes, the Policy be reviewed every three years at the same time as the [Sexual Violence Policy](#).

TERMS AND DEFINITIONS

17. A full glossary of terms and definitions may be found in [Appendix A](#).
18. For the purpose of interpreting this document:
 - a) words in the singular may include the plural and words in the plural may include the singular;
 - b) Directors, members of the Administration, and Decision-Makers in this Policy may, where appropriate, delegate their authority;
 - c) **AVP Equity and Inclusion** means the Associate Vice-President, Equity and Inclusion;

- d) **Chief Human Resources Officer** means the Assistant Vice-President & Chief Human Resources Officer;
- e) **Dean of Students** means the Associate Vice-President (Students and Learning) and Dean of Students;
- f) **Director (ELR)** means the Executive Director, Employee & Labour Relations;
- g) **Director (HRDR)** means the Director, Human Rights & Dispute Resolution Program;
- h) **Director (SVPRO)** means the Director, Sexual Violence Prevention and Response Office;
- i) **Director (SSCM)** means the Director, Student Support & Case Management Office;
- j) **Hearing Procedures** means the Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence;
- k) **Provost** means the Provost and Vice-President (Academic);
- l) **Tenure and Promotion Policy** means the McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion; and
- m) **Security Services** means Security and Parking Services.

SECTION II: OPTIONS

OPTIONS

19. Community Members who believe there has been a violation of the Policy have a number of options available to them: **Dispute Resolution, Reporting** (under the Policy and includes filing a Complaint, and/or Voluntary Resolution), making a **Criminal Report**, or **Other External Options**.
20. Prior to pursuing one of the options below, [Community Members](#) should read [Section III: Confidentiality](#). It is important to be aware that, **depending on the circumstances and nature of the incident disclosed**, the University may be obliged to:
 - a) conduct a triage of violence risk;
 - b) initiate a University-led investigation of the incident regardless of whether or not the individual making the disclosure chooses to participate in the process; and/or
 - c) notify Hamilton Police Services of the allegation and name of the individual who is the subject of the allegation and/or contact other relevant agencies to fulfill legal obligations.
21. Community Members who have experienced unwelcome comment or conduct by another person are encouraged, although not obliged, to make it known to the other person that their behaviour is unwelcome. In situations where it is believed that addressing the other person could lead to an escalation of the comment or conduct, or to safety risks, this approach is not recommended. If the problem is not resolved, or if the Community Member feels they cannot speak directly to the other person, they should notify an appropriate [Supervisor](#) within the University of the matter.

DISPUTE RESOLUTION

22. Individuals may inform/seek assistance from their [Supervisor](#) (or person who has formal oversight of their area), or from an [Intake Office](#), to help address the situation.
23. Options for dispute resolution may include some fact-finding discussion, clarification of the issues, facilitated conversations, coaching, reconciliation, workplace restoration, settlement conferences, restoration processes, and mediation.

REPORTING

24. A Report occurs when an individual determines that they wish to pursue an official Complaint through one or more of the following avenues: a Complaint to the University under this Policy, Voluntary Resolution under this Policy, a Criminal Report through the justice system, or other reporting options external to this Policy. Reporting options are not mutually exclusive.
25. Individuals who file a Report may ultimately be required to attend/participate in a hearing, either internal to the University, or external through arbitration, or criminal court, etc.
26. Community Members may choose to contact any one of the **Intake Offices** to make a [Complaint](#) pursuant to the Policy.

Complaint

27. A Complaint is made when an individual submits an Incident Report to their Supervisor, or a written statement of [Complaint to an Intake Office](#), making an allegation of Discrimination and/or Harassment because they wish to initiate a formal University process, which may require an investigation into the allegations and finding of facts.

Voluntary Resolution

28. In certain circumstances, a Complainant and Respondent may be interested in attempting a resolution of a Complaint at any time before the completion of an Investigation.
29. The following conditions must be present before considering if Voluntary Resolution is a viable option:
- a) the University is able to meet its responsibilities pursuant to the *Occupational Health & Safety Act*; and
 - b) the Complainant and the Respondent both agree to:
 - (i) attempt to reach a resolution in good faith;
 - (ii) the methods to be used to seek resolution; and
 - (iii) the terms of what would constitute resolution.
30. A meeting between the Complainant and the Respondent will **not** be a requirement for Voluntary Resolution.
31. A Voluntary Resolution may be facilitated by an [Intake Office](#), and the methods may include fact-finding discussions, clarification of the issues, facilitated conversations, mediation, coaching, voluntary no contact agreements, reconciliation, restoration processes, workplace restoration processes.

CRIMINAL REPORT

32. A Criminal Report is made when an individual files a report of an incident with a police service or with [Security Services](#). Filing a Criminal Report with Security Services will result in a report to [Hamilton Police Service](#).

OTHER EXTERNAL OPTIONS

33. Individuals may exercise other University options external to this Policy (e.g. the grievance provisions of applicable collective agreements, or other options external to the University (e.g. through civil litigation or *Ontario Human Rights Code* provisions).

OPTIONS CHART

Complaint Intake Offices

[Human Rights & Dispute Resolution Program](#), Equity and Inclusion Office (All Community Members)

[Student Support & Case Management Office \(SSCM\)](#), Student Affairs (Students)

[Employee and Labour Relations \(ELR\)](#), Human Resources Services (Faculty and Staff members)

[Faculty of Health Sciences \(FHS\) Professionalism Office](#) (FHS Community Members)

DISPUTE RESOLUTION

Individuals may seek assistance from their Supervisor (or person who has formal oversight of their area) or from an Intake Office to help address the situation.

COMPLAINT

A Complaint can be initiated through completion of an Incident Report submitted to a Supervisor, or through submitting a written Complaint through one of the Intake Offices (listed above) making an allegation of Discrimination and/or Harassment because they wish to initiate a University process, which may require an investigation and finding of facts.

CRIMINAL REPORT

When an individual files a criminal report with a police service or with [Security Services](#). Filing a criminal report with Security Services will result in a report to Hamilton Police Service.

VOLUNTARY RESOLUTION

Attempting a resolution of a Complaint at any time *before* the completion of an Investigation.

OTHER EXTERNAL OPTIONS

Options external to the University (e.g. civil litigation or Ontario Human Rights Code provisions) or other options external to this Policy (e.g. grievance provisions of applicable collective agreements)

SECTION III: CONFIDENTIALITY

CONFIDENTIALITY (LIMITATIONS)

34. The University recognizes the importance of confidentiality both for individuals coming forward to seek Dispute Resolution, or Report an experience of Discrimination and/or Harassment, and for individuals who are the subject of a Complaint, and will take steps to protect the confidentiality of both parties to the extent permitted by its legal obligations outlined below.
35. The University and its employees and agents will protect personal information and handle records in accordance with the *Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*, where applicable in the circumstances, with the provisions of applicable collective agreements and, in the case of health care providers, in keeping with any professional obligations.
36. When making a Report to any University office individuals shall receive clear and transparent information about the level of, and limits to, confidentiality that apply.
37. Individuals may speak in confidence to an Intake Coordinator, subject to the provisions of this section and the limitations below. The University will share identifying information only in circumstances where it is necessary in order to administer this Policy, to address safety concerns, or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or to meet such requirements, will be disclosed. Such circumstances include those where:
 - a) an individual is at risk of harm to self;
 - b) an individual is at risk of harming others;
 - c) there are reasonable grounds to be concerned about risk of future violence or the safety of the University and/or broader community;
 - d) disclosure is required by law, for instance, suspected abuse of someone under the age of 16, reports of intimate partner/domestic violence or to comply with the *Occupational Health and Safety Act*, the *Workplace Safety and Insurance Act*, or with human rights legislation; and/or
 - e) to comply with the reporting requirements of regulatory bodies and/or professional licensing bodies.
38. Where there are reasonable grounds to be concerned about risk of future violence or the safety of the broader community or the public, or where the University is otherwise obligated to do so, the University may report the incident to Hamilton Police Services. In these situations:
 - a) the relevant Decision-Maker will be responsible for making the decision to disclose information to Hamilton Police Services;
 - b) the name of the Respondent, if known, will be shared; and
 - c) the name of the Complainant will not be shared without their consent, unless doing so would address a reporting obligation or mitigate a safety risk.
39. Some offices and Community Members have additional limitations to confidentiality because of their particular reporting requirements or professional obligations. For example:
 - a) those faculty and staff etc. who are regulated health care providers (such as those in the Student Wellness Centre) are required to maintain the confidentiality of patient information disclosed during a

medical interaction. These health care providers are not permitted to share information except in very limited circumstances, such as with the express permission of the patient, or if the health care provider believes that disclosure is necessary to eliminate or reduce a significant risk of serious harm to a person or group of persons, in accordance with their professional obligations; and

- b) Special Constables in Security Services are required to investigate reports of abuse of someone under the age of 16 and reports of intimate partner/domestic violence and to lay charges in all cases when there are reasonable grounds to believe a criminal offence has been committed, regardless of whether the target of the violence wishes to have further involvement with the legal process.
- 40. As part of the University's internal responsibility to maintain an environment free from Discrimination and Harassment, information shall be shared on a need-to-know basis.
 - 41. Procedural limits to confidentiality may also occur if the University is subject to legal proceedings that, in the opinion of the Provost or the Vice-President (Administration), require the disclosure of information.
 - 42. The importance of preserving the confidentiality of Complaints and any related proceedings will be explained to all parties as a necessary measure to protect the integrity of the proceedings.

SECTION IV: PROCEDURAL GUIDELINES

ADVISOR / SUPPORT PERSON

43. An Individual who is a party to a Complaint may be accompanied by an Advisor or Support Person, or legal counsel at any stage of any of the procedures outlined in this Policy. Any costs of any accompaniment are to be borne by the party.

TIME LIMITATIONS FOR BRINGING FORWARD A COMPLAINT

44. Individuals are encouraged to report a Complaint at the earliest opportunity but ***must do so within one year*** of the date on which the incident of Discrimination and/or Harassment is alleged to have occurred. If there was a series of incidents it ***must*** be reported within one year of the date of the last event. However, if the Response Team is satisfied there are compelling reasons and/or extenuating circumstances, or where a Complainant engages this Policy and the [Sexual Violence Policy](#) and the allegations cannot be separated from one another, Complaints may be pursued outside of this timeframe. When the Complainant is no longer a [Community Member](#), the Response Team will review the Complaint and determine whether it is within the scope of the Policy and may decide to initiate a University Investigation.

REPRISAL

45. The University prohibits reprisal or threats of reprisal against any person who, sincerely and in good faith, makes use of this Policy or participates in any process held under its jurisdiction. Any individual who is concerned that they are the subject of reprisals or threats should report their concerns to an Intake Office. Where appropriate, sanctions under the relevant policy (including this Policy, [Sexual Violence Policy](#), and/or the [Code of Student Rights and Responsibilities](#)) legislation or contract, may be applied against the individual(s) responsible for the reprisal.

INTERIM MEASURES AND ONGOING SUPPORT OF ALL PARTIES

46. At any stage in the proceedings under this Policy it may be necessary to take Interim Measures in order to safeguard the environment of Community Members who are involved or may be affected. Interim Measures shall not be construed as evidence of either guilt or a finding of violation of this Policy, or as an affirmation of innocence/finding of non-violation of this Policy.
47. The authority to approve Interim Measures will rest with the relevant [Decision-Maker](#) in line with the Respondent's reporting structure.
48. Interim Measures will be reviewed on an ongoing basis by the Director of the appropriate Intake Office throughout the process to ensure the measures remain necessary and appropriate in the circumstances. Interim Measures are temporary and do not extend beyond the final resolution of a Complaint.
49. Interim Measures may include, but are not limited to, the rearrangement of academic/employment responsibilities or oversight, an administrative leave of absence, the rearrangement of residence location (where possible), adjustments in University activities (e.g. attendance at guest lectures, social events), implementation of a no contact order, or implementation of a [persona non grata](#) declaration.
50. In the event an [Employee](#) is directed to take an administrative leave as an Interim Measure, the conditions of the administrative leave shall accord with the terms of any applicable collective agreement. In the absence of

an applicable collective agreement, (e.g. where the employee is faculty or The Management Group (TMG)) the leave shall be without loss of pay or benefits. It is understood that an administrative leave as an Interim measure is non-disciplinary and is designed to separate a person from a situation or another person until the matter has been resolved. During such period, the person can continue to access relevant University [Support Services](#).

51. Should an Investigation extend beyond six months, there will be a full review by the Response Team in consultation with the Decision-Maker to assess progress, considering fairness to all parties, thoroughness, timeliness, and confidentiality, and to consider any necessary next steps.

DATA GATHERING & RECORD KEEPING

52. The Equity and Inclusion Office is responsible for collecting and reporting annual anonymized, aggregate data on Consultations, Complaints, Dispute Resolution, Investigations, and all Outcomes and Sanctions, to the Senate and the Board of Governors.
53. Data for the annual report is collected and maintained by the Equity and Inclusion Office and includes data provided to that office by Employee & Labour Relations, the Student Support & Case Management Office, the Faculty of Health Sciences Professionalism Office, and Security Services. The purpose of the annual report is to inform education and training initiatives.
54. In developing the annual report, the utmost care will be taken to ensure that individuals' identities remain confidential and that data gathering does not discourage individuals who wish to disclose from coming forward.
55. All notes, materials, investigation reports, and decisions, pertaining to Complaints will be kept by the relevant Intake Office for seven years. These records may be retained longer, subject to the discretion of the appropriate Director.

SECTION V: ROLES AND RESPONSIBILITIES

SENIOR ADMINISTRATION

56. The Senior Administration has overarching responsibility for maintaining a University environment in which Discrimination and Harassment are unacceptable, for providing the resources required to support such an environment, and for ensuring the timely development and review of relevant policies through Senate and Board of Governors procedures.
57. In addition, the Senior Administration is responsible for enabling Community Members to function with the highest standards of integrity, accountability, and responsibility. Activities may include disseminating information about the University's expectations and providing education to all Community Members on issues related to Discrimination and Harassment.

ASSOCIATE VICE-PRESIDENT, EQUITY AND INCLUSION

58. The AVP Equity and Inclusion oversees the Equity and Inclusion Office, which houses the Human Rights and Dispute Resolution Program.

DIRECTOR, HUMAN RIGHTS & DISPUTE RESOLUTION

59. The Director (HRDR) is responsible for working in close partnership with individuals and offices involved in administering this Policy, as may be appropriate, including but not limited to: the Response Team, Investigators, Intake Offices, Decision-Makers, Senior Administrators, the University Secretariat, and University Counsel, to ensure the effective administration of this Policy and the *Sexual Violence Policy*.
60. The Director (HRDR) is responsible for providing guidance to Community Members who consult on requests for dispute resolution that they have received, providing information on how to support the individual and facilitate a referral, and assessing whether the limits of confidentiality apply.

EQUITY AND INCLUSION OFFICE

61. Prevention through education is a fundamental aspect of the University's commitment to addressing Discrimination and Harassment. The Equity and Inclusion Office, with the support of the Senior Administration, is responsible for coordinating the University's proactive educational and training initiatives and programs, which include:
 - a) educational initiatives for the campus community on issues related to discrimination and/or harassment; and
 - b) training initiatives for frontline campus community and student-facing service providers, and for those with particular responsibilities related to this Policy.
62. The Equity and Inclusion Office is also responsible for promoting the Health & Safety Training Program's *Violence & Harassment Prevention* training, that is coordinated by Environmental & Occupational Health Support Services, as well as other relevant training programs designed and delivered by campus partners.
63. The University Secretary, in consultation with the Equity and Inclusion Office will ensure that the members of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence receive appropriate education and training on Discrimination and Harassment.

INTAKE OFFICES

64. The Intake Offices share responsibility for assisting with Dispute Resolution, and the intake of Complaints relating to Discrimination and/or Harassment. There are four Intake Offices:
 - a) [Human Rights & Dispute Resolution Program \(HRDR\)](#), Equity and Inclusion Office (All Community Members)
 - b) [Student Support & Case Management Office \(SSCM\)](#), Student Affairs (Students)
 - c) [Employee and Labour Relations \(ELR\)](#), Human Resources Services (Faculty or Staff members)
 - d) [Faculty of Health Sciences \(FHS\) Professionalism Office](#) (FHS Community Members)
65. Intake Coordinators are responsible for ensuring the Complainant fully understands the procedures of the Policy and what may result from the decision to file a Complaint.
66. The statement of Complaint will be reviewed by the respective Intake Office Director, who may consult with the [Director \(HRDR\)](#), to determine the applicability of this Policy, the *Sexual Violence Policy*, and/or other University policies.
67. The Director of the relevant Intake Office will review any Interim Measures on an ongoing basis throughout the process to ensure they remain necessary and appropriate in the circumstances.

RESPONSE TEAM

68. The Response Team is activated by the relevant Intake Office Director, where a case potentially presents community risk and/or requires consultation with multiple partners for a coordinated response.
69. The Response Team will be chaired by the relevant Intake Office Director, and may include the Director (SVPRO), as a consultant, and as appropriate in the circumstances, the Directors of other relevant campus partners.
70. As necessary the relevant Intake Office Director may draw upon representatives of other key services and/or departments (e.g. Director of Housing and Conference Services, Director of the Student Wellness Centre, etc.), disclosing identities only on a need-to-know basis in order to appropriately respond to the matter.
71. When the allegations include the potential for an ongoing/further risk of violence, the relevant Intake Office Director may, on behalf of the Response Team, consult with the Director of Security Services, disclosing identities on a need-to know basis.

INVESTIGATORS

72. All Investigators, whether internal or external to the University, will have training and expertise in the area of Discrimination and Harassment, and in using an intersectional, anti-oppressive, and a trauma-informed approach to Investigation processes. Investigators will follow the mandate and scope of the investigation as determined by the University.

DECISION-MAKERS FOR INTAKE AND INVESTIGATIONS

73. The Decision-Makers are, as applicable, the:
 - a) Assistant Vice President & Chief Human Resources Officer for staff Respondents;
 - b) Associate Vice-President (Students and Learning) & Dean of Students for student Respondents;
 - c) Provost and Vice-President (Academic) for faculty Respondents; and
 - d) Executive Vice-Dean & Associate Vice-President (Academic) for faculty Respondents in the Faculty of Health Sciences.
74. More than one Decision-Maker may be involved in cases where a Respondent has more than one type of relationship with the University (such as a student who also holds a staff appointment).
75. When the Respondent is a Community Member but is not currently a student, staff, or faculty member, the investigation report will be reviewed by the Decision-Maker related to the Respondent's area of activity at the University.
76. Decision-Makers are responsible for reviewing and responding to Investigation Reports (see [Investigation Procedures](#)), and authorizing appropriate Interim Measures.
77. When the line of authority is unclear, the Provost and Vice-President (Academic) or the Vice-President (Administration), as appropriate, will determine the appropriate individual in the line of authority.
78. Should there be a conflict of interest with a Decision-Maker, the appropriate Vice-President shall assume the responsibilities of the Decision-Maker under this Policy. Similarly, if that Vice-President is in a conflict then another Vice-President or the President shall act.
79. Decision-Makers are responsible for determining whether Hamilton Police Services need to be notified and for authorizing that notification, as specified in clauses 37 - 38.

SECURITY SERVICES SPECIAL CONSTABLES

80. All Special Constables will receive training on intersectional, anti-oppressive, and trauma-informed response to Reports of Discrimination and/or Harassment.
81. When a Community Member elects to make a Criminal Report, Security Services will report the incident to Hamilton Police Services, liaise with the person and police, and refer the individual to the relevant Intake Office Director.

SUPERVISORS

82. Within the University Community it is recognized that there are various types of supervisors: [Academic Supervisors](#), [Academic Administrators](#), and [Workplace Supervisors](#). All such supervisors are responsible for:
- a) modeling acceptable standards of behavior;
 - b) supporting any employee or student who, in good faith, reports a potential violation of the Policy;
 - c) contacting one of the Intake Offices for guidance and advice to address the matter as appropriate in the circumstances, and cooperating with Intake Offices during Investigations, and/or in the implementation of Interim Measures, and/or sanctions;
 - d) completing all required training and ensuring that the people they are supervising are trained appropriately on the Policy and [RMM 300 Health and Safety Training Program](#); and
 - e) being aware of their roles and responsibilities as set out in the *Occupational Health and Safety Act* with respect to Workplace Violence and Workplace Harassment.

EMPLOYEES

83. [Employees](#) are required to complete initial and periodic refresher training in Violence and Harassment Prevention, in accordance with the [Health & Safety Training Program](#).
84. Employees have additional legal obligations when they become aware of incidents of [Workplace Harassment](#) and [Workplace Violence](#) as follows:
- a) in accordance with the *Occupational Health and Safety Act*, all employees of the University must report any incident of Workplace Harassment and/or Workplace Violence to their Supervisor or to an Intake Office. Any immediate or urgent incidents should also be reported to Security Services.
 - b) Workplace Supervisors must take every reasonable precaution to protect the safety of an employee. Supervisors are expected to consult with either the [Director \(HRDR\)](#) or [Employee and Labour Relations \(ELR\)](#) office when they become aware of an incident of Workplace Harassment and/or Workplace Violence. Any immediate or urgent incidents should be reported to Security Services.

COMMUNITY MEMBERS

85. All [Community Members](#) are responsible for contributing to and maintaining an environment that is free of Discrimination and Harassment, and for participating in education and training programs.

SECTION VI: INVESTIGATIONS

INTAKE OF COMPLAINTS

86. If an individual wishes to file a [Complaint](#) of Discrimination and/or Harassment for the University to address, they must contact an **Intake Coordinator** in one of the [Intake Offices](#) (refer to page 6).
87. Any Community Member who is the subject of an allegation under the Policy will be assisted by an Intake Office Director who ensure that they receive support and guidance, and are in receipt of relevant information, services and supports relating to the Policy and Procedures.
88. The **Intake Coordinators** are responsible for:
 - a) ensuring that Complainants are aware of the options available to them in seeking a response;
 - b) assisting Complainants in understanding what may be involved in, and what may result from, each of the options; and
 - c) assisting a Complainant who wishes to move forward with completing a **Complaint Intake Form**, which includes a description of: what happened; who was involved in the incident; when and where the incident occurred; who (if anyone) saw or heard the incident, or saw or heard something of relevance prior to or after the alleged incident(s) of Discrimination and/or Harassment.
89. Complaint Intake Forms will be reviewed by the relevant Intake Office Director, who will review and assess the Complaint on an immediate and priority basis in order to, as appropriate:
 - a) confirm that it fits within the scope of the Policy;
 - b) consider requirements pursuant to the *Occupational Health and Safety Act*
 - c) conduct a triage of violence risk, and may consult with the Director of Security Services;
 - d) consider whether the matter may be resolved through Dispute Resolution and whether the parties are interested in voluntary resolution, and whether it is feasible/appropriate in the circumstances;
 - e) determine if an investigation is required, and, if so, set parameters accordingly, in consultation with the appropriate Decision-Maker (including, for example, which University office will be involved; internal or external investigator; timelines, mandate and scope for the investigation);
 - f) convene the [Response Team](#), as needed, to provide consultation;
 - g) consider and coordinate appropriate Accommodations and/or Interim Measures as they relate to all parties involved in the matter; and
 - h) as necessary, draw upon representatives of relevant services or departments in order to appropriately respond to the matter.
90. At any time during proceedings under this Policy, the Response Team, when convened, may determine it is necessary to disclose identities on a need-to know basis in order to administer the Policy.

Decision to Not Investigate

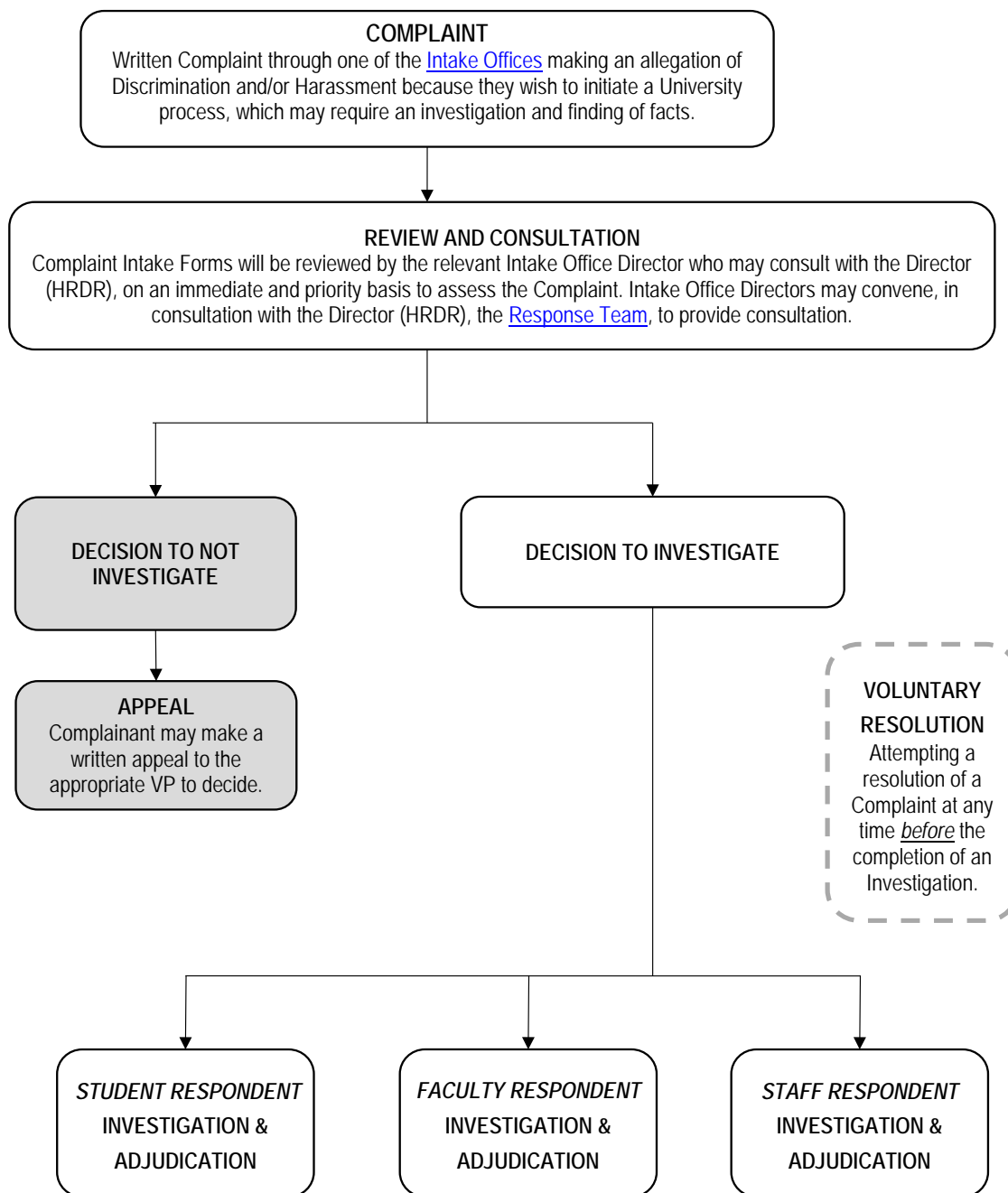
91. In some circumstances a decision may be made to not investigate. The decision will be communicated in writing, with reasons, to the Complainant by the relevant Decision-Maker. The Complainant will be informed of their right to make a written request for review of the decision to the Vice-President to whom the Decision-Maker reports.

UNIVERSITY INITIATED INVESTIGATION

92. The University may become aware of situations where a University-initiated Investigation may be warranted, including, but not limited to circumstances where:
 - a) allegations are made about the conduct of a Community Member by an individual who is not, or is no longer, a Community Member;
 - b) one or more individuals disclose experiences of Discrimination and/or Harassment involving one individual or multiple individuals within a group/organizational environment;
 - c) the University has a duty to investigate pursuant to the *Occupational Health and Safety Act*;
 - d) the power differential in the alleged incident indicates the potential for a pattern of repeated Discrimination and/or Harassment; and/or
 - e) situations reveal broader issues to be addressed, including concerns for a Poisoned Environment.
93. The Intake Office Director, in collaboration with the Director (HRDR) and other appropriate members of the Response Team, will consult with the appropriate Decision-Maker(s) to determine whether an investigation is warranted, on the basis of both the circumstances and nature of the allegations.
94. Individuals have the right not to participate as a Complainant in any University-Initiated Investigation that may occur.

INVESTIGATION PROCEDURES

95. Respondents have the right to know the case against them, and to produce any relevant documentation, evidence, or other information, and identify witnesses to the Investigator in response to any allegations.
96. The Investigator will impartially collect evidence and interview those witnesses they deem relevant in relation to the Complaint. The Investigator may request that the appropriate authority at the University adjust the scope and the manner in which the investigation will be conducted in order to ensure a thorough and fair investigation process.
97. All Community Members are expected to meet with the Investigator if requested to do so and to participate in good faith.
98. Complainants and Respondents have the option of being accompanied by a Support Person or Advisor.
99. All those who meet with an Investigator are required to keep confidential the Investigation and any information shared, to ensure the integrity of the proceedings. Failure to do so could be considered a breach of privacy and could be subject to a sanction under the relevant University policy.
100. An individual who was not previously identified as a Respondent but who, during the course of an Investigation, is identified as a potential Respondent (by the Investigator and with the approval of the University) will be notified and given an opportunity to meet with the Investigator and to respond to any allegations.
101. If during the course of the Investigation the Investigator believes the Complaint is frivolous (it does not have any serious purpose or value; is of little or no weight, worth, or importance), or is vexatious (instituted without sufficient grounds and only to cause annoyance) the Investigator shall refer the matter back to the Response Team to determine the next steps.



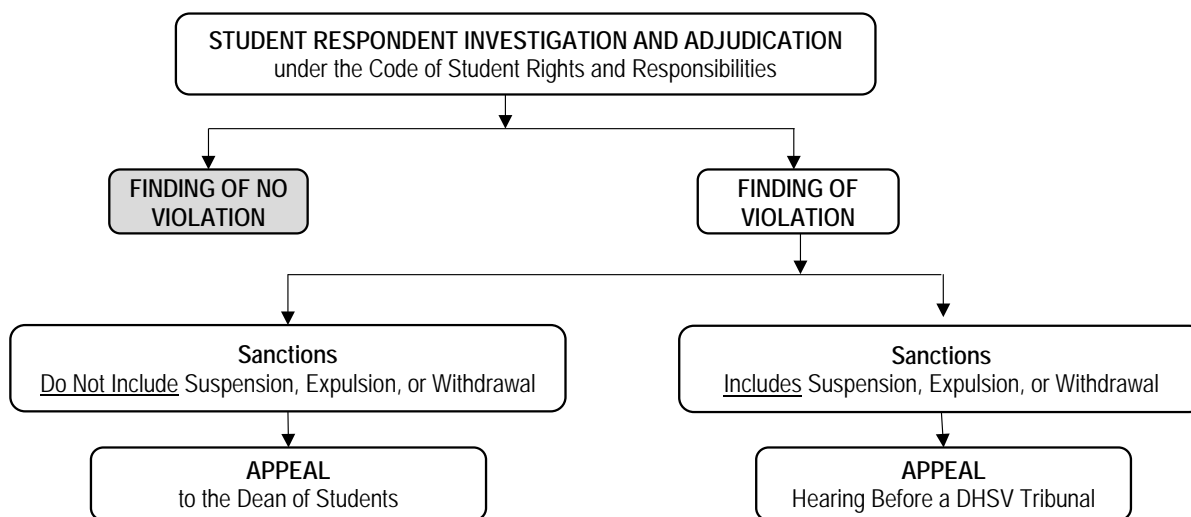
SECTION VII: ADJUDICATION AND DECISIONS

ADJUDICATION

102. Decision-Makers shall decide, on a balance of probabilities, whether the alleged Violation of the Policy has occurred.
103. Where a Respondent has more than one type of relationship with the University (such as a student who also holds a staff appointment) the relevant Decision-Makers may decide to adjudicate the matter jointly and any sanctions and remedies may be administered under one or both of the processes relevant to the Respondent's status.

STUDENT RESPONDENT

104. The Investigation Report will be provided to the Director (SCCM) or Dean of Students as appropriate, to consider and decide upon the findings and recommendations contained in the report and the adjudicate the outcome.
105. Sanctions and remedies will be processed in accordance with the procedures in the [Code of Student Rights and Responsibilities](#) ("the Code").
106. In matters where the sanctions **do not include** suspension, expulsion, or withdrawal (voluntary or involuntary), the Respondent may appeal the outcome to the Dean of Students. When the Decision-Maker is the Dean of Students, the appeal will be to the Provost.
107. In matters where the sanctions **include** a suspension, expulsion, or withdrawal (voluntary or involuntary), the Respondent may appeal the decision made by the Dean of Students to the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence. (see [Hearing Procedures](#)).

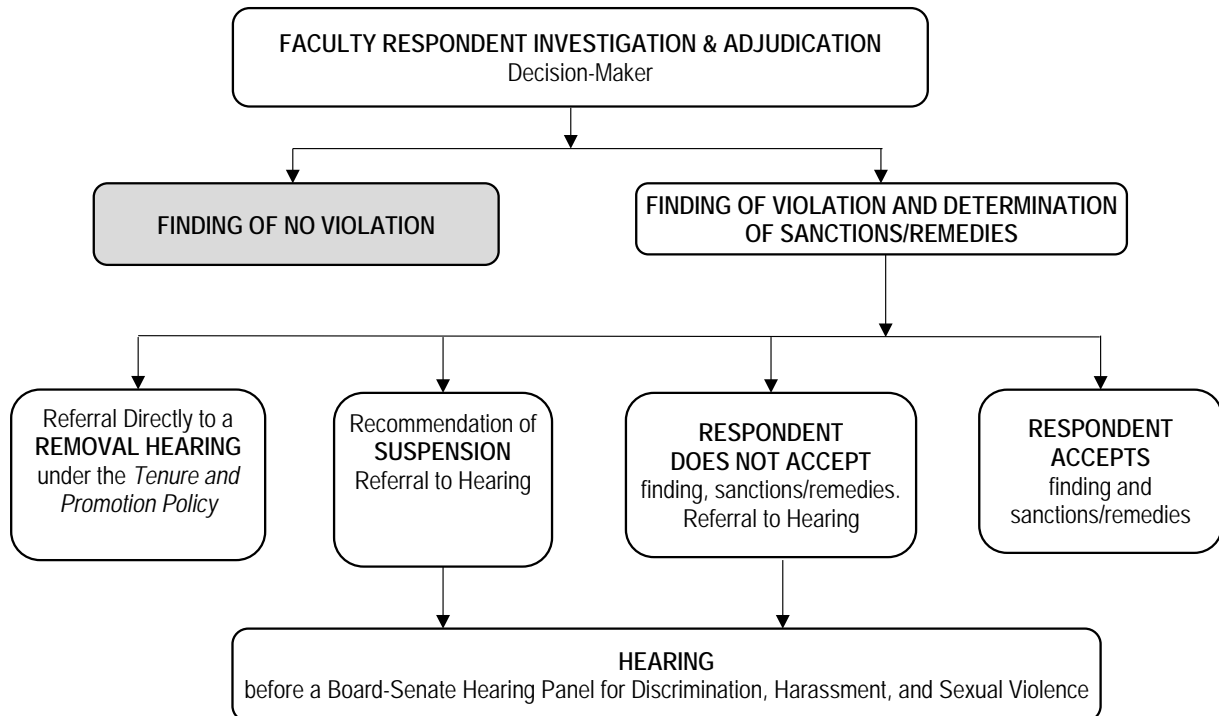


FACULTY RESPONDENT

108. The Investigation Report will be provided to the Decision-Maker (the Provost or the Executive Vice-Dean & Associate Vice-President (Academic) as appropriate) to consider the findings and recommendations contained in the report.
109. When considering the findings and recommendations, the Decision-Maker may consult with relevant offices (e.g. the Equity and Inclusion Office, Employee & Labour Relations, etc.) to ensure that outcomes are consistently applied, and are appropriate to relevant legislation, professional standards and regulations, and/or licensing bodies.
110. If the Decision-Maker makes a finding of violation of the Policy, the Decision-Maker will recommend the appropriate sanctions and/or remedies.
111. If the Respondent accepts the findings and the sanctions and/or remedies recommended by the Decision-Maker, the sanctions and/or remedies will be implemented, and the matter will be closed.

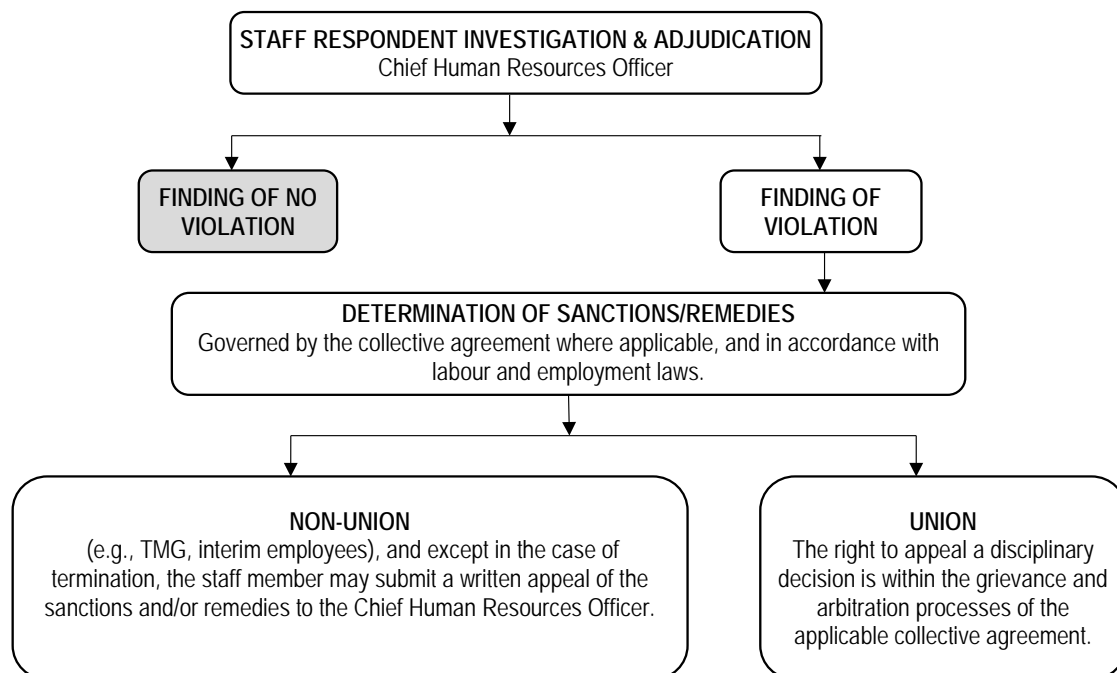
Referral to Hearing

112. If the Respondent does not accept the recommendations, or the Decision-Maker believes that suspension from the University is the appropriate sanction, the matter will be referred to a [DHSV Tribunal](#) for a hearing.
113. If it is determined by the Decision-Maker that Removal Proceedings should be initiated, the matter will be referred directly to the Procedures for Removal under the [Tenure and Promotion Policy](#).



STAFF RESPONDENT

114. The Investigation Report will be provided to the Chief Human Resources Officer to consider the findings and recommendations contained in the report.
115. If the Chief Human Resources Officer makes a finding of violation of the Policy, the matter will be referred to the [Director \(ELR\)](#) to support the [Workplace Supervisor](#) in the processes to determine appropriate remedies and/or sanctions to ensure that outcomes are consistently applied, and are appropriate to relevant legislation, professional standards and regulations, collective agreements and/or licensing bodies.
116. In the case of a staff member who is a member of a union, the right to appeal the remedies and/or sanctions is within the grievance and arbitration processes of the collective agreement, as may be applicable.
117. In the case of a staff member who is not a member of a union (e.g., members of The Management Group, interim employees), and except in the case of termination, the staff member may submit a written appeal of the remedies and/or sanctions imposed by the Workplace Supervisor to the Chief Human Resources Officer.
118. In the case where the Respondent's reporting line is through to the Chief Human Resources Officer, the appeal will be made to the Vice-President (Administration).



COMMUNITY MEMBER RESPONDENT

119. When the Respondent is a [Community Member](#) but is not currently a student, staff, or faculty member, the relevant [Decision-Maker](#) (related to the Respondent's area of activity at the University) will consider the recommendations contained in the report.
120. If the Decision-Maker makes a finding of violation of the Policy, the Decision-Maker will decide on the appropriate sanctions/remedies.

NOTIFICATION OF OUTCOME**Respondent**

121. Respondents will receive a written decision from the relevant Decision-Maker, that will include:
 - a) the decision with respect to a **Finding or No Finding** of Violation of the Policy;
 - b) reasons for the decision;
 - c) a summary outlining the findings;
 - d) if the outcome is *no finding of violation* of the Policy the matter will be closed;
 - e) if the outcome is a *finding of violation* of the Policy, the Respondent will be informed of the process by which sanction(s) and/or remedies will be recommended or ordered (as per the relevant adjudication process related to the Respondent); and
 - f) where relevant, confirmation of any Interim Measures that will remain in place until sanctions are imposed.

Complainant

122. If the matter has been referred to a Hearing the Complainant will be informed of the referral.
123. Within the constraints of relevant legislation, the Complainant will be informed of the findings and reasons that are directly related to their complaint.
124. In all cases, information about any sanctions/remedies that have direct relevance to the Complainant will be provided to them.

Regulatory / Professional Licensing Bodies

125. Where required by a regulatory / professional licensing body, the relevant findings will be communicated to that professional licensing body.

Affected parties

126. Other affected parties will be informed about the findings and/or any sanctions/remedies that have a direct impact on them, within the constraints of relevant legislation.

SYSTEMIC AND PREVENTIVE INTERVENTIONS

127. Investigations may reveal broader systemic issues to be addressed as a future preventative measure, regardless of whether or not there has been a finding of Discrimination and/or Harassment. In such instances, appropriate intervention measures may be recommended by Decision-Makers and /or the AVP Equity and Inclusion.

SECTION VIII: SANCTIONS AND REMEDIES

SANCTIONS

128. Sanctions shall be proportional to the severity of the offence, considering any aggravating, mitigating and/or contextual factors. Previous findings of a violation of this Policy or a related violation of the [Sexual Violence Policy](#) will be taken into account when sanctions are determined, and the severity of sanctions may be greater as a result. Sanctions may be used independently or in combination for any single violation and may be varied and depending on the nature of the Respondent's relationship with the University may be administered under more than one process.
129. **Sanctions** may include, but are not limited to:
- a) written reprimand;
 - b) inclusion of the decision, or summary of the decision as appropriate to comply with confidentiality requirements, in a specified file (e.g. Tenure & Promotion Dossier) of the Respondent, for a specified period of time;
 - c) the exclusion of the Respondent from, or oversight during, one or more designated University activities or duties;
 - d) a **No Contact Order**, which may include restrictions on: registration for specific classes, other academic /non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals;
 - e) a **Persona Non Grata (PNG)** declaration, which is undertaken when an individual is denied the privilege of entering designated portion(s) of the University's buildings or grounds. If individuals issued a PNG are found or seen in the area they are denied, they will be subject to a charge by Security Services under the *Trespass to Property Act*;
 - f) for Student Respondents, all sanctions in the [Code of Student Rights and Responsibilities](#) for findings of Discrimination and/or Harassment, including but are not limited to: behavioural contract/bond, suspension, expulsion; and for Residence students, residence probation, room transfer, denial of readmission, eviction;
 - g) for staff or faculty, **Suspension or Recommendation for Suspension**, as applicable, suspension involves relieving the Respondent of their University duties and denying them access to University facilities and services for a stated period of time and may be with or without pay and/or benefits. A recommendation for suspension of a **faculty** Respondent shall be dealt with in accordance with Section V of the [Tenure and Promotion Policy](#) and the common law where applicable.)
 - h) for staff or faculty, **Dismissal or Recommendation for Removal**, as applicable. A recommendation for removal of a **faculty** Respondent shall be dealt with in accordance with Section VI of the [Tenure and Promotion Policy](#) and the common law where applicable.

REMEDIES

130. **Remedies** may include but are not limited to:
- a) mandated counselling;
 - b) training or coaching;
 - c) [Restoration Processes](#) / [Workplace Restoration Processes](#).

APPENDIX A: DEFINITIONS

All definitions in this Policy include, but are not limited to, the definitions articulated in the [Ontario Human Rights Code](#) and described in the [Occupational Health and Safety Act](#).

Accommodations under this Policy are adjustments to individuals' academic, workplace, or residence arrangements made to support them and/ or enhance their safety (e.g. a change in assignment deadlines or tutorial group, a change in supervisory arrangements, a change in residence location).

Advisor: A person of the individual's choice who acts in an advisory role during the complaint and investigation process (e.g. friend, family member, union representative, legal counsel), but is not a witness or potential witness in the matter. The Advisor may be present during Investigation interviews but may not participate as a representative. The Advisor may assist the individual at a Hearing before a Tribunal of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence.

Agent: Anyone hired by the University or working on behalf of the University such as an external investigator or a physician or other health care professional.

Balance of Probabilities is the test to be met to show, by the weight of the evidence presented, that all of the facts necessary to make a determination that a violation of the Policy has occurred, have a greater likelihood of being true than not.

Community Members include, but are not limited to: students (graduate, undergraduate, and continuing education), staff, faculty, medical residents, volunteers, visitors (including visiting professors), and institutional administrators and officials representing McMaster University.

Complainant: The individual who files a Complaint alleging a violation of the Policy for the University's response.

Complaint: A Complaint is made when an individual notifies an Intake Coordinator of an allegation under the Policy or files an incident report with their Supervisor and seeks the University's response.

Confidentiality: Refers to the obligation of an individual or organization to safeguard entrusted information. The practice of confidentiality includes obligations to protect information from unauthorized access, use, disclosure, modification, loss or theft.

Creed: includes but is not necessarily limited to religious beliefs and practices. Creed may also include non-religious belief systems that, like religion, substantially influence a person's identity, worldview and way of life. The following characteristics are relevant when considering if a belief system is a creed under the *Human Rights Code*. A creed: is sincerely, freely and deeply held; is integrally linked to a person's identity, self-definition and fulfilment; is a particular and comprehensive, overarching system of belief that governs one's conduct and practices; addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and/or a higher or different order of existence; has some "nexus" or connection to an organization or community that professes a shared system of belief.

Disability: Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device; a condition of mental impairment or a developmental disability; a learning disability, or a dysfunction in one or more of the processes involved in

understanding or using symbols or spoken language; and a mental health disorder/illness; or an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act.

Discrimination means an unjust or prejudicial form of unequal treatment, whether imposing extra burdens or denying benefits, based on any of the grounds articulated in the *Human Rights Code*. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people ([systemic discrimination](#)). Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if Discrimination is one factor, then that is a violation of this Policy.¹

Dismissal: Dismissal/termination proceedings for staff Respondents shall be dealt with in accordance with the established policies and procedures and by the terms of existing contracts of employment or collective agreements and the common law where applicable.

Dispute Resolution: Engaging in discussions, as appropriate, to assist a Community Member in resolving a dispute or concern, or addressing a situation, in situations where a Report has not been made.

DHSV Tribunal: A Tribunal of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence.

Employee: Where applicable, employee is used to refer to staff (see below) and faculty (see below).

Ethnic Origin: Statistics Canada states that "ethnic origin" refers to the cultural origins of a person's ancestors. In the *Human Rights Code*, the ground of ethnic origin overlaps with a more commonly used term, "ethnicity," which refers to a shared cultural heritage or nationality. Ethnic groups might be distinguished on the basis of cultural traits such as language or shared customs around family, food, dance and music. People who share an ethnic origin, ethnicity or ancestry may or may not share the same racial identity.

Event (Authorized): Authorized events are University scheduled or University approved activities, occurring on or off University premises, e.g. public lectures, performances, placements (co-op or clinical), athletic events, work or study-related conferences/training sessions, etc. These events can include work or study-related travel. Events that are approved under the [Policy on Students Groups \(Recognition, Risk Assessment and Event Planning\)](#) are also authorized events.

Event (Non-authorized): Non-authorized events are events that are not scheduled or approved by the University and may occur on or off University premises e.g. group trips that have not been approved under the [Policy on Students Groups \(Recognition, Risk Assessment and Event Planning\)](#), drinking games in residence, house parties, etc.

Expulsion applies to student Respondents and is the loss of all academic privileges at the University for an indefinite period.

Faculty are defined as academic teaching staff, clinical faculty, and senior academic librarians who are members of the "teaching staff". Teaching staff as defined in the McMaster University Act means the employees of the University or of a college affiliated with the University who hold the academic rank of professor, associate professor, assistant professor or lecturer.

¹ Modified Language from "A policy primer: Guide to developing human rights policies and procedures (1996; revised December 2013) © Queen's Printer for Ontario, 2013. Reproduced with permission.

Frivolous, Vexatious Complaints: A Complaint may be considered frivolous if it does not have any serious purpose or value; is of little or no weight, worth, or importance. A Complaint may be considered vexatious if instituted without sufficient grounds and only to cause annoyance.

Harassment means engagement in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. "Vexatious" comment or conduct is comment or conduct made without reasonable cause or excuse. Harassment includes Sexual and/or Gender-Based Harassment and Workplace Sexual Harassment.

Incident Report: An [incident report](#) is a report completed by a Community Member and signed by their Supervisor when an incident/injury occurs in their working environment while they are engaged in University-related activities.

Interim Measures: Steps that are taken in order to safeguard the environments of all individuals. Interim Measures shall not be construed as evidence of either guilt or a finding of violation of the Policy, or as an affirmation of innocence or finding that no violation of the Policy has occurred.

No Contact Order: Includes restrictions on: registration for specific classes, other academic or non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals.

Persona Non Grata (PNG): An official declaration that an individual is denied the privilege of entering designated portion(s) of the University's buildings or grounds. If individuals issued a PNG are found or seen in the area they are denied, they will be subject to a charge by Security Services under the *Trespass to Property Act*.

Poisoned Environment means an environment where harassing and/or discriminatory conduct, on the basis of a person's sexuality, gender identity or gender expression, is found to be sufficiently severe, intimidating, hostile, offensive, and/or pervasive to cause significant and unreasonable interference to a person's study or work environment. A Poisoned Environment can interfere with and/or undermine work or academic performance and can cause emotional and psychological stress for some employees or students not experienced by other employees or students. As such, it results in unequal terms and conditions of employment or study and prevents or impairs full and equal enjoyment of employment or educational services, benefits, or opportunities. Although a person may not be the target of the conduct, a person may feel the effects of certain harassing or discriminatory conduct at their place of work or study.

Recommendation for Removal: A recommendation for removal of a faculty Respondent will be dealt with in accordance with Section VI of the Tenure and Promotion Policy and the common law where applicable.

Respondent: Those about whom allegations have been made in a Complaint process.

Restoration Processes: Processes focusing on restoring the losses suffered by Complainants, holding Respondents accountable for the harm they have caused, and building peace within communities. Restoration Processes are premised on the voluntary and cooperative participation of all parties in the resolution process. This process, which may not be appropriate or viable in all cases, can be facilitated by an Intake Office.

Senior Administration: For the purposes of this Policy, Senior Administration refers to the President, Provost and Vice-President (Academic), and Vice-President (Administration).

Sexual Harassment² means engaging in a course of vexatious comment or conduct against an individual because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance to an individual where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Staff: Employees of the University including, but not limited to: The Management Group (TMG), unionized employees, temporary employees, casual employees, non-teaching staff³, Sessional Faculty, Post-doctoral Fellows, and Teaching Assistants.

Student: A student is any individual recorded by the University Registrar as enrolled in an educational course of study recognised by the Senate and for whom the University maintains education records.

Supervisor: there are various types of supervisors within the University Community, which include the following:

- **Academic Supervisor** who oversees the academic work of a student, the most common example being a faculty member overseeing a graduate student's academic work;
- **Academic Administrator** is any faculty or staff member acting in their capacity as supervisor/administrator within a Faculty, Academic Department, etc., which includes, but is not limited to, Department Chairs, Deans, or other supervisors who oversee the work of a [Community Member](#) (e.g. a faculty member overseeing a Post-Doctoral fellow / technician / undergraduate or graduate student performing research in the faculty member's laboratory).
- **Workplace Supervisor** is "a person who has charge of a workplace or authority over a [Worker](#)" (*Occupational Health and Safety Act*). Supervisors are responsible for knowing the *Duties of Supervisors* under the Act.

Support: The provision of resources appropriate to the individual and the circumstances. This may include access to the Student Wellness Centre, Employee Family Assistance Program, and/or McMaster Students Union (MSU). Support resources do not include the provision of legal counsel.

Support Person: A person of the individual's choice who acts in a supportive role but is not an active participant in the process (e.g. friend, Elder, parent, religious advisor). The Support Person may be present during Investigation interviews but may not participate as a representative.

Suspension involves relieving a faculty or staff Respondent of their University duties and denying them access to University facilities and services for a stated period of time, which may be with or without pay and/or benefits. A recommendation for suspension of a faculty member will be dealt with in accordance with Section V of the Tenure and Promotion Policy and the common law where applicable. Suspensions of staff members will be dealt with in accordance with established policies and procedures and by the terms of existing contracts of employment or collective agreements and the common law where applicable. For a student Respondent, suspension is the loss of all academic privileges at the University for a specified period of time and/or until imposed conditions are met. The student is eligible to return after this time but may be required to fulfill specified non-academic conditions upon return.

² Source: Government of Ontario, [Ontario Human Rights Code](#) 2019

³ "non-teaching staff" means the employees of the University and of a college affiliated with the University who are not members of the teaching staff – The McMaster University Act, 1976

Systemic Discrimination: Policies, practices and institutional procedures which, deliberately or not, have the effect of creating or perpetuating disadvantage and discrimination against identifiable groups on grounds prohibited by the *Human Rights Code*.

Tenure and Promotion Policy: The McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion.

Voluntary Resolution: Steps taken (e.g. arrangement of academic, work or living environment / conditions) to resolve or remedy a Complaint, with which both the Complainant and Respondent have agreed.

Workplace Harassment⁴ means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; or workplace sexual harassment.

Workplace Restoration is the establishment or re-establishment of harmonious working relationships between individuals and within a team, group or unit.

Workplace Sexual Harassment⁵ means engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Workplace Violence⁶ means: the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Worker: The definition of a Worker includes: a person who performs work or supplies services for monetary compensation; and a person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution. Unpaid students, learners and trainees who are workers under the Occupational Health and Safety Act have the same duties and rights as paid workers. Placement employers have the same duties to protect the health and safety of unpaid students, learners or trainees who are workers under the Occupational Health and Safety Act as they do to protect their paid workers. The definition of “worker” does not include a volunteer who works for no monetary payment of any kind.

⁴ Occupational Health and Safety Act

⁵ Government of Canada [Restoring The Workplace Following A Harassment Complaint: A Manager's Guide](#)

⁶ Occupational Health and Safety Act

APPENDIX B: RESOURCES

Community Members who make a Complaint, or who are the subject of an allegation, are encouraged to contact any of the Intake Offices to ensure that they are in receipt of relevant information and services.

Support for the University Community

- [Human Rights & Dispute Resolution Program](#), Equity and Inclusion Office
- [Faculty of Health Sciences Professionalism Office](#)
- [Security Services](#)
- [Chaplaincy Centre](#)

Additional Support for Students

- [Student Wellness Centre](#) (personal counselling and medical services)
- [Student Support & Case Management](#) (support and guidance about the Code of Student Rights and Responsibilities)
- [Indigenous Student Services](#) (community support and resources for Indigenous students)
- [Women and Gender Equity Network, McMaster Student Union](#) (peer support and resources)
- [Graduate Students Association Health & Dental Plans](#) (health benefits include access to psychological counselling in the community)

Additional Support for Staff and Faculty

- [Union or Association](#)
- [Employee & Labour Relations](#)
- [Employee and Family Assistance Program](#) (access to professional counsellors, legal guidance and other supportive services available to staff and faculty)

Support in the Broader Community

- [Good2Talk \(24/7 phone support for students offered by professional counsellors\)](#)
- [Sexual Assault/Domestic Violence Care Centre](#)
- [Hamilton Police Services – Victim Services Branch](#)
- [John Howard Society](#) or [Elizabeth Fry Society](#) (for individuals in conflict with the law)

Guidance about a Policy and/or Procedures

- [Equity and Inclusion Office](#)
- [Employee & Labour Relations](#)
- [Student Support & Case Management](#)
- [University Secretariat](#)

Independent Resource

- [Ombuds Office](#) provides an independent, impartial, and confidential process through which students may pursue a just, fair and equitable resolution of a University related concern.

APPENDIX C: JURISDICTION

1. Complaints may be made, or Investigations initiated about any alleged violation of this Policy involving any Community Member, including members of recognized groups, teams and clubs. The Policy may extend to incidents that occur off campus where there is a clear nexus to the working and/or learning environment at the University and recognizes that social media conduct may give rise to a violation of the Policy.
2. Nothing in this Policy is meant to supersede the terms and conditions of any collective agreement, or any other contractual agreement, entered into by the University and its employee groups. In the event that the provisions of this Policy contradict any such collective or contractual agreement, the collective or contractual agreement governs, to the extent of the contradiction.
3. To the extent that this Policy affects the terms and conditions of employment of faculty of the University, it may be subject to discussion and/or approval in accordance with the University policy entitled, *The Joint Administration/Faculty Association Committee to Consider University Financial Matters and to Discuss and Negotiate Matters Related to Terms and Conditions of Employment of Faculty*, revised by the Board of Governors on October 20, 1988 (the 'Joint Administration/Faculty Association' policy).
4. Should a Complainant, with respect to the subject matter of a Complaint dealt with under this Policy and/or the [Sexual Violence Policy](#), seek redress under the [Ontario Human Rights Code](#), the [Criminal Code](#), the [Occupational Health and Safety Act](#), the provisions of an applicable collective agreement, or through civil litigation, or any other forum external to the University, the appropriate Decision-Maker, in consultation with the [Director \(HRDR\)](#), and/or relevant Intake Office Director, will determine whether proceedings under this Policy will be initiated.
5. If proceedings under this Policy and/or the *Sexual Violence Policy* have already been initiated, the appropriate Decision-Maker, in consultation with the Director (HRDR) and/or relevant Intake Office Director, will determine in the circumstances whether or not the proceedings under this Policy will:
 - a) be permanently discontinued;
 - b) be disallowed; or
 - c) be suspended until proceedings in the external or other forum are concluded, although Interim Measures may be put in place to safeguard the environments of the parties involved.
6. If a jurisdictional issue arises between the University and an affiliate, off-site entity or other third party, a senior officer of the affiliate/third party, and the University Provost or Dean and Vice-President (Health Sciences) or relevant Decision-Maker in conjunction with the University Vice-President (Administration), will attempt a resolution, which may include a joint investigation or an agreement to share the findings and/or other relevant outcomes with the other party. In the absence of any agreement to the contrary, the University will proceed with the investigation according to University policy and procedures.
7. This Policy is not intended to supersede or interfere with the criminal justice system; all persons have the right to pursue legal avenues.
8. Respondents in a Complaint procedure must be Community Members. If a person alleged to have engaged in Discrimination and/or Harassment is not currently a Community Member, the University has no jurisdiction to pursue or adjudicate the incident. However, the University reserves the right to take whatever steps it considers appropriate to safeguard the University Community.
9. As part of the University's commitment to a Discrimination and Harassment free working, studying and living environment, all external agencies, third-party service providers, and independent contractors who do business on the University and are considered agents of the University will be informed of the existence of this Policy and of the University's expectation that these external entities shall govern themselves accordingly while doing business with the University. Information to this effect will be included in all contracts.

APPENDIX D: RELATED POLICIES AND LEGISLATION

This Policy is to be read in conjunction with the following policies, statements, and collective agreements. Any question of the application of this Policy or related policies shall be determined by the Provost and Vice President (Academic) or the Vice President (Administration) as appropriate, and in conjunction with the administrator of the other policy or policies. The University reserves the right to amend or add to the University's policies and statements from time to time (this is not a comprehensive list):

- [Academic Accommodation of Students with Disabilities](#)
- [Academic Freedom, Statement \(SPS E1\)](#)
- [Accessibility – University Policy on](#)
- [Code of Conduct for Faculty and Procedures for Taking Disciplinary Action](#)
- [Code of Student Rights and Responsibilities](#)
- [Complaint Resolution Procedure for TMG](#)
- [Conflict of Interest Guidelines- Undergraduate Studies and Graduate Studies](#)
- [Employee & Labour Relations – Collective Agreements](#)
- [Faculty General Grievance Procedure](#)
- [Freedom of Information and Protection of Privacy Act](#)
- [Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence](#)
- [Ministry of Training, Colleges and Universities Act](#)
- [Ontario Human Rights Code](#)
- [Occupational Health and Safety Act](#)
- [Personal Health Information Protection Act](#)
- [Professional Behavior Code for Graduate Learners, Health Sciences](#)
- [Professional Behavior Code for Undergraduate Learners, Health Sciences](#)
- [Senate Resolutions re Group Conflict](#)
- [Senate Mediation Procedures](#)
- [Sexual Violence Response Protocol](#)
- [Sexual Violence Policy](#)
- [Statement on Building an Inclusive Community with a Shared Purpose](#)
- [Inclusive Communications, Policy Statement and Guidelines on](#)
- [Students Groups \(Recognition, Risk Assessment and Event Planning\), Policy on](#)
- [Tenure and Promotion Policy \(McMaster University Revised Policy and Regulations with Respect to Academic appointment, Tenure and Promotion\)](#)
- [Trespass to Property Act](#)
- [Violence in the Workplace, Policy on](#)
- [Workplace Accommodation, Policy on](#)
- [Workplace & Environmental Health and Safety Policy](#)

Complete Policy Title:

**Policy on Discrimination and Harassment:
Prevention & Response**

Policy Number (if applicable):

Approved by:

Senate / Board of Governors

Date of Most Recent Approval:

**May 17, 2017 / June 8, 2017
effective June 8, 2017**

Date of Original Approval(s):

**May 13, 2015 / June 4, 2015
effective July 1, 2015**

Supersedes/Amends Policy dated:

**Anti-Discrimination Policy
October 10, 2001; October 25, 2001**

**Policy and Procedures on Sexual Harassment
October 20, 2001; October 25, 2001**

Reviewed for Compliance (OHSA):

November 12, 2018

Responsible Executive:

University Secretariat

Enquiries:

[University Secretariat](#)

DISCLAIMER:

If there is a Discrepancy between this electronic policy and the written copy held by the policy owner, the written copy prevails.

TABLE OF CONTENTS

SECTION I: INTRODUCTION	1
PREAMBLE	1
POLICY REVIEW	2
PREVENTION, EDUCATION, AND TRAINING	2
SCOPE OF THE POLICY	2
All Members of the University Community (“Community Members”)	2
All University-Related Activities	2
All instances of Discrimination and/or Harassment	3
DEFINITIONS	3
Discrimination	3
Harassment	4
Poisoned Environment	4
Sexual and/or Gender-Based Harassment	4
SECTION II: OPTIONS FOR RESOLUTION	5
INFORMAL RESOLUTION	5
Communicate Directly	5
Resolve with Assistance of Supervisor	5
Resolve with Assistance of Intake Office	5
FORMAL RESOLUTION	5
Complaint	5
OTHER OPTIONS	6
SECTION III: SUPPORTS AND RESOURCES	7
SECTION IV: CONFIDENTIALITY AND PRIVACY	9
SECTION V: PROCEDURAL GUIDELINES	11
ACCOMPANIMENT	11
TIME LIMITATIONS FOR BRINGING FORWARD A COMPLAINT	11
PROTECTION FROM REPRISAL	11
COOPERATION AND SELF-INCRIMINATION	11
INTERIM MEASURES and ONGOING SUPPORT OF ALL PARTIES	11
DATA GATHERING & RECORD KEEPING	12
SECTION VI: ROLES AND RESPONSIBILITIES	13
INTAKE OFFICES	13

INTAKE COORDINATORS	13
ALL COMMUNITY MEMBERS	13
FACULTY AND STAFF IN SUPERVISORY ROLES	13
STUDENT LEADERS	14
ASSESSMENT TEAM	14
DIRECTOR, HUMAN RIGHTS & DISPUTE RESOLUTION	15
INVESTIGATORS	15
DECISION-MAKERS FOR INTAKE AND INVESTIGATIONS	15
SENIOR ADMINISTRATION	15
SECTION VII: INVESTIGATIONS	16
INTAKE OF COMPLAINTS	16
ASSESSMENT TEAM	16
Decision Not to Investigate	17
UNIVERSITY INITIATED INVESTIGATION	17
INVESTIGATION PROCEDURES	18
SECTION VIII: ADJUDICATION AND DECISIONS	19
STUDENT RESPONDENT ADJUDICATION	19
FACULTY RESPONDENT ADJUDICATION	19
STAFF RESPONDENT ADJUDICATION	20
COMMUNITY MEMBER RESPONDENT ADJUDICATION (NOT STUDENT, STAFF OR FACULTY)	20
FINDINGS AND DECISIONS (FOR ALL RESPONDENTS)	20
No Finding of Violation of the Policy	20
Finding of Violation of the Policy	21
DETERMINATION OF SANCTIONS AND REMEDIES	21
SECTION IX: OUTCOMES	22
SYSTEMIC AND PREVENTIVE INTERVENTIONS	22
SANCTIONS	22
REMEDIES	23
APPENDIX A: RELATED POLICIES AND LEGISLATION	24
APPENDIX B: JURISDICTION	25
APPENDIX C: GLOSSARY OF TERMS	27
APPENDIX D: FLOWCHARTS	32

SECTION I: INTRODUCTION

PREAMBLE

1. McMaster University is committed to fostering a respectful and inclusive organizational culture in which all members of the University community work, study, and live free of Discrimination and Harassment.
2. The University upholds a fundamental commitment to freedom of expression and association for all its members and to academic freedom for faculty. In exercising those freedoms, all its members are required to respect the rights and freedoms of others, including the right to freedom from Discrimination and Harassment.
3. Prevention of Discrimination and Harassment are matters of not only individual concern but of significance for the overall climate and welfare of the University community.
4. The University is committed to providing the policies, resources, and organizational structures required to support an environment free from Discrimination and Harassment.
5. Prevention through education is a fundamental aspect of the University's commitment. As part of this commitment, the University provides a range of educational and community-building activities that foster understanding of human rights issues and of the harm incurred by their violation, and communicate the expectation of and support for a working, studying, and living environment free from Discrimination and Harassment.
6. The University has a legal and ethical responsibility to address issues, incidents, and Complaints of Discrimination and Harassment, to enable accessible processes for resolution, and to provide support to all Community Members involved in such processes. The Administration may also respond when it is identified that there is [systemic](#)/institutional Discrimination and/or Harassment that needs to be addressed. In fulfilling this responsibility, the University is committed to balancing the principles of fairness, thoroughness, timeliness, and confidentiality, as appropriate in each circumstance. See [Appendix C: Glossary of Terms](#).
7. In seeking to prevent and address Discrimination and Harassment, the Policy is guided by the [Human Rights Code](#) and the [Occupational Health and Safety Act](#), as well as by other legislation, policies, and collective agreements identified in [Appendix A: Related Policies and Legislation](#).
8. For the purpose of interpreting this document, words in the singular may include the plural and words in the plural may include the singular.
9. In the University context, a member of the Administration may on occasion delegate responsibilities to another individual in the University. Any named positions in this Policy may delegate their authority where appropriate.
10. Links to more information may be found on the Equity and Inclusion Office website equity.mcmaster.ca/ or the [Respectful Community](#) website.

POLICY REVIEW

11. The Policy will be reviewed annually to ensure compliance with the *Occupational Health and Safety Act*. For all other purposes, the Policy will receive an initial review within two years. Thereafter it will be reviewed every three years at the same time as the *Sexual Violence Policy*.

PREVENTION, EDUCATION, AND TRAINING

12. Prevention through education is a fundamental aspect of the University's commitment to addressing Discrimination and Harassment. The Equity and Inclusion Office, with the support of the Senior Administration, is responsible for coordinating the University's preventive, educational and training initiatives and programs, which include:
 - a) prevention, education and training initiatives for the University Community, that will be attuned to the broader social context in which Discrimination and Harassment occurs; and
 - b) training to support those with particular responsibilities related to this Policy, which will be provided on an ongoing basis, integrating an anti-oppressive and trauma-informed analysis of Discrimination and Harassment.
13. The University Secretary, in consultation with the [Director, Human Rights & Dispute Resolution](#) (Equity and Inclusion Office), will ensure that the members of the [Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence](#) receive training on Discrimination and Harassment.

SCOPE OF THE POLICY

14. Unless otherwise specified in this Policy, the Policy and its provisions apply to all acts of Discrimination and/or Harassment where the University has the jurisdiction (see [Appendix B: Jurisdiction](#)) to pursue, adjudicate, or take steps to safeguard the University community. The Policy applies to:

All Members of the University Community ("Community Members")

- a) Community Members include, but are not limited to: students (graduate, undergraduate, and continuing education), staff, faculty, postdoctoral fellows, adjunct professors, visiting professors, sessional faculty, teaching assistants, clinical faculty, librarians, medical residents¹, volunteers, visitors, observers, and institutional administrators and officials representing McMaster University.
- b) It is possible that members of the Administration may be the focus of Complaints concerned either with their conduct as individuals (in relation to incidents of Discrimination and Harassment), or with their conduct in their formal roles (e.g. Chair, Manager, Dean).

All University-Related Activities

- c) University-related activities include events ([authorized](#) and [non-authorized](#)) that occur on University premises or on non-University premises where there is a clear nexus to the working or learning environment at the University (see also clause 44); and

¹ Except where the medical resident's employment relationship takes precedence.

All instances of Discrimination and/or Harassment

- d) all instances of Discrimination and/or Harassment that have occurred or are occurring during University-related activities.

DEFINITIONS

15. This Policy prohibits Discrimination and/or Harassment on the grounds articulated in the [Human Rights Code](#):
 - a) age;
 - b) ancestry, colour, race;
 - c) citizenship;
 - d) [ethnic origin](#);
 - e) place of origin;
 - f) [creed](#);
 - g) [disability](#);
 - h) family status;
 - i) marital status (including single status);
 - j) gender identity, gender expression;
 - k) receipt of public assistance (in housing only);
 - l) record of offences (in employment only);
 - m) sex (including pregnancy and breastfeeding); and
 - n) sexual orientation.
16. This Policy expressly prohibits any discriminatory or harassing action and/or conduct, verbal or non-verbal, directed at or about one or more individuals or groups, that creates an intimidating, hostile or offensive environment ([poisoned environment](#)), or interferes with academic or work performance, in a manner that exceeds the bounds of freedom of expression and academic freedom.

Discrimination

17. Discrimination means an unjust or prejudicial form of unequal treatment, whether imposing extra burdens or denying benefits, based on any of the grounds articulated in the *Human Rights Code*. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people ([systemic discrimination](#)). Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if Discrimination is one factor, then that is a violation of this Policy.²

² Modified Language from "A policy primer: Guide to developing human rights policies and procedures (1996; revised December 2013) © Queen's Printer for Ontario, 2013. Reproduced with permission.

Harassment

18. Harassment means engagement in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. "Vexatious" comment or conduct is comment or conduct made without reasonable cause or excuse. Harassment includes Sexual and/or Gender-Based Harassment and Workplace Sexual Harassment.

Poisoned Environment

19. A Poisoned Environment means an environment where harassing and/or discriminatory conduct is found to be sufficiently severe, intimidating, hostile, offensive, and/or pervasive to cause significant and unreasonable interference to a person's study or work environment. . A Poisoned Environment can interfere with and/or undermine work or academic performance and can cause emotional and psychological stress for some employees or students not experienced by other employees or students. As such, it results in unequal terms and conditions of employment or study and prevents or impairs full and equal enjoyment of employment or educational services, benefits, or opportunities. Although a person may not be the target of the conduct, a person may feel the effects of certain harassing or discriminatory conduct at their place of work or study.³

Sexual and/or Gender-Based Harassment

20. Sexual and/or Gender-Based Harassment, including Workplace Sexual Harassment, means engaging in a course of vexatious comment against an individual because of sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance to an individual where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Such Harassment may involve one incident or a series of incidents.
21. While allegations of Sexual Harassment are processed under the [Sexual Violence Policy](#), there may be circumstances where the allegations in a Complaint may necessitate following the procedures under both this Policy and the *Sexual Violence Policy*. Where an individual files a Complaint that involves behaviour prohibited by this Policy, as well as behaviour more appropriately dealt with under the *Sexual Violence Policy*, the Complaint will be processed under the *Sexual Violence Policy* so as to ensure that the complainant has access to the specialized supports available under that Policy. However, any Investigation or hearing related to the Complaint will still determine if the complainant suffered unequal, discriminatory or harassing treatment in violation of this Policy, in addition to any findings related to the *Sexual Violence Policy*.

³ Ryerson University has kindly shared its definition of Poisoned Environment with McMaster University for use in this policy. Some language has been added to the definition.

SECTION II: OPTIONS FOR RESOLUTION

22. Community Members who raise an issue, report an incident or make a [Complaint](#) may pursue one or more of the options below. Prior to pursuing one of the options below Community Members should read [Section IV: Confidentiality](#). When the University becomes aware of an [issue](#) or an [incident](#) it may be obliged to investigate.
23. Individuals may consult with an Intake Coordinator or with the Ombuds to receive advice and guidance on options that may be available to resolve the matter. Such options include:

INFORMAL RESOLUTION

24. Options for informal resolution may include some fact-finding discussion, clarification of the issues, facilitated conversations, informal dispute resolution, coaching, reconciliation, workplace restoration, settlement conferences, restorative justice measures, and mediation.

Communicate Directly

25. Community Members who have experienced unwelcome comment or conduct by another person are encouraged, although not obliged, to make it known to the other person that their behaviour is unwelcome. In situations where it is believed that addressing the other person could lead to an escalation of the comment or conduct, or to safety risks, this approach is not recommended. If the problem is not resolved, or if the Community Member feels they cannot speak directly to the other person, they should notify an appropriate [supervisor](#) within the University of the matter.

Resolve with Assistance of Supervisor

26. Individuals may inform/seek assistance from their supervisor or person who has formal oversight of their area to help address the situation.

Resolve with Assistance of Intake Office

27. Individuals may inform/seek assistance from an Intake Office to help address the situation.

FORMAL RESOLUTION

Complaint

28. A Complaint is made when an individual completes the relevant intake form notifying an [Intake Coordinator](#) of an allegation and seeking the University's formal response.
29. Informal resolution processes may continue after a Complaint is filed, and remains an option for resolution until the point when a final determination is made on whether or not there has been a violation of the Policy. A final determination under this Policy means **the later of**: (a) the date on which the appropriate decision-maker initially determines that a violation of the Policy has occurred and that sanctions and/or remedies are appropriate; or (b) the first date of a Hearing of student's appeal or faculty member's Hearing.

OTHER OPTIONS

30. Individuals may exercise other options external to this Policy (e.g. the grievance provisions of applicable collective agreements) or other options external to the University (e.g. through civil litigation or *Human Rights Code* provisions)
31. Individuals who file a Complaint, or pursue other options as outlined above, may be required to attend/participate in a hearing, either internal to the University, or external through arbitration or tribunal hearing, etc.
32. At any time, Community Members may also seek advice and support from: Human Resources Services, Union representative, relevant Student association, Faculty Association, [Ombuds](#), and Chaplaincy Centre, etc.

SECTION III: SUPPORTS AND RESOURCES

33. Community Members who make a Complaint, or who are the subject of an allegation, are encouraged to contact any of the offices below to ensure that they are in receipt of relevant information and services:

- [Equity and Inclusion Office](#) (all Community Members)
- [Employee/Labour Relations](#) (faculty and staff)
- [Student Support & Case Management](#) (students)
- [Faculty of Health Sciences Professionalism Office](#) (all Community Members in the Faculty of Health Sciences)

34. Community Members may also make use of available supports and resources below.

For the University Community

- [Equity and Inclusion Office](#)
- [Faculty of Health Sciences Professionalism Office](#)
- [Security Services](#)
- [Chaplaincy Centre](#)

For Students

- [Student Wellness Centre](#) (personal counselling and medical services)
- [Student Support & Case Management](#) (support and guidance on the Code of Student Rights and Responsibilities)
- [MSU Women and Gender Equity Network](#) (peer support and resources)
- [MSU Peer Support Line](#) (24 hour a day telephone support line, including legal advice and counselling)
- [MSU Queer Students Community Centre](#) (peer support and resources for sexual orientation and gender identity)
- [MSU Maccess](#) (peer support and resources for disabilities)
- [Graduate Students Association Health & Dental Plans](#) (health benefits include access to psychological counselling in the community)

For Staff and Faculty

- Union or Association
- [Employee/Labour Relations](#)
- [Employee and Family Assistance Program](#) (access to professional counsellors, legal guidance and other supportive services available to staff and faculty)

Broader Community

- [Good2Talk](#) (24/7 phone support for students offered by professional counsellors)
- [John Howard Society](#) (for individuals in conflict with the law)
- [Elizabeth Fry Society](#) (for individuals in conflict with the law)

Guidance about a Policy and/or Procedures

- [University Secretariat](#)
- [Equity and Inclusion Office](#)
- [Employee/Labour Relations](#)
- [Student Support & Case Management](#)
- [Faculty of Health Sciences Professionalism Office](#)
- [Ombuds Office](#)

Independent Resource

- [Ombuds Office](#)

The Ombuds Office provides confidential advice and assistance to all members of the University community. The Ombuds Office reports directly to the President of the University and the President of the McMaster Students Union (MSU) and is **otherwise not a University office as it is independent** of all existing administrative structures. Notwithstanding the foregoing, the Ombudsperson is not required to maintain confidentiality in cases involving the commission of a serious crime or where there is an imminent risk of physical harm or abuse.

SECTION IV: CONFIDENTIALITY AND PRIVACY

35. The University recognizes the importance of confidentiality for anyone coming forward with an [issue](#), [incident](#) or [Complaint](#) of Discrimination and/or Harassment and for anyone named as an alleged Respondent, and will protect confidentiality to the extent permitted by its legal obligations.
36. The University and its employees and agents will protect personal information and handle records in accordance with the [Freedom of Information and Protection of Privacy Act](#) and the [Personal Health Information Protection Act](#), with the provisions of applicable collective agreements and, in the case of health care providers, in keeping with any professional obligations.
37. When discussing issues, incidents or reporting a Complaint to any University office, individuals should receive an explanation of, and are advised to clarify, the level of confidentiality that applies to the office/individual.
38. Individuals may speak in confidence to an Intake Coordinator or any University office, subject to the provisions of this section and the limitations below. In such cases, only the minimum amount of information needed to address the matter and/or meet requirements will be disclosed. Limitations to confidentiality exist when:
 - a) an individual is at risk of harm to self;
 - b) an individual is at risk of harming others;
 - c) there are reasonable grounds to be concerned with risk of future violence or the safety of the University and/or broader community;
 - d) disclosure is required by law or to comply with the *Occupational Health and Safety Act* or with human rights legislation;
 - e) evidence of the disclosed incident of Discrimination or Harassment is available in the public realm (e.g. video shared publicly on social media); and/or
 - f) where there is a need for notification in order to comply with the reporting requirements of regulatory bodies.
39. Individuals may also choose to speak with the [Ombuds](#), an office that provides an independent, impartial, and confidential process through which members of the University community may pursue a resolution.
40. Some offices and Community Members have additional limitations to confidentiality because of their particular reporting requirements or professional obligations. For example:
 - a) those faculty and staff etc. who are regulated health care providers (such as those in Student Wellness Centre) are required to maintain the confidentiality of patient information disclosed during a medical interaction. These health care providers are not permitted to share information except in very limited circumstances, such as with the express permission of the patient, or if the health care provider believes that disclosure is necessary to eliminate or reduce a significant risk of serious harm to a person or group of persons, in accordance with their professional obligations; and

- b) those staff who are Special Constables in Security Services are required to investigate reports of domestic violence and to lay charges in all cases when there are reasonable grounds to believe such an offence has been committed, regardless of whether the individual wishes to have further involvement with the legal process.
41. Procedural limits to confidentiality may also occur if the University is subject to legal proceedings that, in the opinion of the Provost and Vice-President (Academic) or the Vice-President (Administration), (in consultation with the President), require the disclosure of information.
 42. As part of the University's internal responsibility to maintain an environment free from Discrimination and Harassment, information shall be shared on a [need-to-know](#) basis.
 43. The Complainant will receive information about any sanctions/remedies taken by the University, within the constraints of relevant legislation. In all cases, information about any sanctions/remedies that have a direct impact on the Complainant will be provided to them.
 44. Where required by a professional licensing body, the results of the Investigation may also be communicated to that professional licensing body.
 45. The University's responsibility to address issues, incidents, and Complaints of Discrimination and/or Harassment extends to University-related activities such as the off campus experiential learning and working environment (including, but not limited to, off-campus coursework such as fieldwork, placement, clinical placement, internship and out-of-the classroom learning experiences). However, this responsibility exists independently from the off-site/placement or third party entity. In order to address such issues, incidents, and Complaints, the University may need to disclose information to the off-site entity on a need-to-know basis. This could include notifying the off-site entity of the outcome of the Investigation or coordinating a joint Investigation. See [Appendix B: Jurisdiction](#).

SECTION V: PROCEDURAL GUIDELINES

ACCOMPANIMENT

46. Individuals coming forward with a Complaint (Complainants), individuals about whom allegations are made (Respondents), and witnesses may at any stage of any of the procedures outlined in this Policy be accompanied by an [Advisor](#). The Advisor may be present during Investigation interviews but may not participate as a representative. The costs of any accompaniment are to be borne by the party.

TIME LIMITATIONS FOR BRINGING FORWARD A COMPLAINT

47. Individuals are encouraged to report a Complaint at the earliest opportunity, but ***must do so within one year*** of the date on which the incident of Discrimination and/or Harassment is alleged to have occurred. If there was a series of incidents it ***must*** be reported within one year of the date of the last event. However, if the Assessment Team is satisfied there are compelling reasons and/or extenuating circumstances, or where a Complainant engages this Policy and the *Sexual Violence Policy* and the allegations cannot be separated from one another, Complaints may be pursued outside of this timeframe. When the Complainant is no longer a [Community Member](#), the Assessment Team will review the Complaint and determine whether it is within the scope of the Policy and may decide to initiate a University Investigation.

PROTECTION FROM REPRISAL

48. The University specifically prohibits [reprisal](#) or threats of reprisal against any Community Member who, sincerely and in good faith, makes use of this Policy or participates in any process held under its jurisdiction. An individual who believes they are the subject of a reprisal or threat of reprisal shall report this to an Intake Office. Any individual or body found to be making such reprisals or threats will be subject to sanctions under the appropriate policy (including this Policy, the *Sexual Violence Policy*, and the *Code of Student Rights and Responsibilities*) as circumstances dictate.

COOPERATION AND SELF-INCRIMINATION

49. It is possible that individuals questioned as witnesses, informants or bystanders about an alleged violation of the Policy may, by cooperating responsibly with the University's processes, reveal their own infraction of a University regulation or code (e.g. alcohol use, unsanctioned use of University facilities). In such instances, and given the University's commitment to addressing Discrimination and Harassment, every effort will be made to support individuals coming forward and, if appropriate and possible, take their cooperation into account if any sanction applies to their conduct.

INTERIM MEASURES AND ONGOING SUPPORT OF ALL PARTIES

50. At any stage in the proceedings under this Policy it may be necessary to take Interim Measures in order to safeguard the environment of Complainants, and/or Respondents.
51. Interim Measures may include, but are not limited to, the rearrangement of academic/employment responsibilities or oversight, the rearrangement of residence location (where possible), adjustments in

University activities (e.g. attendance at guest lectures, social events), implementation of a [No Contact Order](#), or implementation of a [Persona Non Grata](#) designation.

52. Interim Measures imposed on any party shall not be construed as evidence of either guilt or a finding of violation of this Policy, or as an affirmation of innocence/finding of non-violation of this Policy.
53. The Assessment Team considers, recommends, and/or coordinates, and reviews Interim Measures as they relate to the parties involved in the matter; facilitates any planning; and considers other University responses that may be necessary. The Assessment Team shall give due consideration to the effect that the filing of a Complaint may have on both parties in the case of any kind of supervisory relationship, as well as the need to preserve future working relationships, career progress/prospects, and/or academic program/studies.
54. The authority to approve Interim Measures will rest with the relevant [Decision-Maker](#) in line with the reporting structure of the Complainant and/or the Respondent, as outlined in [\(clause 72-75\)](#).
55. In the event an [Employee](#) is directed to take an administrative leave as an Interim Measure, the conditions of the administrative leave shall accord with the terms of any applicable collective agreement. In the absence of an applicable collective agreement, (e.g. where the employee is faculty or The Management Group (TMG)) the leave shall be without loss of pay or benefits. It is understood that an administrative leave as an Interim measure is non-disciplinary and is designed to separate a person from a situation or another person until the matter has been resolved. During such period, the person can continue to access relevant University [support services](#).
56. Interim Measures will be reviewed by the Assessment Team monthly throughout the process to ensure they remain necessary and appropriate in the circumstances. Interim Measures do not extend beyond the final resolution of a Complaint.
57. Should an Investigation extend beyond six months, there will be a full review by the Assessment Team in consultation with the Decision-Maker to assess progress, considering fairness to all parties, thoroughness, timeliness, and confidentiality, and to consider any necessary next steps.

DATA GATHERING & RECORD KEEPING

58. The [Equity and Inclusion Office](#) is responsible for providing a written, anonymized, annual statistical report to the Senate and the Board of Governors in order to ensure the identification of areas or issues of repeated concern. The report shall include statistical data on Complaints, resolution/mediation, Investigations, outcomes, sanctions, and Complaints dropped or withdrawn, as well as data on consultations.
59. All notes, materials, Investigation reports, and decisions, pertaining to Complaints will be kept by the relevant Intake Office for seven years. These records may be retained longer, subject to the discretion of the appropriate Director or Decision-Maker.

SECTION VI: ROLES AND RESPONSIBILITIES

INTAKE OFFICES

60. The Intake Offices share responsibility for addressing issues, incidents, and Complaints relating to Discrimination and Harassment. There are four Intake Offices:
- a) [Equity and Inclusion Office](#) (available to all Community Members)
 - b) [Student Support & Case Management](#) (available to all Community Members, where the Respondent is a student)
 - c) [Employee/Labour Relations](#) (available to staff and faculty)
 - d) [Faculty of Health Sciences Professionalism Office](#) (available to all Community Members in the Faculty of Health Sciences).

INTAKE COORDINATORS

61. Intake Coordinators are available in each of the four Intake Offices listed above, and will assist in exploring and facilitating resolution processes, as appropriate. The Intake Coordinators are also responsible for assessing [issues](#) and [incidents](#) in consultation with their Director, as well as the initial intake of [Complaints](#). An Intake Coordinator's referral activates the Assessment Team.

ALL COMMUNITY MEMBERS

62. All [Community Members](#) are responsible for:
- a) contributing to and maintaining an environment that is free of Discrimination and Harassment;
 - b) participating in education and training programs when appropriate;
 - c) handling issues and incidents through the [Options for Resolution](#) listed in Section II; and
 - d) participating in Investigations under this Policy, if requested to do so.

FACULTY AND STAFF IN SUPERVISORY ROLES

63. Within the University Community it is recognized that there are various types of supervisors: [Academic Supervisors](#), [Academic Administrators](#), and [Workplace Supervisors](#). All such supervisors are responsible for:
- a) modeling acceptable standards of behavior;
 - b) supporting any employee or student who, in good faith, reports a potential violation of the Policy and protecting them from reprisal;
 - c) cooperating with Intake Offices during Investigations, and in the implementation of Interim Measures, and/or Sanctions;
 - d) completing all required training and ensuring that the people they are supervising are trained appropriately on the Policy and [RMM 300 Health and Safety Training Program](#); and

- e) being aware of their roles and responsibilities as set out in the *Occupational Health and Safety Act* with respect to workplace violence and workplace Harassment.
64. Faculty members and staff who become aware of an issue, incident, or Complaint of a potential violation of the Policy **must**:
- a) contact one of the Intake Offices for guidance and advice to address the matter as appropriate in the circumstances. In many cases matters may be adequately addressed through the fact-finding necessary to effect an informal resolution;
 - b) inform individuals coming forward of the reporting requirements and limits to confidentiality that apply to them; and
 - c) advise the individual of the Policy, the supports available and provide the option of referring them to an Intake Office.

STUDENT LEADERS

65. Students in designated positions of responsibility and/or leadership (Student Leaders) are responsible for modeling acceptable standards of behavior.
66. Student Leaders who become aware of an issue, incident, or Complaint of a potential violation of the Policy **must**:
- a) inform individuals coming forward of the reporting requirements and limits to confidentiality that apply to them;
 - b) refer them to the faculty or staff person who has formal oversight of the designated area, and/or the appropriate Intake Office; and
 - c) inform the person with formal oversight of the potential violation.

ASSESSMENT TEAM

67. The Assessment Team is responsible for assessing every Complaint of a potential violation of the Policy referred to them by an Intake Coordinator, and for reviewing issues and incidents of which they become aware.
68. The Assessment Team will include the [Director, Human Rights & Dispute Resolution](#), and as necessary in the circumstances:
- a) the Director, [Employee/Labour Relations](#);
 - b) the Director, [Student Support & Case Management](#);
 - c) the Advisor, [Faculty of Health Sciences Professionalism Office](#); and/or
 - d) the Intake Coordinator.
69. As necessary, and disclosing identities only on a [need-to-know](#) basis in order to appropriately respond to the matter, the Assessment Team may draw upon representatives of key services and/or departments (e.g. a Co-Chair of the [Violence Risk Assessment Team](#), Director of Housing and Conference Services, Director of the Student Wellness Centre, Director of Security Services).

DIRECTOR, HUMAN RIGHTS & DISPUTE RESOLUTION

70. The Director, Human Rights and Dispute Resolution is responsible for working in close partnership with individuals and offices involved in implementing this Policy, including but not limited to: the Assessment Team, Investigators, Associate Vice-Presidents, Assistant Vice-Presidents, Senior Administration, and the University Secretariat.
71. The Director, Human Rights and Dispute Resolution is responsible for the analysis of data gathered by the Equity and Inclusion Office or provided to that office by Human Resources Services, Faculty of Health Sciences Professionalism Office, and Student Support & Case Management.

INVESTIGATORS

72. All Investigators appointed under this Policy, whether internal or external to the University, will have training and expertise in the area of Discrimination and Harassment, and a trauma-informed, anti-oppressive approach to Investigation processes.

DECISION-MAKERS FOR INTAKE AND INVESTIGATIONS

73. The Decision-Makers under the intake and Investigations procedures include, as applicable, the: Assistant Vice President and Chief Human Resources Officer; Associate Vice-President (Students and Learning) & Dean of Students; and Provost and Vice-President (Academic) (or in the case of the Faculty of Health Sciences, an appropriate delegate).
74. Depending upon the constituency of the Respondent, Decision-Makers may be responsible for reviewing and responding to Investigation reports (see [Section VIII: Adjudication and Decisions](#)).
75. When the line of authority is unclear, the Provost and Vice-President (Academic) or the Vice-President (Administration), as appropriate, will determine the appropriate individual in the line of authority.
76. Should there be a conflict of interest with a Decision-Maker, the appropriate Vice-President shall assume the responsibilities of the Decision-Maker under this Policy. Similarly, if that Vice-President is in a conflict then another Vice-President or the President shall act.

SENIOR ADMINISTRATION

77. The Senior Administration [the President, Provost and Vice-President (Academic), Vice-President (Administration)] has overarching responsibility for maintaining an environment free from Discrimination and Harassment, for providing the resources required to support such an environment, and for ensuring the timely development and review of relevant policies through Senate and Board of Governors procedures.
78. In addition, the Senior Administration is responsible for promoting awareness of what constitutes an environment free from Harassment and Discrimination, and providing resources so that members of the University are able to function with the highest standards of integrity, accountability, and responsibility. The Equity and Inclusion Office, with the support of the Senior Administration, will carry out programs that may include disseminating information about the expectations for a University environment free from Discrimination and Harassment, and providing education to all members of the University community.

SECTION VII: INVESTIGATIONS

INTAKE OF COMPLAINTS

79. If an individual wishes to file a [Complaint](#) of Discrimination and/or Harassment for the University to address, they must contact an **Intake Coordinator** in one of the Intake Offices listed below:
- a) [Equity and Inclusion Office](#) (available to all Community Members)
 - b) [Student Support & Case Management](#) (available to all Community Members, where the Respondent is a student)
 - c) [Employee/Labour Relations](#) (available to staff and faculty)
 - d) [Faculty of Health Sciences Professionalism Office](#) (available to all Community Members in the Faculty of Health Sciences).
80. The **Intake Coordinator** is responsible for:
- a) continuing to explore and facilitate resolution processes, as appropriate;
 - b) ensuring [Complainants](#) are aware of the additional options that may be available to them in seeking a response to the allegation(s) of Discrimination and/or Harassment, which include:
 - filing a grievance through their collective agreement;
 - filing an application with the Human Rights Tribunal of Ontario; or
 - other processes which, if appropriate and acceptable to the Complainant, may be recommended to address issues/incidents expeditiously without proceeding with a Complaint if what is described by the Complainant is not obvious Harassment or Discrimination as defined by this Policy;
 - c) explaining this Policy and the sequential steps for processing a Complaint;
 - d) assisting the Complainant, when necessary, with completing a **Complaint Intake Form**, which includes a description of the allegation: what happened; who was involved; when it happened; where it happened; who (if anyone) saw or heard it happen, or saw or heard something of relevance prior to or after the alleged incident(s) of Discrimination and/or Harassment;
 - e) assessing issues and incidents in consultation with their Director and, where appropriate, referring such matters to the Assessment Team; and
 - f) referring Complaints to the Assessment Team.

ASSESSMENT TEAM

81. Members of the Assessment Team will assess issues and incidents referred to them by an Intake Coordinator to determine whether any further action is required.
82. Members of the Assessment Team will assess Complaints on a priority basis. Identities of the Complainant and/or Respondent will only be shared with the relevant Assessment Team members on a need-to-know basis. During this assessment, the Assessment Team may determine it is necessary to disclose identities on a need-to-know basis in order to administer the Policy.

83. The Assessment Team reviews the Complaint in order to:
- a) confirm that it fits within the scope of the Policy;
 - b) determine, where necessary, if a Complaint should be investigated under the Sexual Violence Policy;
 - c) consider requirements pursuant to the *Occupational Health and Safety Act*;
 - d) in consultation with the appropriate Decision-Maker, determine if an Investigation is required and set parameters accordingly, including:
 - (i) which University office to mobilize;
 - (ii) scope and mandate for the Investigation;
 - (iii) whether to engage an internal or external investigator;
 - (iv) expected timelines for the Investigation;
 - (v) an appropriate and respectful way to inform the Respondent about the Complaint, and ensure that written details of the Complaint are provided; and
 - (vi) communicate to the parties the expected timelines for the Investigation;
 - e) consider and coordinate appropriate Accommodations and/or Interim Measures as they relate to all parties involved in the matter; and
 - f) as necessary, draw upon representatives of relevant services or departments in order to appropriately respond to the matter.
84. Interim Measures will be reviewed by the Assessment Team in accordance with [clauses 55-56](#).

Decision Not to Investigate

85. In some circumstances a decision may be made not to investigate (e.g. a [frivolous, vexatious](#) Complaint, or a failure to establish a [Prima facie](#) case). The decision will be communicated in writing, with reasons, to the parties by the appropriate Decision-Maker. The Complainant will be informed of their right to make a written request for review of the decision to the appropriate Vice-President.

UNIVERSITY INITIATED INVESTIGATION

86. Through data gathering on issues, incidents, and Complaints, an Intake Office may become aware of situations where a University-initiated Investigation may be warranted, including, but not limited to circumstances where:
- a) repeated allegations are made about the conduct of the same individual and/or specific environment;
 - b) none of those coming forward regarding an issue or incident have been willing to proceed with a Complaint;
 - c) allegations are made about the conduct of a Community Member by an individual who is not, or is no longer, a Community Member;

- d) the power differential in the alleged incident suggests the potential for a pattern of repeated Discrimination and/or Harassment;
 - e) the University has a duty to investigate pursuant to the *Occupational Health and Safety Act*;
 - f) available information suggests there may be a poisoned environment or systemic discrimination; and/or;
 - g) available information suggests there may be concerns about climate and/or conduct in an area of the University.
87. The Intake Office will refer the matter to the [Assessment Team](#) and the appropriate Decision-Maker to determine whether an Investigation is warranted.

INVESTIGATION PROCEDURES

88. Investigations conducted under this Policy will follow the principles of procedural fairness. Respondents have the right to know the case against them, and to produce evidence and witnesses to the Investigator in response to any allegations.
89. The Investigator will impartially collect evidence and interview available witnesses deemed relevant by the Investigator. In consultation with the Assessment Team, the Investigator may adjust the scope and the manner in which the Investigation will be conducted in compliance with this Policy, the principles of procedural fairness, and balancing the principles of fairness, thoroughness, timeliness, and confidentiality.
90. All Community Members are expected to meet with the Investigator if requested to do so and to participate in good faith.
91. Respondents are expected to participate in the Investigation. Lack of participation will not stop the matter from proceeding under the Policy.
92. Complainants, Respondents and witnesses have the option of being accompanied by an Advisor.
93. Except for sharing information with their Advisor, pursuing options external this Policy or as otherwise required by law, all those who meet with an Investigator (including the Advisor) are required to keep confidential the meeting and any information shared to ensure the integrity of the proceedings. Failure to do so could be considered a breach of [confidentiality/privacy](#), and may result in disciplinary action.
94. An individual who was not previously identified as a Respondent but who, during the course of an Investigation, is identified as a potential Respondent will be notified and given an opportunity to meet the Investigator and to respond to any allegations. These new allegations may invoke a new or separate Investigation, which may require the reactivation of the Assessment Team.
95. If during the course of the Investigation the Investigator believes the Complaint is frivolous (it does not have any serious purpose or value; is of little or no weight, worth, or importance), or is vexatious (instituted without sufficient grounds and only to cause annoyance) the Investigator shall refer the matter back to the Assessment Team to determine the next steps.

SECTION VIII: ADJUDICATION AND DECISIONS

96. At the conclusion of an Investigation, the following procedures apply for adjudication and decision-making, dependent upon the constituency of the Respondent.

STUDENT RESPONDENT ADJUDICATION

97. The adjudication will be processed in accordance with the procedures in the [Code of Student Rights and Responsibilities](#) (the "Code"). If it is determined, on a balance of probabilities, that a violation of the Policy has occurred, remedies and/or sanctions will apply in accordance with the Code.
98. In matters where the sanctions do not include suspension, expulsion, or involuntary withdrawal, the Respondent may appeal the decision and/or the sanction(s) to the Associate Vice-President (Students and Learning) & Dean of Students.
99. In matters where the sanctions include a suspension, expulsion, or involuntary withdrawal, the Respondent may appeal the decision made by the Associate Vice-President (Students and Learning) & Dean of Students, as per the [Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence](#).

FACULTY RESPONDENT ADJUDICATION

100. The Investigation report will be reviewed by the **Provost and Vice-President (Academic)** (or delegate) to determine, on a balance of probabilities, if a violation of the Policy has occurred. If it is so determined, the Provost will make recommendations regarding sanctions and/or remedies, and initiate a disciplinary process.
101. If the Respondent accepts the sanction(s) and/or remedies recommended by the Provost, the recommendations will be implemented and the matter will be closed.
102. If the Respondent does not accept the recommendations, or the Provost believes that suspension from the University for a period of time is the appropriate sanction, the matter will be **referred to a hearing** before a Tribunal under the [Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence](#).
103. At the hearing the Provost has the burden of proof to present evidence, and on a balance of probabilities, to satisfy the Tribunal that a violation of the Policy has occurred.
104. If it is determined by the Provost that Removal Proceedings should be initiated, the matter will be referred directly to the Procedures for Removal under the [Tenure and Promotion Policy](#).

STAFF RESPONDENT ADJUDICATION

105. The Investigation report will be reviewed by the Assistant Vice-President and Chief Human Resources Officer to determine, on a balance of probabilities, if Discrimination and/or Harassment has occurred. If it is so determined, the matter will be referred to the **Director, Employee/Labour Relations** to initiate corrective action which may include a disciplinary process to determine remedies and/or sanctions (in consultation with the appropriate supervisor in line with the Respondent's reporting structure).
106. The corrective action, remedies and/or sanctions will be approved by the appropriate Vice-President (in line with the Respondent's reporting structure) before being imposed.
107. In the case of a staff member who is a member of a union, the right to appeal the disciplinary decision is within the grievance and arbitration processes of the collective agreement.
108. In the case of a staff member who is not a member of a union (e.g., members of The Management Group, interim employees), and except in the case of termination, the staff member may submit a written appeal of the disciplinary decision to the Vice-President (Administration). In the case where the Respondent's reporting line is through to the Vice-President (Administration), the appeal will be made to another Vice-President.

COMMUNITY MEMBER RESPONDENT ADJUDICATION (NOT STUDENT, STAFF OR FACULTY)

109. When the Respondent is a Community Member but is not currently a student, staff, or faculty member, the Investigation report will be reviewed by the Decision-Maker related to the Respondent's area of activity at the University. The relevant Decision-Maker will determine, on a balance of probabilities, if a violation of the Policy has occurred. If it is so determined, the Decision-Maker will decide on the appropriate remedies and/or sanctions.
110. The Respondent may submit a written appeal of the decision and/or sanctions to the Vice-President to whom the Decision-Maker reports.

FINDINGS AND DECISIONS (FOR ALL RESPONDENTS)**No Finding of Violation of the Policy**

111. The Complainant and Respondent will receive a written decision from the relevant Decision-Maker, that will include:
 - a) the decision that there is No Finding of Violation of the Policy;
 - b) reasons for the decision; and
 - c) a summary outlining the findings.

Finding of Violation of the Policy

112. The Complainant and Respondent will receive a written decision from the relevant Decision-Maker, that will include:
- a) the decision that there is a Finding of Violation of the Policy;
 - b) reasons for the decision;
 - c) a summary outlining the findings;
 - d) the **Respondent** will receive confirmation of any Interim Measures that will remain in place until remedies and/or sanctions are imposed;
 - e) the **Complainant** will receive information about any Interim Measures that have a direct impact on the Complainant, such as a no-contact order, that will remain in place until remedies and/or sanctions are imposed.

Impact Statement

- f) the Complainant will be provided the opportunity to submit a written impact statement to the Decision-Maker, **within five business days of receipt of the written decision**, to be considered in determining the appropriate sanction(s).

DETERMINATION OF SANCTIONS AND REMEDIES

113. The Decision-Maker shall consider the Complainant's impact statement, any mitigating and/or contextual factors in determining/implementing appropriate remedies and/or sanctions, and the reasons shall be clearly articulated in writing to the Respondent and the Complainant as follows:
- a) the **Respondent** will be informed of all sanctions/remedies imposed;
 - b) the **Complainant** will receive information about any sanctions/remedies taken by the University, within the constraints of relevant legislation. In all cases, information about any sanctions/remedies that have a direct impact on the Complainant will be provided to them.
114. Where required by a professional licensing body, the results of the Investigation may also be communicated to that professional licensing body.

SECTION IX: OUTCOMES

SYSTEMIC AND PREVENTIVE INTERVENTIONS

115. Investigations may reveal broader issues to be addressed whether or not a finding of Discrimination and/or Harassment has been found. In such instances, appropriate educational and preventive intervention measures and/or changes to policies or practices may be recommended by the Decision-Maker.

SANCTIONS

116. Sanctions are decided based on the merits of the case and shall be proportional to the severity of the offence. If there are mitigating and/or contextual factors in determining/implementing the sanction, the reasons shall be clearly articulated by the Decision-Maker.
117. The existence of any previous findings of Discrimination and/or Harassment will be taken into account when sanctions are determined, and the severity of sanctions may be greater as a result. Sanctions may be used independently or in combination for any single violation and may be varied.
118. Sanctions may include, but are not limited to:
- a) written reprimand;
 - b) inclusion of the decision in a specified file(s) of the Respondent, for a specified period of time;
 - c) the exclusion of the Respondent from, or oversight during, one or more designated University activities or duties;
 - d) a **No Contact Order**, which may include restrictions on: registration for specific classes, other academic or non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals;
 - e) a **Persona Non Grata (PNG)** designation, which is given to an individual who is denied the privilege of entering designated portion(s) of the University's buildings or grounds. If PNG individuals are found or seen in the area they are denied, they will be subject to a charge by [Security Services](#) under the Trespass to Property Act;
 - f) for student Respondents, all sanctions in the [Code of Student Rights and Responsibilities](#) for findings of Discrimination and/or Harassment. These include, but are not limited to: behavioural contract, behavioural bond, suspension, expulsion, and for students in Residence: residence probation, room transfer, denial of readmission, eviction;
 - g) for staff or faculty, **Suspension or Recommendation for Suspension**, as applicable;
 - h) for staff or faculty, **Dismissal or Recommendation for Removal**, as applicable.

REMEDIES

119. Remedies may include but are not limited to:

- a) mandatory referral to counselling;
- b) education;
- c) training;
- d) coaching (e.g. one-on-one remedial human rights coaching, conflict coaching);
- e) rearrangement or modification of the Complainant's study or employment arrangements to address the effects of Discrimination/Harassment found, e.g. permission to extend a program, leave or change in work responsibilities;
- f) ensuring individuals are referred to appropriate support resources, as necessary;
- g) group conflict resolution and mediation processes, focused on restoring productive and harmonious working and learning environments; and
- h) [Restorative Justice](#) processes, that are culturally relevant.

APPENDIX A: RELATED POLICIES AND LEGISLATION

This Policy is to be read in conjunction with the following policies, statements, and collective agreements. Any question of the application of this Policy or related policies shall be determined by the Provost and Vice President (Academic) or the Vice President (Administration) as appropriate, and in conjunction with the administrator of the other policy or policies. The University reserves the right to amend or add to the University's policies and statements from time to time (this is not a comprehensive list):

- [Academic Accommodation of Students with Disabilities](#)
- [Academic Freedom, Statement on](#)
- [Academic Integrity Policy](#)
- [Accessibility Policy](#)
- [Code of Conduct for Faculty](#)
- [Code of Student Rights and Responsibilities](#)
- [Complaint Resolution Procedure for TMG](#)
- [Conflict of Interest Guidelines: Undergraduate and Graduate Studies](#)
- [Employment Accommodation, Policy and Procedures on](#)
- [Employee/Labour Relations – Collective Agreements](#)
- [Faculty General Grievance Procedure](#)
- [Freedom of Information and Protection of Privacy Act](#)
- [Ontario Human Rights Code](#)
- [Occupational Health and Safety Act](#)
- [Personal Health Information Protection Act](#)
- Petitions for Special Consideration – see the [Undergraduate Calendar](#) / [Graduate Calendar](#)
- [Professional Behaviour Code for Graduate Learners, Health Sciences](#)
- [Professional Behaviour Code for Undergraduate Learners, Health Sciences](#)
- [Senate Resolutions re Group Conflict](#)
- [Senate Mediation Procedures](#)
- [Sexual Violence Policy](#)
- [Sexual Violence Response Protocol](#)
- [Statement on Building an Inclusive Community with a Shared Purpose](#)
- [Statement and Guidelines on Inclusive Communications](#)
- [Student Appeal Procedures](#)
- Policy on Student Groups (Recognition, Risk Assessment and Event Planning)
- [Tenure and Promotion Policy](#)
- [Violence in the Workplace, Policy on](#)

APPENDIX B: JURISDICTION

1. Complaints may be made or Investigations initiated about any alleged violation of this Policy involving any [Community Member](#), including members of recognized groups, teams and clubs. The Policy may extend to incidents that occur off campus where there is a clear nexus to the working and/or learning environment at the University, and recognizes that social media conduct may give rise to a violation of the Policy.
2. Normally Respondents in a Complaint procedure are Community Members. If a person alleged to have violated the Policy is not currently a Community Member, the University has no jurisdiction to adjudicate the incident. However, the University reserves the right to take whatever steps it considers appropriate to safeguard the University Community and Community Members.
3. The University's responsibility to address issues, incidents, and Complaints of Discrimination and/or Harassment extends to University-related activities such as the off campus experiential learning and working environment (including, but not limited to, off-campus coursework such as fieldwork, placement, clinical placement, internship and out-of-the classroom learning experiences). However, this responsibility exists independently from the off-site/placement entity. In order to address such issues, incidents, and Complaints, the University may need to disclose information to the off-site entity on a need-to-know basis. This could include notifying the off-site entity of the outcome of the Investigation or coordinating a joint Investigation. Ideally, the University and the off-site entity will work together to address the matter. However, in the event of a disagreement or misalignment of expectations (or where there is some conflicting third party policy etc.), the University cannot force or impose a sanction on a third party, without some contractual mechanism.
4. If a jurisdictional issue arises between the University and an off-site entity or other third party, a senior officer of the third party, and the University Provost or Dean and Vice-President (Health Sciences) in conjunction with the University Vice-President (Administration), will attempt a resolution, which may include a joint investigation or an agreement to share the findings and/or other relevant outcomes with the other party. In the absence of any agreement to the contrary, the University will proceed with the investigation according to University policy and procedures.
5. Nothing in this Policy is meant to supersede the terms and conditions of any collective agreement, or any other contractual agreement, entered into by the University and its employee groups. In the event that the provisions of this Policy contradict any such collective or contractual agreement, the collective or contractual agreement governs, to the extent of the contradiction.
6. To the extent that this Policy affects the terms and conditions of employment of faculty of the University, it may be subject to discussion and/or approval in accordance with the University policy entitled, [The Joint Administration/Faculty Association Committee to Consider University Financial Matters and to Discuss and Negotiate Matters Related to Terms and Conditions of Employment of Faculty](#).
7. This Policy is not intended to supersede or interfere with the criminal justice system; all persons have the right to pursue legal avenues.

8. Should a Complainant, with respect to the subject matter of a Complaint dealt with under this Policy, seek redress under the *Human Rights Code*, the *Criminal Code*, the *Occupational Health and Safety Act*, the provisions of an applicable collective agreement, or through civil litigation, or any other forum external to the University, the appropriate Decision-Maker, in consultation with the Director, Human Rights & Dispute Resolution, will determine in the circumstances whether proceedings under this Policy will be initiated. If proceedings under this Policy have already been initiated, the appropriate Decision-Maker, in consultation with the Director, Human Rights & Dispute Resolution, will determine in the circumstances whether or not the proceedings under this Policy will:
 - a) be permanently discontinued;
 - b) be disallowed; or
 - c) be suspended until proceedings in the external or other forum are concluded, although Interim Measures may be put in place to safeguard the environments of the parties involved.
9. Incidents of violence, Sexual Violence, or threats of violence are not covered by this Policy but will be responded to in accordance with the [Policy on Violence in the Workplace](#), the [Violence Program and Guidelines](#), the [Sexual Violence Policy](#), and the [Sexual Violence Response Protocol](#).
10. As part of the University's commitment to a Discrimination and Harassment free working, studying and living environment, all external agencies, third-party service providers, and independent contractors, who do business on the University campus and are considered agents of the University and will be informed of the existence of this Policy and of the University's expectation that these external entities shall govern themselves accordingly while doing business with the University. Information to this effect shall be included in all contracts.

APPENDIX C: GLOSSARY OF TERMS

Academic Freedom

Please refer to the [Statement on Academic Freedom](#).

Advisor

A person of the individual's choice who acts in an advisory role during the Complaint and Investigation process (e.g. friend, family member, union representative, legal counsel). The Advisor may be present during Investigation interviews but may not participate as a representative.

Agent

Anyone hired by the University or working on behalf of the University such as an external investigator or a physician or other health care professional.

Balance of Probabilities

Balance of Probabilities is the test to be met to show, by the weight of the evidence presented, that all of the facts necessary to make a Finding of Violation of the Policy have a greater likelihood of being true than not.

Community

Includes but is not limited to, faculty, staff, postdoctoral fellows, medical residents (except in certain circumstances), students, adjunct professors, librarians, visiting professors, volunteers, visitors, observers and institutional administrators and officials representing McMaster University.

Complainant

The individual who files a Complaint alleging a violation of the Policy for the University's response.

Complaint

A Complaint is made when an individual completes the relevant intake form notifying an Intake Coordinator of an allegation and seeking the University's formal response.

Confidentiality

Refers to the obligation of an individual or organization to safeguard entrusted information. The practice of confidentiality includes obligations to protect information from unauthorized access, use, disclosure, modification, loss or theft.

Creed

Under the *Human Rights Code*, creed includes, but is not necessarily limited to religious beliefs and practices. Creed may also include non-religious belief systems that, like religion, substantially influence a person's identity, worldview and way of life. The following characteristics are relevant when considering if a belief system is a creed under the *Human Rights Code*. A creed:

- is sincerely, freely and deeply held
- is integrally linked to a person's identity, self-definition and fulfilment
- is a particular and comprehensive, overarching system of belief that governs one's conduct and practices
- addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and/or a higher or different order of existence
- has some "nexus" or connection to an organization or community that professes a shared system of belief.

Disability

Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device; a condition of mental impairment or a developmental disability; a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language; and a mental health disorder/illness; or an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act.

Employee

Where applicable, employee is used to refer to staff (see below) and faculty (see below).

Ethnic Origin

Statistics Canada states that "ethnic origin" refers to the cultural origins of a person's ancestors. In the *Human Rights Code*, the ground of ethnic origin overlaps with a more commonly used term, "ethnicity," which refers to a shared cultural heritage or nationality. Ethnic groups might be distinguished on the basis of cultural traits such as language or shared customs around family, food, dance and music. People who share an ethnic origin, ethnicity or ancestry may or may not share the same racial identity.

Event (Authorized)

Authorized events are University scheduled or University approved activities, occurring on or off University premises, e.g. public lectures, performances, placements (co-op or clinical), athletic events, work or study-related conferences/training sessions, etc. These events can include work or study-related travel. Events that are approved under the *Policy on Student Groups (Recognition, Risk Assessment and Event Planning)*, or *Field Trips and Electives Policy* are also authorized events.

Event (Non-authorized)

Non-authorized events are events that are not scheduled or approved by the University and may occur on or off University premises e.g. group trips that have not been approved under the *Policy on Student Groups (Recognition, Risk Assessment and Event Planning)*, drinking games in residence, house parties, etc.

Expulsion

Expulsion applies to student Respondents and is the loss of all academic privileges at the University for an indefinite period.

Faculty

Faculty are defined as those academic teaching staff and senior academic librarians who are eligible to be members of the McMaster University Faculty Association.

Frivolous, Vexatious Complaints

A Complaint may be considered frivolous if it does not have any serious purpose or value; is of little or no weight, worth, or importance. A Complaint may be considered vexatious if instituted without sufficient grounds and only to cause annoyance.

Incident

An occurrence or event.

Interim Measures

Steps that are taken in order to safeguard the environments of Complainants and Respondents. Interim Measures shall not be construed as evidence of either guilt or a finding of violation of the Policy, or as an affirmation of innocence or finding that no violation of the Policy has occurred.

Issue

A matter that may involve a dispute/disagreement, or a concern (a matter that engages a person's attention, interest, or care, or that affects a person's welfare or happiness).

Mediation

The act or process of mediating; especially: intervention between conflicting parties to promote reconciliation, settlement, or compromise.

Need-to-know

Access to information must be necessary for the performance of official responsibilities or to defend the University in any form of litigation.

No Contact Order

Includes restrictions on: registration for specific classes, other academic or non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals.

Persona Non Grata (PNG)

A designation which is given to an individual who is denied the privilege of entering designated portion(s) of the University's buildings or grounds. If PNG individuals are found or seen in the area they are denied, they will be subject to a charge by [Security Services](#) under the *Trespass to Property Act*.

Prima facie

A Prima facie case is one in which, if the information provided is assumed to be valid and credible, **may** be sufficient to find that Discrimination and/or Harassment has occurred.

Recommendation for Removal

A recommendation for removal of a faculty Respondent shall be dealt with in accordance with Section VI of the [Tenure and Promotion Policy](#) and the common law where applicable.

Recommendation for Suspension

A recommendation for suspension of a faculty Respondent shall be dealt with in accordance with Section V of the [Tenure and Promotion Policy](#) and the common law where applicable. Suspension involves relieving the Respondent of their University duties and denying them access to University facilities and services for a stated period of time, and may be with or without pay and/or benefits as recommended by a Tribunal and determined by the President.

Reprisal

An act of retaliation; this may include, but is not limited to, adverse actions by a person who has the authority to confer, grant or deny a benefit or advancement to the person filing a Complaint

Respondent

Those about whom allegations have been made in a Complaint process.

Restorative Justice

Restorative Justice is an outcome following the determination of finding and focuses on restoring the losses suffered, holding Respondents accountable for the harm they have caused, and building peace within communities. This process can be facilitated by any of the Intake Offices.

Sexual and/or Gender-Based Harassment

Sexual and/or Gender-Based Harassment includes, but is not limited to:

- a) any reward/promise of reward, whether explicit or implicit, for complying with a sexual solicitation or advance; demands for dates or sexual favours; or propositions of physical intimacy;
- b) any reprisal or threat of reprisal, whether explicit or implicit, for refusing to comply with any sexual solicitation or advance;
- c) any form of sexual exploitation, or conduct that takes non-consensual sexual advantage of someone;
- d) unwelcome sex or gender-related comments about a person's physical characteristics, mannerisms, gender identity or expression;
- e) sex or gender-related verbal abuse, threats or taunting;
- f) Workplace Sexual Harassment; and
- g) any other comment or conduct associated with sex, sexual orientation or gender (including gender identity or expression) that is known or should be known to be offensive, embarrassing, humiliating, demeaning, intimidating, or isolating to an individual or group.

Staff

Employees of the University including, but not limited to, The Management Group (TMG), Unionized Employees, Temporary/Casual, non-teaching staff, Sessional Faculty, Post-doctoral Fellows, Teaching Assistants, and part-time Clinical Faculty.

Students

A student is any individual recorded by the University Registrar as enrolled in an educational course of study recognised by the Senate and for whom the University maintains education records.

Supervisor

Within the University Community there are various types of supervisors, which include the following:

- **Academic Supervisor** who oversees the academic work of a student, the most common example being a faculty member overseeing a graduate student's academic work;
- **Academic Administrator** is any faculty or staff member acting in their capacity as supervisor/administrator within a Faculty, Academic Department, etc., which includes, but is not limited to, Department Chairs, Deans, or other supervisors who oversee the work of a [Community Member](#) (e.g. a faculty member overseeing a Post-Doctoral fellow / technician / undergraduate or graduate student performing research in the faculty member's laboratory).
- **Workplace Supervisor** is "a person who has charge of a workplace or authority over a [Worker](#)" (*Occupational Health and Safety Act*). Supervisors are responsible for knowing the [Duties of Supervisors](#) under the Act.

Support

The provision of resources appropriate to the individual and the circumstances. This may include access to the Student Wellness Centre, Employee Family Assistance Program, McMaster Students Union (MSU). Support resources do not include the provision of legal counsel.

Suspension

Relieving the staff Respondent of their University duties and denying them access to University facilities and services for a stated period of time, and may be with or without pay and/or benefits. Suspensions shall be dealt with in accordance with established policies and procedures and by the terms of existing contracts of employment or collective agreements and the common law where applicable. For a student Respondent, suspension is the loss of all academic privileges at the University for a specified period of time and/or until imposed conditions are met. The student is eligible to return after this time but may be required to fulfill specified non-academic conditions upon return.

Systemic Discrimination

Policies, practices and institutional procedures which, deliberately or not, have the effect of creating or perpetuating disadvantage and discrimination against identifiable groups on grounds prohibited by the *Human Rights Code*.

University

"University" means McMaster University and its designates, the Board of Governors of McMaster University, or any officers authorized to act on behalf of the Board.

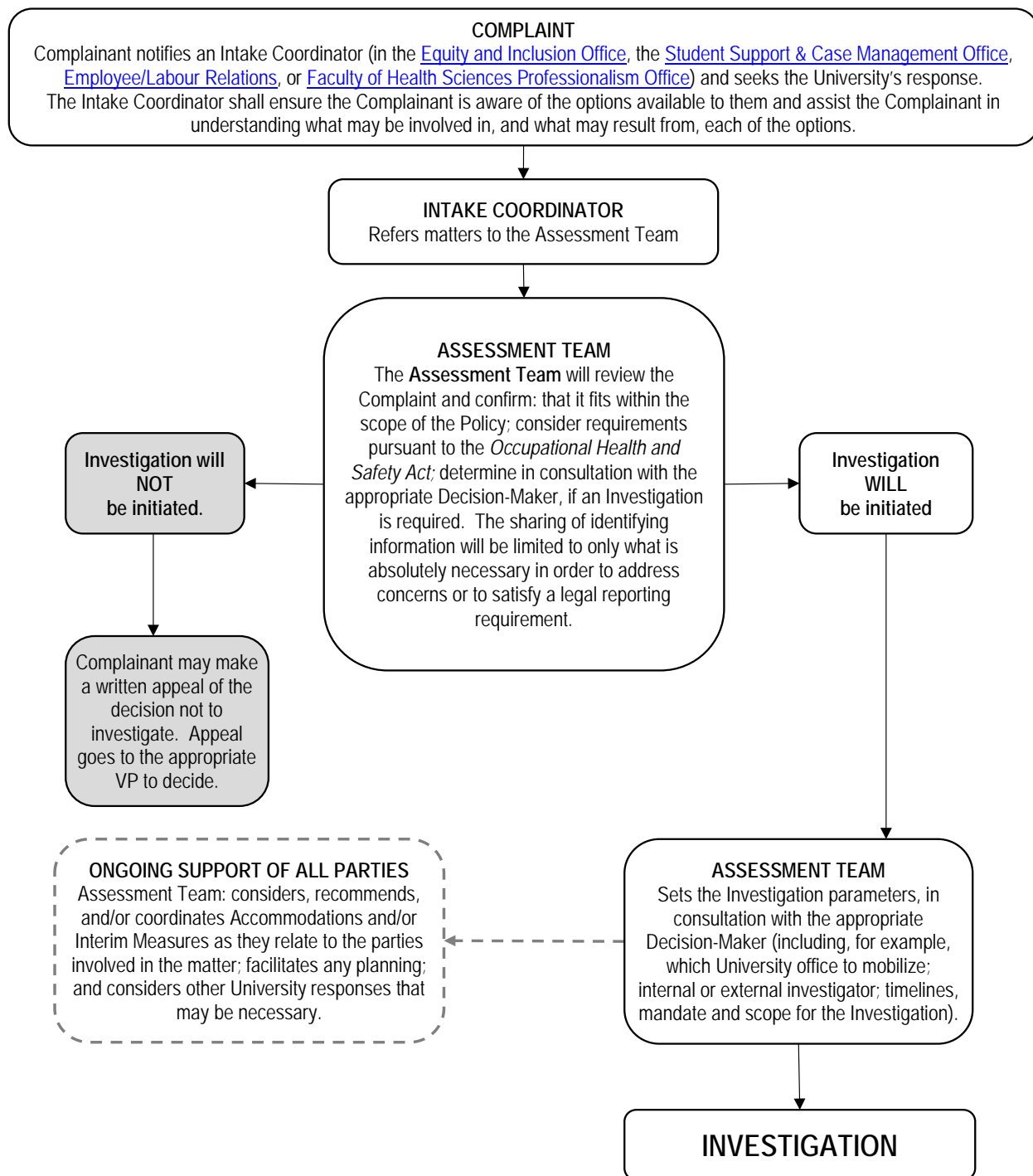
Violence Risk Assessment Team

The Violence Risk Assessment Team is a sub-committee of the Crisis Management Group. This team takes a multi-disciplinary approach to assessment, investigation, and response to reports of behaviour that is of potential concern or threat to the University community. The team is made up a diverse population of the campus including representation from Human Resources, Health and Safety, Academics, Dean of Students and Student Affairs.

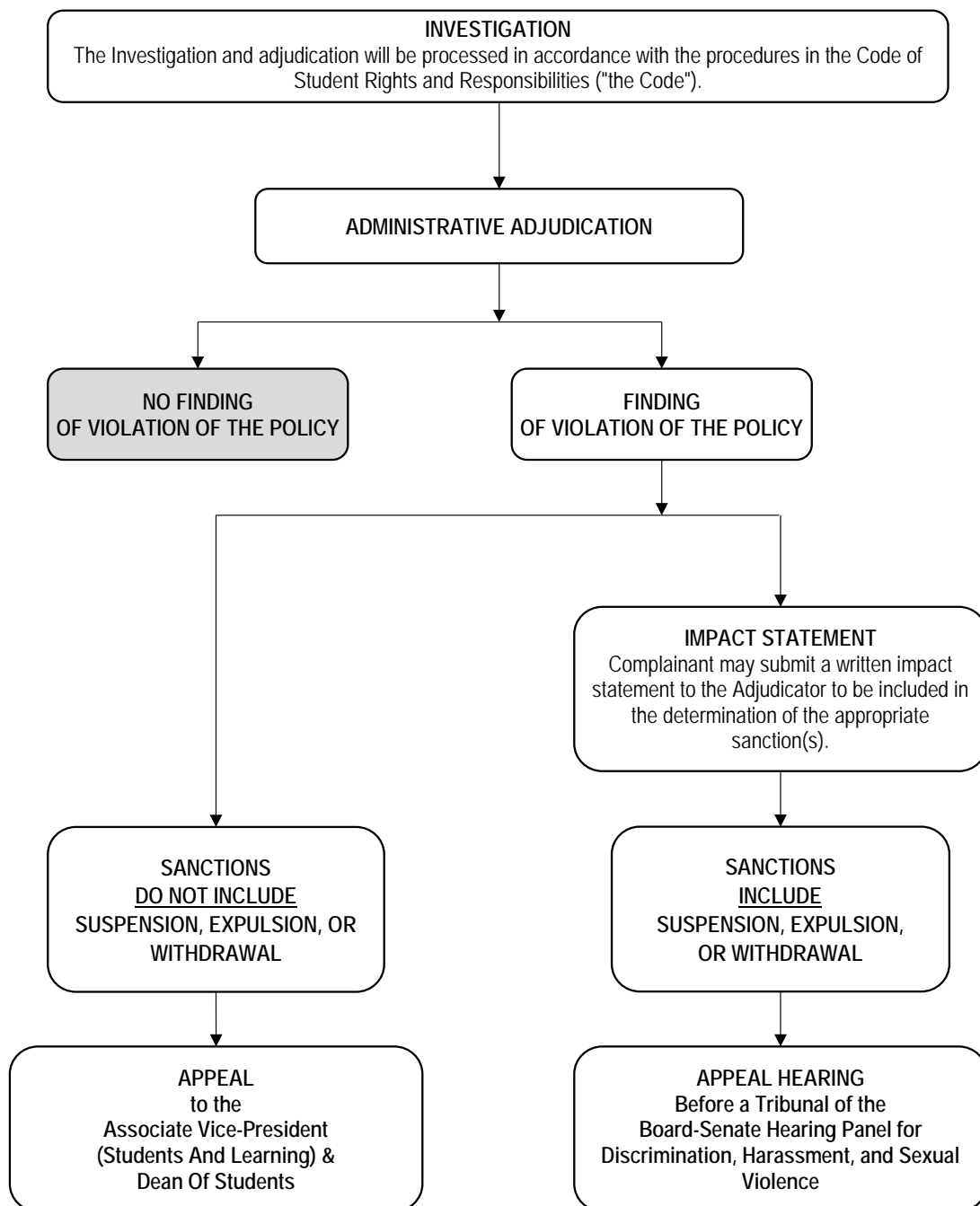
Worker

The definition of a Worker includes: a person who performs work or supplies services for monetary compensation; and a person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution. Unpaid students, learners and trainees who are workers under the Occupational Health and Safety Act have the same duties and rights as paid workers. Placement employers have the same duties to protect the health and safety of unpaid students, learners or trainees who are workers under the Occupational Health and Safety Act as they do to protect their paid workers. The definition of "worker" does not include a volunteer who works for no monetary payment of any kind.

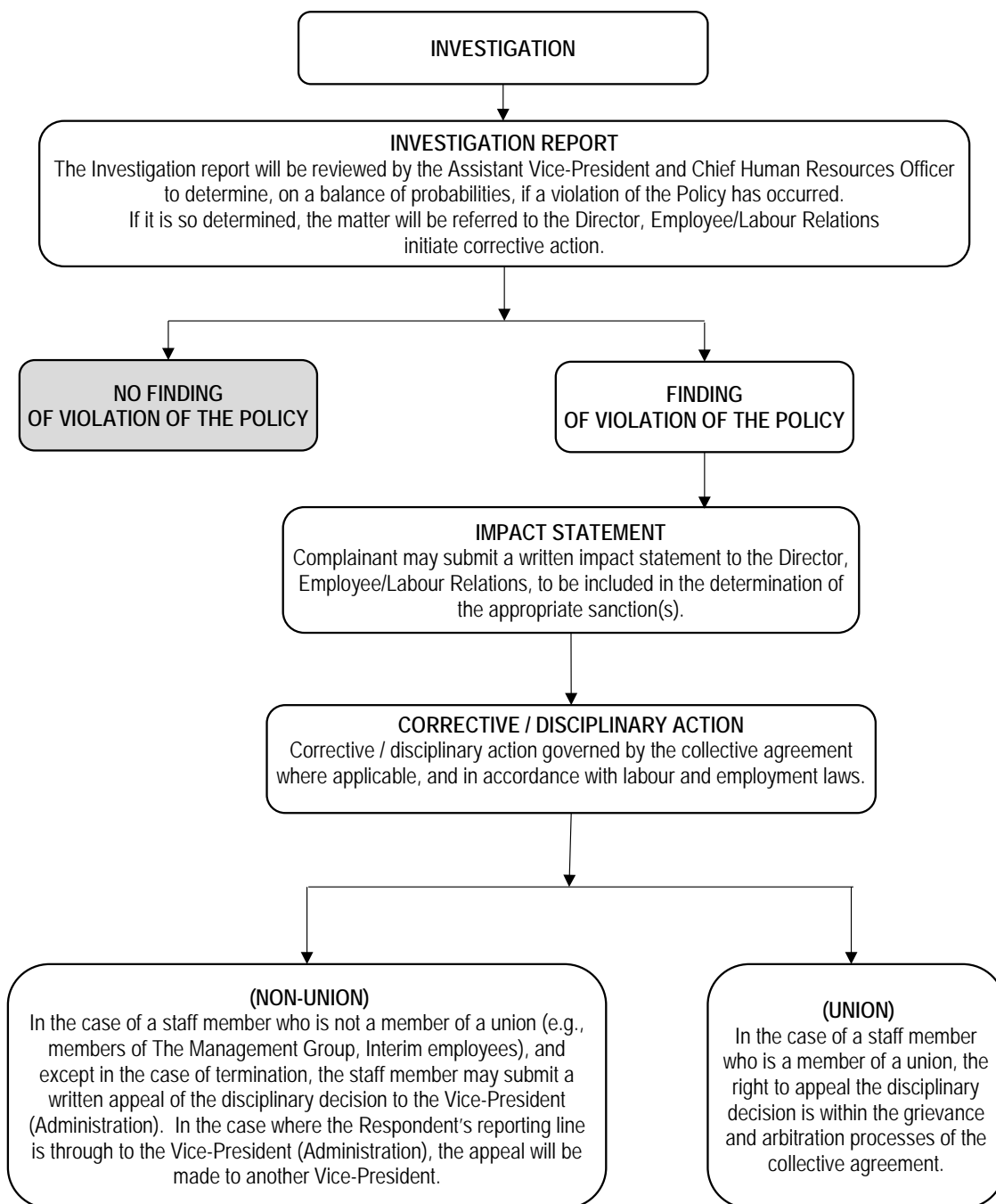
APPENDIX D: FLOWCHARTS



STUDENT RESPONDENT



STAFF RESPONDENT



FACULTY RESPONDENT

