McMaster University

SENATE MINUTES

Wednesday, December 14, 2016 at 3:30 p.m.
In the Council Room (111), Gilmour Hall

PRESENT: Dr. Patrick Deane (Chair), Dr. Catherine Anderson, Dr. Vishwanath Baba, Mr. Jacob Bailey, Dr. Robert Baker, Dr. Sigal Balshine, Dr. Lee Beach, Dr. David Clark, Mr. Gary Collins, Mr. Roger Couldrey, Dr. David Earn, Dr. Carlos Filipe, Dr. Michele George, Dr. Meridith Griffin, Dr. Bhagwati Gupta (Acting Associate Vice-President and Dean of Graduate Studies), Dr. Janice Hladki, Dr. Alison Holloway, Dr. Jerry Hurley, Dr. Violetta Igneski, Ms Katelyn Laslo, Dr. Graeme Luke; Ms Beth Manganelli Staite, Dr. Bruce Milliken, Mr. Sid Nath, Mr. Alexander Nielsen, Dr. Dorothy Pawluch, Dr. Robert Pelton, Dr. Ishwar Puri, Dr. Christine Quail, Dr. Jonathan Schertzer, Dr. Susan Searls Giroux, Dr. Ravi Selvaganapathy, Dr. Spencer Smith, Ms Moira Taylor, Dr. Lehana Thabane, Mr. Peter Tice, Dr. Matt Valeriote, Mr. Philip Tominac, Dr. Brenda Vrkljan, Dr. Patricia Wakefield, Dr. David Wilkinson, Ms Mary Williams, Ms Helen Ayre (Secretary of the Senate), Susan Welstead (Assistant University Secretary)

OBSERVERS: Ms Carolyn Brendon, Ms Esme Davies, Dr. Susan Denburg, Ms Andrea Farquhar, Dr. Jacy Lee, Ms Vivian Lewis, Ms Melissa Pool, Mr. Sean Van Koughnett

BY INVITATION: Ms Allison Drew-Hassling, Ms Pilar Michaud, Ms Maggie Pooran

REGRETS RECEIVED: Mr. Jack Boshart, Dr. Ana Campos, Dr. Philippa Carter, Dr. Narat Charupat, Dr. Ken Cruikshank, Mr. Mitchell Hajnal, Dr. Shafiquel Huque, Ms Rebecca Jamieson, Dr. Suzanne Labarge, Dr. Colleen McKee, Dr. Paul O'Byrne, Prof. Bridget O'Shaughnessy, Dr. Petra Rethmann, Dr. Doug Welch, Dr. Jean Wilson, Dr. J.P. Xu

A. OPEN SESSION

OPENING REMARKS

Dr. Deane welcomed Mr. Gary Collins, an alumnus, who was appointed to Senate by the Alumni Association to replace Mr. Ken Clarke, who had to step down.

Dr. Deane then noted that normally by now Ontario universities would have received some information about the on-going tuition framework, but it was not yet available and the Province had advised that it would not be ready until the new year. He said that everything related to post-secondary education was up in the air and subject to revision at the moment. If any updates became available through the Council of Ontario Universities, Dr. Deane would communicate those.
Also on the provincial front, Dr. Deane reminded Senators that earlier this year the Premier had announced the creation of a Chief Science Officer position for Ontario. The new position was intended to strengthen the research ecosystem in the province and would have as its mandate championing science, advising on research programs, and focusing attention on the importance of investment in knowledge and science. At the request of the Ministry, McMaster had provided feedback on the roles and responsibilities of the position. The current understanding was that the recruitment process would be completed by the spring of 2017.

At the federal level, recent news was the appointment of a new Deputy Minister Champion to replace Dr. Bruce Archibald, who retired from public service earlier this year. The new Deputy Minister Champion will be Mr. James Meddings, president of the Federal Economic Development Agency for Southwestern Ontario. He will be visiting campus early in the new year and it was hoped that the University would continue the productive partnership established with Dr. Archibald.

I APPROVAL OF AGENDA – OPEN SESSION

Dr. Deane confirmed that no requests had been received to move the minutes from the Consent to the Regular agenda of the Open Session.

It was duly moved and seconded,

“that the Senate approve the Open Session agenda for the meeting of December 14, 2016 and that item II be approved by Consent.”

The motion was carried.

CONSENT

II MINUTES

Motion:

that the minutes of the Open Session portion of the meeting held on November 9, 2016 be approved as circulated

Approved by Consent

REGULAR

III BUSINESS ARISING

There was no business arising from the Open Session minutes.
IV ENQUIRIES

There were no enquiries.

V COMMUNICATIONS

a. Enrolment Figures

i. Graduate (Appendix A)

Dr. Gupta, the Acting Associate Vice-President and Dean of Graduate Studies, reported that this year total graduate enrolment was 4,485, comprising 3,712 full-time and 773 part-time students. This represented about a 5% increase over last year.

Overall, 70% of all students were BIU-eligible. The BIU number has gone up by 2.3% compared to last year. Growth occurred at both the M.Sc. and PhD levels.

A member asked what “BIU-eligible” and “BIU-ineligible” meant.

Dr. Gupta explained that “BIU-eligible’ students, also called “BIUs,” were those students for whom the University received government funding. Nearly all of these tended to be in-time domestic students. “BIU-ineligible” students mostly included over-time and out-of-time domestic students, as well as international students. The University does not receive funding for such students.

A member asked where enrolment for the School of Biomedical Engineering could be found; Dr. Gupta explained that it was listed in the interdisciplinary category.

A member asked what the School of Graduate Studies attributed the 5% growth to.

Dr. Gupta said the growth was due to increases in all three broad areas, BIUs, international students, and over-time / out-of-time students. It was unclear whether this was a passing trend or whether it might be expected next year, but, in any case, Graduate Studies was putting significant efforts into improving admission workflow.

ii. Undergraduate (Appendix B)

Mr. Van Koughnett, the Associate Vice-President (Students and Learning) and Dean of Students, reported that applicants had accepted offers from McMaster at the highest rate ever, resulting in total enrolments in Engineering, Science and Business that were significantly over target. Overall, the University had 1,189 more students than it did at this time last year, due to these increases in Level I enrolments.

A member asked about the category labelled “Other” for some of the Faculties. Mr. Van Koughnett said he was not absolutely sure who was being counted in that category but would get a definitive answer and communicate it to Senate.
VI REPORT FROM THE FACULTY OF ENGINEERING (Appendix C)

a. Recommendation to Revise the Faculty By-laws

Dr. Puri explained that the Faculty of Engineering was seeking approval to amend the membership and terms of reference of its Student and Professional Affairs Committee to reflect recent changes in the structure of the Faculty and to reduce the size of the committee.

It was duly moved and seconded,

“that the Senate approve in principle proposed revisions to the By-laws of the Faculty of Engineering as set out in Appendix C and refer the changes to the Committee on By-laws for review.”

The motion was carried.

Dr. Deane noted that once they had been reviewed by the Committee on By-laws, the revisions would come back to Senate for final approval.

VII REPORT FROM GRADUATE COUNCIL (Appendix D)

a. Proposed Change to Admission Requirements for the M.A.Sc. and PhD in Chemical Engineering

Dr. Gupta explained that the Department of Chemical Engineering was proposing raising the language requirements for admission to their graduate programs. The Department had been concerned for some time that its students were not sufficiently prepared to function in English and discovered, after conducting a survey amongst their peer departments, that the admission standard for McMaster is lower than for comparable departments. The new language requirement will be effective September 2017.

It was duly moved and seconded,

“that the Senate approve revisions to the language requirements for admission to the M.A.Sc. and PhD in Chemical Engineering, as detailed in Appendix D.”

The motion was carried.

b. Proposed Change to Course Requirements and Calendar Copy for the Master of Engineering in Manufacturing Engineering

Dr. Gupta explained that the School of Engineering Practice and Technology had found that the requirement of an industry project had constrained enrolment in its Manufacturing Engineering Master’s program and was now proposing to expand the program by offering a
second, course-based option that would require eight rather than six courses, but no project. This new option would be available as of September 2017.

It was duly moved and seconded,

"that the Senate approve the introduction of a second, course-based option in the Master of Engineering in Manufacturing Engineering program offered by the School of Engineering and Practice, as detailed in Appendix D."

The motion was carried.

c. Change to Course Requirements and Calendar Copy for the M.A.Sc. in Engineering Physics
e. Change to Course Requirements and Calendar Copy for the M.E.M.E.
f. Change to Calendar Copy for the Master of Biomedical Discovery and Commercialization Program
g. Change to Course Requirements for the M.Sc. in Nursing
h. Change to Comprehensive Exam Procedure for the PhD in Nursing
i. New Program Calendar Copy for the PhD in Communication, New Media and Cultural Studies
j. Change to Calendar Copy for the PhD in English and Cultural Studies
k. Change to Calendar Copy for the MA and PhD in Anthropology
l. Change to Course Requirements and Calendar Copy for the PhD in Social Work
m. Change to Section 2.1.2 of the Graduate Calendar re Concurrent Completion of Master's While Enrolled in PhD Program
n. New Scholarships

Senate received the above-listed reports for information.

VIII REPORTS FROM SENATE COMMITTEES

a. Executive Committee (Appendix E)

i. Proposal to Establish a Policy on Sexual Violence

Dr. Deane explained that, as noted in the material distributed to Senators, all Ontario universities were required to have in place by January 1, 2017 a policy and procedures to address sexual violence on campus. A great deal of work has gone into developing these policies at all institutions and COU has helped to co-ordinate legal advice on the requirements of the legislation and its corresponding regulations.

There had been extensive consultation with all interested groups on campus, with the most recent round of consultations taking place in the last month when students, faculty and staff were invited to submit comments in writing and / or to attend meetings at which concerns
could be expressed, clarification provided, and questions answered. All of the feedback received was considered and, where possible, incorporated into the document now before Senate for approval.

At its last meeting, the Executive Committee met with the working group and approved the policy for recommendation to Senate. Members of the Executive emphasized the need for a concerted effort to raise awareness on campus of the existence of the policy and of the various supports and resources available to members of the community, and recommended the development of a cohesive communications strategy around this issue. Senior administration is committed to providing the necessary training and resources to ensure the successful implementation of this and related policies.

It was duly moved and seconded,

“that the Senate approve, for recommendation to the Board of Governors, the Policy on Sexual Violence, as recommended by the Senate Executive Committee, effective January 1, 2017.”

Two members said they had concerns about the proposed policy. One concern was about the ability of a complainant to know the outcome of their complaint.

Members of the working group, Ms Allison Drew-Hassling and Ms Maggie Pooran, explained that there were a number of privacy issues surrounding the outcome of any complaint. In a finding of sexual violence, a particular sanction might be imposed to reflect the respondent’s involvement in other cases, and it was not appropriate to divulge the details of other cases to outside parties. A sanction might also reflect personal details such as length of service or medical conditions, and this too was information that could not be shared with a third party, even indirectly. However, sanctions or outcomes that had an impact on the complainant would be divulged.

One of the members said it was also unclear who was making the decision in a case of a complaint about sexual violence. Ms Pooran explained that the decision-maker depended on the context of the complaint, and the contextual parameters were spelled out in the policy.

One of the members said that she objected to there being no opportunity for a complainant to appeal the outcome of a panel decision on a complaint. Ms Michaud said that, because the decision-making was conducted collegially and on the balance of probabilities, it was inappropriate to allow a complainant to appeal a decision. Moreover, an appeal would shift the onus to demonstrate wrong-doing from the University to the complainant.

The member then asked if the hearings panels and the policy reviewers would be using feminist expertise to inform decision-making and any developments or updates to the policy. Dr. Wilkinson replied that the Human Resources and Equity and Inclusion offices would be involved in any ongoing developments or reviews and would be sure to advise on the need for expert opinion.
Another member asked whether anything was being done to address systemic sexual violence, and also complained that the website Senators were directed to for information on this policy requirement was not a legislation website and would therefore probably not be available as a reference in a short time.

Dr. Wilkinson replied that the website in question was supplied as a background document so that Senators could see the government thinking that went into the requirement. He added that McMaster’s policy was deliberately focused on having data collection in one place, even though intake could be conducted in many areas.

Since there were no other questions, the motion was voted on and carried, with 2 votes against.

ii. Proposal to Establish a Policy on Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence

Dr. Deane explained that the initial drafts of the Sexual Violence Policy contained a set of procedures specific to that policy. However, as the policy evolved, it was proposed that the most appropriate body to hear cases involving Sexual Violence was the Hearing Panel on Discrimination, Harassment and Sexual Harassment, which already hears cases on related matters and is provided with relevant training.

When the respondent is a student, the initial adjudication of a complaint will be dealt with under the Code of Student Rights and Responsibilities, with the respondent having the ability to seek a final resolution from the hearing panel in certain circumstances. It is being proposed that the hearing procedures that currently exist for the Discrimination, Harassment and Sexual Harassment: Prevention and Response policy be revised to enable that same panel to hear cases that involve sexual violence. Very little of substance needs to change in the procedures, other than in those cases where a student may be expelled or suspended under the Code for a sexual violence offence. The name of the panel would be revised to reflect its new responsibilities.

It was duly moved and seconded,

"that the Senate approve, for recommendation to the Board of Governors, the Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence, as recommended by the Senate Executive Committee and set out in Attachment II of Appendix E, effective January 1, 2017."

The motion was carried.
iii. Proposed Revisions to the Senate By-laws

Dr. Deane noted that, since Senate had approved the policy and procedures above, it was now necessary to approve a revision to the By-laws to enable the name of the relevant hearing panel to be changed to the “Board-Senate Hearing Panel on Discrimination, Harassment and Sexual Violence.” Since the definition of sexual violence encompasses sexual harassment, nothing would be lost in terms of the scope of the panel’s responsibilities.

In order to align the panel and policy for January 1, 2017, Senate needed to waive the requirement for a Notice of Motion on this revision.

If Senate approved the change, the Board of Governors would be asked to make a similar change in its By-laws and the Sexual Violence Policy would be amended to reflect the new name of the panel.

It was duly moved and seconded,

“that the Senate waive the requirement for a Notice of Motion and approve proposed changes to the Senate By-laws, Article VIII, clauses 91 and 93, and Article IX, clause 141, related to the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Harassment, as recommended by the Senate Executive, and request that the Board of Governors waive its requirement for Notice of Motion and enact similar revisions to the Board By-laws.”

The motion was carried.

b. University Planning Committee (Appendix F)

i. Proposal to Establish the Computing Infrastructure Research Centre

Dr. Wilkinson explained that the University Planning Committee had approved a proposal for a new Computing Infrastructure Research Centre, reporting to the Vice-President (Research). The Centre would be a platform for transformative innovations in the design philosophy of data centres and other forms of computing infrastructure. Research thrusts of the Centre would include intelligent thermal management, holistic design approaches, intelligent computing load distribution strategies, autonomous and predictive maintenance, and modular packaging solutions for deployment.

It was duly moved and seconded,

“that the Senate approve, for recommendation to the Board of Governors, the establishment of the Computing Infrastructure Research Centre, as described in Appendix F.”

The motion was carried.
c. Committee on Student Affairs (Appendix G)

i. Revisions to the Code of Student Rights and Responsibilities

Mr. Van Koughnett explained that, under the terms of the new Sexual Violence Policy, complaints of sexual violence against students would be adjudicated under the Code of Student Rights and Responsibilities. This necessitated a number of revisions to the Code to bring its procedures into line with the requirements of the new policy. Language was added covering privacy, confidentiality, limits on confidentiality, an option for restorative justice, and the possibility of mandatory referral to counselling and/or training or coaching. Sections of the Code were also moved and reorganized to enhance readability.

It was duly moved and seconded,

"that the Senate approve the revisions to the Code of Student Rights and Responsibilities, effective January 1, 2017, as set out in Appendix G."

The motion was carried.

X OTHER BUSINESS

There was no other business in Open Session.

In Closed Session, Senate:

a. approved the Closed Session portion of the minutes of the meeting of November 9, 2016;

b. approved, on recommendation of the Executive Committee, nominations to fill vacancies on the Board for Student Appeals, the Committee on Academic Integrity, the Board-Senate Research Misconduct Hearings Panel, and the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Harassment;

c. approved, on recommendation of the Committee on Appointments, the following appointments, re-appointments and extensions:

- the Acting Director of the Centre for the Promotion of Accounting Education and Research for the period January 1 to June 30, 2017;
- the William J. Walsh Chair in Medical Education for a five-year term, effective July 1, 2017;
- an Acting Chair of the Department of French for the period August 1 to December 31, 2016;
- the Acting Chair of the Department of Medicine until June 30, 2017 or until a permanent Chair’s appointment begins, whichever comes first;
- a Director of the Graduate Diploma in Professional Accountancy Program for the
period September 1, 2016 to June 30, 2017; and

- a correction to the term for the Marta and Owen Boris Chair in Stroke Research and Care, in order that it would extend from July 1, 2015 to June 30, 2018;

d. received from the Committee on Appointments, for information, reports on the following appointment decisions:

- an Acting Associate Chair (Graduate) in the Department of Kinesiology for the period January 1 to June 30, 2017;
- an Associate Chair (Research) in the Department of Family Medicine for the period November 1, 2016 to June 30, 2019; and
- an Associate Chair (Finance) in the Department of Family Medicine for the period of July 1, 2016 to June 30, 2019;

e. approved amendments to the Fall 2016 Undergraduate Graduands Report;

f. approved amendments to the Fall 2016 Graduate Graduands Report;

g. approved the membership of an ad hoc Review Panel to review the Discrimination, Harassment and Sexual Harassment: Prevention and Response Policy;

h. received, for information, a report from the Executive Committee on its decision, acting on behalf of Senate, to approve an honorary degree candidate;

i. approved, on recommendation of the Committee on Honorary Degrees, a list of proposed honorary degree candidates for the 2017 Convocations; and

j. approved a request for early graduation.
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**GRAND TOTAL**

418 528 1191 78 2 40 123 666 544 104 1314 108 108

Note: Headcount is as of November 1st and as reported to MAESD.

Source: Student Records Database (PeopleSoft Campus Solutions).
PREPARED BY THE OFFICE OF INSTITUTIONAL RESEARCH AND ANALYSIS
UPDATED DATE: DEC 2016
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Note 1: Program names are as they appear in the Student Records database.
Note 2: Headcount enrollment is as of November 1, 2016 and as reported to NASI.
Note 3: The Headcount total column excludes students in the co-op column.
Note 4: If the Headcount and Co-op columns are added together, the combined headcount would show duplicate headcount. For example, students enrolled in courses and on co-op work term in the same term.
Note 5: Effective Summer 2015, McMaster’s definition of a part-time student changed from 12 units to 9 units per four month term.
Source: Student Records Database (PeopleSoft Campus Solutions).
## Enrolment Management Update

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*101 - students registered in previous academic year at Ontario Secondary School

*105 - all other applicants including students that came indirectly from an Ontario Secondary School

*Returning - Internal transfers, students repeating Level 1, students readmitted, and students with course deficiency

Note 1: Headcounts as of November 1 and as reported to MAESD.
Note 2: Headcounts exclude Divinity, Mohawk & Conestoga Nursing.

Source: Student Records Database (PeopleSoft Campus Solutions).

PR"ED BY THE OFFICE OF INSTITUTIONAL RESEARCH AND ANALYSIS

UPDATED ON: 24 NOV 2016
* 101 - students registered in previous academic year at Ontario Secondary School
* 105 - all other applicants including students that came indirectly from an Ontario Secondary School
* Returning - internal transfers, students repeating Level 1, students readmitted, and students with course deficiency

Note 1: Headcounts as of November 1 and as reported to MAESD.
Note 2: Headcounts exclude Divinity, Mohawk & Conestoga Nursing.

Source: Student Records Database (PeopleSoft Campus Solutions),
PREPARED BY THE OFFICE OF INSTITUTIONAL RESEARCH AND ANALYSIS

UPDATED ON: 24NOV2016
MEMORANDUM

Date: November 17, 2016
To: Senate
From: Ishwar Puri, Dean and Professor

SUBJECT: Amendment to Faculty By-laws (October 2015)

Student and Professional Affairs Committee

A change was made to the chairs of the committee to better reflect the function of the committee as a student academic and professional affairs committee. The Faculty Dean has been moved to the ex-officio list.

The School of Computational Engineering and Science was removed since it is no longer a school within the Faculty of Engineering.

The School of Engineering Practice and the School of Engineering Technology have been changed to reflect the new School of Engineering Practice and Technology. The Manager, Engineering Co-Op and Career Services and Internship Program as well as the Manager, Engineering Alumni Office were moved from the ex-officio list to the consultant list.

A change was made to the faculty membership reducing the complement from two faculty members from each department to two members from within the Faculty. The number of undergraduate students was reduced from eight to six.

The President, McMaster Engineering Alumni Branch, or delegate was removed. The Manager, Engineering Alumni Office satisfies the alumni relations requirements for the committee.

The Director, Outreach and Community Engagement was added due to frequent attendance at and valuable contributions to the committee. The Director, Public and Government Relations, Office of Public Relations, Manager, Career Services, and Director, Alumni Advancement were removed from the list of consultants.

A minor variation was made to the definition of quorum as defined in the Faculty of Engineering Bylaws. The word “Faculty” was replaced with “Membership of the Committee.”

A line was added outlining the frequency of meetings and responsibility for preparation of the agenda.

Thank you.
Consultant: Chair of the Graduate Curriculum and Policy Committee (non-voting)
Secretary: Secretary of the School of Graduate Studies or delegate (non-voting)

(vii) Student and Professional Affairs Committee

Functions:
To initiate short-term and long-term planning, and to recommend to the Faculty policies and actions regarding: relations among the faculty, students and alumni; improving student engagement; student employment and career development; interactions with industry, governmental bodies, professional organizations, professional societies, and the general public; and professional development and continuing education.

Composition:

Co-Chair: Dean of the Faculty or delegate
President, McMaster Engineering Society
President/CEO, McMaster Engineering Graduate Society or delegate

Ex Officio:
President
Provost
Dean, Faculty of Engineering
Associate Dean (Academic)
Associate Dean of Graduate Studies (Engineering)
Director, Engineering I Program
Director, Engineering and Management Program
Director, Engineering and Society Program
Director, School of Biomedical Engineering
Director, School of Computer Engineering and Science
Director, School of Engineering Practice and Technology
Director, School of Engineering Technology
Manager, Engineering Co-Op and Career Services and Internship Program
Manager, Engineering Alumni Office
Director of Administration

Faculty: Two members of Departments not represented by the ex-officio members, from the Faculty, selected by the Dean

Students: Six undergraduate students chosen by the McMaster Engineering Society Executive, representing the leadership of student clubs and teams.
Two graduate students, appointed by the Engineering Graduate Society from the students sitting on the Engineering Graduate Society Council.

Alumni: President; McMaster Engineering Alumni Branch, or delegate

Consultants: (non-voting)
- Director, Outreach and Community Engagement
- Director, Public and Government Relations, Office of Public Relations
- Manager, Engineering Co-Op and Career Services and Internship Program
- Manager, Engineering Alumni Office
- Manager, Career Services
- Director, Alumni Advancement

Quorum: A quorum shall consist of those present at the meeting, provided that the meeting has been properly called and that regrets have not been received from more than one half of the membership of the Committee. However, for action on items not on the circulated agenda, a quorum shall consist of one half of the membership of the Committee.

Meetings:

This Committee meets once in the Fall term and once in the Winter term. The agenda items are decided prior to meeting by the Co-Chairs of the Committee, the Associate Dean (Academic) and the Associate Dean of Graduate Studies (Engineering).

Commented [sn8]: Removed as this person of this description has not been part of this committee in living history. Additionally, the Manager, Engineering Alumni Office (Consultant) satisfies the alumni relations requirements for this committee.

Commented [sn9]: This has been added as this person has frequently been invited to committee meetings and makes highly valuable contributions.

Commented [sn10]: Removed as this person of this description has not been part of this committee in living history.

Commented [sn11]: Moved here from ex-officio due to reasons stated above.

Commented [sn12]: Removed as these roles are incorporated into other roles of Consulting members.

Commented [sn13]: This is a minor variation of the definition of quorum as defined in the Faculty of Engineering By-laws. The key difference is replacing the word "Faculty" with the phrase "Membership of the Committee".

Commented [sn14]: This section has been added to formalize and thus ensure continuity of the existing protocol.
Consultant: Chair of the Graduate Curriculum and Policy Committee
(non-voting)
Secretary: Secretary of the School of Graduate Studies or delegate
(non-voting)

(vii) **Student and Professional Affairs Committee**

**Functions:**

To initiate short-term and long-term planning, and to recommend to the Faculty policies and actions regarding: relations among the faculty, students and alumni; improving student engagement; student employment and career development; interactions with industry, governmental bodies, professional organizations, professional societies, and the general public; and professional development and continuing education.

**Composition:**

Co-Chairs:
- President, McMaster Engineering Society
- President, McMaster Engineering Graduate Society or delegate

**Ex Officio:**

- President
- Provost
- Dean, Faculty of Engineering
- Associate Dean (Academic)
- Associate Dean of Graduate Studies (Engineering)
- Director, Engineering I Program
- Director, Engineering and Management Program
- Director, Engineering and Society Program
- Director, School of Biomedical Engineering
- Director, School of Engineering Practice and Technology
- Director of Administration

Faculty: Two members from the Faculty, selected by the Dean

Students: Six undergraduate students chosen by the McMaster Engineering Society Executive, representing the leadership of student clubs and teams.

Two graduate students, appointed by the Engineering Graduate Society from the students sitting on the Engineering Graduate Society Council.
Consultants:  
Director, Outreach and Community Engagement  
Manager, Engineering Co-Op and Career Services and Internship Program  
Manager, Engineering Alumni Office

Quorum:  
A quorum shall consist of those present at the meeting, provided that the meeting has been properly called and that regrets have not been received from more than one half of the membership of the Committee. However, for action on items not on the circulated agenda, a quorum shall consist of one half of the membership of the Committee.

Meetings:

This Committee meets once in the Fall term and once in the Winter term. The agenda items are decided prior to meeting by the Co-Chairs of the Committee, the Associate Dean (Academic) and the Associate Dean of Graduate Studies (Engineering).
At its meetings on November 15th Graduate Council approved the following for recommendation to Senate:

1. Faculty of Engineering

Chemical Engineering
Change to Admission Requirements (M.A.Sc. and Ph.D.)
The program proposed raising the language requirements for admission to their programs. The new requirements would be: TOEFL: 88 (internet-based), TOEFL: 230 (computer-based), TOEFL: 570 (paper-based), IELTS: 7.0 and MELAB: 85. The program noted that some of their graduate students have English deficiencies that resulted in productivity problems as well as teaching assistant performance issues. After conducting a review the program found their standards were lower than their major peer departments in Canada. Therefore, they proposed a change to increase the language requirement to be in line with their competitors and to help improve overall student quality. This change will be included in the next Graduate Calendar, effective September 2017.

School of Engineering Practice and Technology
Change to Course Requirements and Calendar Copy (M.E.M.E.)
The current Master of Engineering in Manufacturing Engineering program requirements involve six courses and a project. The program proposed the addition of a second course-based option (8 courses total with no project) for degree completion. This change is proposed in response to the fact that the industry project requirement has severely limited enrollment of students in the program. This change will be included in the next Graduate Calendar, effective September 2017.

For Information:

2. Faculty of Engineering

Engineering Physics
Change to Course Requirements and Calendar Copy (M.A.Sc.)
The program proposed a change to their Accelerated Option to allow research conducted in 4H04 to count towards their accelerated option requirements. This change will be included in the next Graduate Calendar, effective September 2017.
School of Engineering Practice and Technology


The program proposed expanding the number of available courses for their advanced credit option. A number of new 600-level courses were added to the SEPT offerings in the last curriculum cycle to enhance the SEPT graduate curriculum. The change is intended to help build pathways for undergraduate students into SEPT graduate programs. This change will be effective January 1, 2017 for M.E.M.E and M.Eng.D. and September 2017 for the other degrees.

Change to Course Requirements and Calendar Copy (M.E.M.E.)

The program proposed a change to their course requirements which would expand the courses available to M.E.M.E. students. In the past students were only allowed to take courses from Chemical Engineering, Materials Engineering and Mechanical Engineering without special approval. The program proposed creating a list of acceptable courses from other departments that can be taken towards the degree without special approval. A maximum of two courses outside the three disciplines noted above will be allowed. The change is intended to broaden the options for manufacturing-related studies to offer greater opportunities for program growth. This change will be effective January 1, 2017.

3. Faculty of Health Sciences

Biomedical Discovery and Commercialization

Change to Calendar Copy (M.B.D.C.)

The program proposed a few changes to their calendar copy. They removed all references to the ‘new’ graduate program and references to BDC have been changed to MBDC. They also proposed a change to their calendar copy to clarify that the community internship can run from 4 to 8 months and that the scholarly paper course runs concurrently with the internship. These changes will be included in the next Graduate Calendar, effective September 2017.

Nursing

Change to Course Requirements (M.Sc.)

The program proposed a change to their course requirements for students in the course-based and Primary Healthcare Nurse Practitioner program options. Students in both programs will take the new course, NURSING 715, replacing HLTHRM 721 and 771 respectively. The change is intended to ensure that students in the program are taking a course that is more relevant for them. This change will be included in the next Graduate Calendar, effective September 2017.

Change to Comprehensive Exam Procedure (Ph.D.)

The program proposed a change to their comprehensive exam procedure. Previously students were expected to write and have an oral defence of two papers on topics either directly related to the student’s thesis topic or complimentary to it. The changed procedure will involve the development of a thesis proposal and the defence of that proposal. The change is intended to help resolve issues related to time-to-completion as well as missed opportunities to publish thesis-related work. In addition, the program noted the need for a more rigorous process to vet the thesis proposal prior to the start of a student’s research. This change will be included in the next Graduate Calendar, effective September 2017.
4. Faculty of Humanities

Communication, New Media and Cultural Studies
New Program Calendar Copy (Ph.D.)
The program submitted the calendar copy for their new program, starting in September 2017, outlining program information, admission requirements, and degree requirements.

English and Cultural Studies
Change to Calendar Copy (Ph.D.)
The program proposed a change to their calendar copy to clarify all program requirements and to synchronize the information in their section of the graduate calendar with the departmental handbook. The changes include additional information around course work, the thesis proposal, comprehensive exam and small wording changes to the Research Methods & Bibliography Requirements section. These changes will be included in the next Graduate Calendar, effective September 2017.

5. Faculty of Social Sciences

Anthropology
Change to Calendar Copy (M.A. and Ph.D.)
The program proposed changing their calendar copy from "All M.A. students are normally required to complete the department graduate research workshops." to "All M.A. students are normally required to complete the department’s Professional Development Workshop.” They also proposed the creation of a Milestone within Mosaic to better track this requirement and to ensure that it will appear on a student’s transcript. These changes will be included in the next Graduate Calendar, effective September 2017.

Social Work
Change to Course Requirements and Calendar Copy (Ph.D.)
Social Work proposed a change to their requirement of epistemology and critical analysis of practice/policy courses to allow this requirement to be reviewed on a ‘case-by-case’ basis and to be waived in some circumstances. This change will be included in the next Graduate Calendar, effective September 2017.

6. Change to a section of the Graduate Calendar

Graduate Council approved a change to section 2.1.2 with respect to concurrent completion of a Master’s degree while enrolled in a Ph.D. Rather than two months to complete, a student from McMaster will now have a full term from the date of recategorization to complete their Master’s. This change will be effective January 1, 2017.

7. New Scholarships

NAME OF FUND: Hamilton Scleroderma Group Ontario Graduate Scholarship
TERMS OF REFERENCE FOR FUND:
Established in 2016 by the Hamilton Scleroderma Group at St. Joseph’s Healthcare Hamilton to contribute to the Ontario Graduate Scholarship Program. To be awarded by the School of
Graduate Studies to a student enrolled in the Faculty of Health Sciences. Preference to be given to students studying with a focus in Scleroderma, other connective tissue disorders or fibrosis.

**NAME OF FUND:** The Beverley McPetrie Bursary.

**TERMS OF REFERENCE FOR FUND:**
Established in 2016 by Beverley McPetrie, BSCN (Class of '61), to encourage students to achieve their goals and be passionate in their work. To be awarded by the school of Graduate studies to students enrolled in the Graduate Nursing Program who demonstrate financial need. Preference to be given to students pursuing the Primary Health Care Nurse Practitioner designation.
REPORT TO SENATE
FROM THE
EXECUTIVE COMMITTEE

Open Session

At its November 30, 2016 meeting, the Executive Committee approved the following recommendations and now recommends them to Senate for approval:

i. Proposal to Establish a Policy on Sexual Violence (Attachment I)

ii. Proposal to Establish a Policy on Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence (Attachment II)

iii. Proposed Revisions to the Senate By-laws (Attachment III)

Senate: For Approval
December 14, 2016
November 25, 2016

TO: Senate Executive

FROM: David S. Wilkinson, Provost and Vice-President (Academic)

RE: SEXUAL VIOLENCE POLICY

The Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016 requires all Ontario universities to create a stand-alone sexual violence policy, which must be operational by January 1, 2017. The attached draft policy is intended to establish an appropriate framework and tone to enable all disclosures and complaints of sexual violence to be handled in a respectful, fair and accessible way. The policy explicitly states the University’s commitment to doing so, outlines the internal and external supports and options available, the specific processes to be followed in handling complaints of sexual violence, and the responsibility for ongoing prevention, education and training initiatives.

As outlined in my Memo of October 31 to the campus community (copy attached), the draft policy is the result of an extensive process of discussion and consultation with a diverse range of students, faculty, staff and community partners. This process culminated in the draft policy being circulated broadly to the campus community with a request for feedback, as well as two further consultation sessions to enable students, faculty and staff with particular interest, expertise, or concerns to discuss the policy directly with the drafting team. A number of helpful and constructive comments, suggestions and questions were received in response to the request for feedback and I am grateful to those individuals and groups who took the time to consider the policy and provide their comments.

The drafting committee has reviewed the feedback received during the final consultation phase and has made a number of adjustments and revisions to the draft policy as a result. It has not been possible to incorporate all the suggestions received. Indeed, some of these run in opposite directions. However, the University is committed to monitoring and reviewing the operation of the policy and to identifying and addressing issues or concerns that arise following its implementation. The majority of the most recent adjustments are intended to improve the clarity of the policy, reduce ambiguity in the language, and ensure consistency. In addition, a number of more substantive revisions have been made, as specified below:

1. **Available Supports** – Additional wording has been added to the policy to clarify that both complainants and respondents will have the opportunity to access support and advice throughout the process. The Sexual Violence Assessment Team will monitor the safety of complainants and review the need for interim measures on an ongoing basis.
2. **Timelines** – In recognition of the sensitive and difficult nature of sexual violence complaints, the policy does not include specific deadlines. However, a statement outlining the University’s commitment to handling all such matters as expeditiously as possible has been added.

3. **Confidentiality** – The provisions relating to confidentiality, and the limits to confidentiality, particularly with regard to the reporting requirements of regulatory bodies and in the case of regulated health professionals, have been clarified. The University recognizes the sensitivity of these matters and the need to protect the identity of individuals making disclosures or bringing forward complaints wherever possible.

4. **Support Person** – The definition of “Support Person” has been broadened to include explicit reference to Elders. Survivors, complainants and respondents may choose to be accompanied by a Support Person at any time during the process.

5. **Provision of Information** – A revision has been made to clarify that respondents will receive written notification of the complaint made against them.

6. **Notification of Decision** – Additional wording has been added to clarify the findings that can be made and the information that will be provided to the complainant and the respondent following a decision. Although a blanket commitment to make information about sanctions available to complainants has not been included, the intention is to provide such information wherever possible and, in particular, to provide complainants with information about measures taken in response to concerns about their safety.

7. **Impact Statement** – To ensure that the complainant is not excluded from the final stages of the complaints process, the policy includes the opportunity for complainants to file an Impact Statement to be considered by the decision-maker in determining appropriate sanctions.

8. **Restorative Justice** – Voluntary participation in a restorative justice process has been included as a potential outcome of the complaint process.

9. **Conflict of Interest** – Additional wording has been added to clarify the relevant process in the event that a designated decision-maker under the policy has a conflict of interest.

10. **Hearing Procedures** – A document outlining the hearing procedures for those cases that proceed to a hearing before the Board-Senate Hearing Panel for Sexual Harassment/Anti-Discrimination has been prepared. The procedures are based on those contained in the *Discrimination, Harassment & Sexual Harassment: Prevention and Response* policy but with some revisions to reflect the sensitivity of the issues involved in sexual violence cases.

11. **Policy Review** - Since this is a new policy, the University is committed to monitoring its operation closely, and ensuring that appropriate training and education is put in place to support its successful implementation. The policy includes a commitment that an initial review will be undertaken within the first two years of its operation so that any required adjustments or updates can be taken account of promptly.

Prevention and training is clearly key to the successful implementation of this policy, both with regard to awareness-raising initiatives on campus and to ensure that all those involved in implementing the policy have the necessary training and expertise to be able to do so sensitively and effectively. The Equity and Inclusion Office has accordingly been given responsibility for overseeing regular and ongoing prevention, education and training initiatives, including drawing together a diverse group to coordinate such training and ensure that it is trauma-informed and attuned to the broader social context in which sexual violence occurs.
The introduction of the proposed Sexual Violence policy will necessitate a number of revisions to other policies, including the *Student Code of Rights and Responsibilities* and the *Discrimination, Harassment & Sexual Harassment: Prevention and Response* policy. The proposed adjustments to the *Student Code* have already been reviewed and approved by the Committee on Student Affairs and will be presented to Senate for approval on December 14. It is proposed to bring together a panel to review the *Discrimination, Harassment & Sexual Harassment* policy and recommend the changes needed to take account of the Sexual Violence policy early in the New Year. A separate recommendation for the establishment of this review panel is being submitted to the Senate Executive.

In addition, during the consultation process, an issue was raised with regard to the composition, and specifically the identity of the Chair, of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Harassment, or a Tribunal constituted under it. The Panel is made up of faculty, staff and student members, with the Chair to be appointed by the Senate. It has been the Senate’s practice to appoint a faculty member as Chair of the Panel, but this is not enshrined as a requirement in the Senate By-laws. The University administration has no objection to an adjustment to specify that a faculty member should act as Chair and has asked the University Secretary to bring forward a recommendation for an appropriate revision to the By-laws at the same time that the recommendation for revisions to the *Discrimination, Harassment & Sexual Harassment* policy are presented.

As noted, the University is required to have a stand-alone Sexual Violence policy in place by January 1, 2017. I accordingly request that the Senate Executive approve the attached Sexual Violence policy, and accompanying Hearing Procedures, and recommend it to the Senate and Board of Governors for approval.

**Attachments:**
1. Updated Draft Sexual Violence Policy
2. Hearing Procedures for the Board-Senate Hearing Panel for Sexual Harassment/Anti-Discrimination
3. Memo to the Campus Community dated October 31, 2016
4. Updated List of Participants in the Development of the Policy
Policies, Procedures and Guidelines

Complete Policy Title: Sexual Violence Policy

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Date of Most Recent Approval: 

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Supersedes/Amends Policy dated: 

Responsible Executive: University Secretariat

Enquiries: University Secretariat

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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, Indigeneity, 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
SEXUAL VIOLENCE POLICY

SECTION I: INTRODUCTION

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 Sexual Harassment/Anti-Discrimination* 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:

a) words in the singular may include the plural and words in the plural may include the singular;

b) 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:

a) **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.

b) **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:
   a) respond to Disclosures of Sexual Violence by listening to the Survivor’s needs and concerns;
   b) explain the supports and services that are available to the Survivor;
   c) explain the options available to the Survivor, and assist with navigating the option(s) they select;
   d) explain the limits to confidentiality regarding Disclosures and Complaints;
   e) facilitate workplace, academic, and/or residence Accommodations for the Survivor;
   f) refer the Survivor to University and/or community counselling, advocacy and/or medical services;
   g) activate the Sexual Violence Assessment Team to facilitate safety planning and to consider other University responses that may be necessary; and
   h) 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 infractions 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 Sexual Harassment/Anti-Discrimination. (See Hearing Procedures for the Board-Senate Hearing Panel for Sexual Harassment/Anti-Discrimination).

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 Sexual Harassment/Anti-Discrimination (DHSH 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 DHSH 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 Sexual Harassment/Anti-Discrimination.

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
SEXUAL VIOLENCE POLICY

- 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
- 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
- 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.
SEXUAL VIOLENCE POLICY

COMPLAINT
Complainant notifies 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) and seeks the University’s response. The Intake Coordinator shall ensure the Complainant is aware of the options available to them and assist the Complainant in understanding what may be involved in, and what may result from, each of the options.

INTAKE COORDINATOR
The Assessment Team is activated by the Intake Coordinator.

SEXUAL VIOLENCE ASSESSMENT TEAM
The Assessment Team will review and confirm: that it fits within the scope of the Policy; consider requirements pursuant to the Occupational Health and Safety Act; determine an appropriate and respectful way to inform the Respondent of the Complaint, and ensure that written details of the Complaint are provided; and determine if an investigation is required. The sharing of identifying information will be limited to only what is absolutely necessary in order to address safety concerns or to satisfy a legal reporting requirement.

ASSESSMENT TEAM
Sets the investigation parameters, 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).

INVESTIGATION

Ongoing
SAFETY & SUPPORT OF ALL PARTIES
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.

Complainant may make a written appeal of the AVP decision not to investigate. Appeal goes to the appropriate VP to decide.

Investigation
WILL NOT be initiated.

VOLUNTARY RESOLUTION
In certain circumstances, a Complainant and Respondent may be willing to attempt a resolution at any time before the completion of an Investigation. Voluntary Resolution is not mandatory and may not be appropriate in all Complaints. The following conditions will apply when considering this as a viable option:
- there has been no admission of guilt and no findings have been made in the matter;
- the Complainant and the Respondent both agree with:
  - attempting to reach a resolution;
  - the method of achieving resolution;
  - the terms of the final resolution; and
  - accepting that the agreed upon resolution is not a finding of guilt or breach of the Policy;
- a meeting between the Complainant and the Respondent will not be required.
STUDENT RESPONDENT

INVESTIGATION
The investigation and adjudication will be processed in accordance with the procedures in the Code of Student Rights and Responsibilities ("the Code").

ADMINISTRATIVE ADJUDICATION

NO FINDING OF VIOLATION OF THE POLICY

FINDING OF VIOLATION OF THE POLICY

IMPACT STATEMENT
Complainant may submit a written impact statement to the Adjudicator to be included in the determination of the appropriate sanction(s).

SANCTIONS DO NOT INCLUDE SUSPENSION, EXPULSION, OR WITHDRAWAL (VOLUNTARY OR INVOLUNTARY)

APPEAL TO THE ASSOCIATE VICE-PRESIDENT (STUDENTS AND LEARNING) & DEAN OF STUDENTS

SANCTIONS INCLUDE SUSPENSION, EXPULSION, OR WITHDRAWAL (VOLUNTARY OR INVOLUNTARY)

APPEAL HEARING BEFORE A TRIBUNAL OF THE BOARD-SENATE HEARING PANEL FOR SEXUAL HARASSMENT/ANTI DISCRIMINATION
STAFF RESPONDENT

INVESTIGATION

INVESTIGATION REPORT
The investigation report will be reviewed by the Assistant Vice-President and Chief Human Resources Officer to determine, on a balance of probabilities, if a violation of the Sexual Violence Policy has occurred. If it is so determined, the matter will be referred to the Director, Employee/Labour Relations to initiate a pre-disciplinary process.

NO FINDING OF VIOLATION OF THE POLICY

FINDING OF VIOLATION OF THE POLICY

IMPACT STATEMENT
Complainant may submit a written impact statement to the Director, Employee/Labour Relations, to be included in the determination of the appropriate sanction(s).

DISCIPLINARY PROCESS
Disciplinary process governed by the collective agreement where applicable, and in accordance with labour and employment laws. 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.

(NON-UNION)
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.

(UNION)
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.
FACULTY RESPONDENT

INVESTIGATION

INVESTIGATION REPORT
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 Sexual Violence Policy has occurred. If it is so determined, the Provost will initiate a disciplinary process.

NO FINDING OF VIOLATION OF THE POLICY

INITIATION OF DISCIPLINARY PROCESS

IMPACT STATEMENT
Complainant may submit a written impact statement to the Provost to be included in the determination of the appropriate recommended sanction(s).

REFERAL TO A REMOVAL HEARING
Provost determines that removal proceedings should be initiated, the matter will be referred directly to the procedures for removal under the Tenure and Promotion Policy.

PROVOST REFERNS TO HEARING
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 Hearing.

RESPONDENT ACCEPTS SANCTIONS

HEARING BEFORE A TRIBUNAL OF THE BOARD-SENATE HEARING PANEL FOR SEXUAL HARASSMENT/ANTI DISCRIMINATION
At the hearing the Provost has the onus/burden of proof to present evidence, and on a balance of probabilities, to satisfy the Tribunal that the alleged incident of Sexual Violence has occurred.
October 31, 2016

TO: Campus Community

FROM: David S. Wilkinson, Provost and Vice-President (Academic)

RE: SEXUAL VIOLENCE POLICY

Further to my previous Memo sent in March, I now attach an updated version of the draft Sexual Violence Policy, which has been substantially revised and updated. The revised draft takes account of feedback received during the earlier consultation process, as well as the formal regulations accompanying the Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016, which were not released until after the last draft was circulated, as well as subsequent guidance and advice developed by the Council of Ontario Universities. It also takes into account the recent restructuring of the Office of Human Rights and Equity Services into the Equity and Inclusion Office.

The initial development of the policy was guided by a small steering committee in collaboration with a large working group (see Appendix), which included a wide range of perspectives, experience and roles in relation to the policy and the issues: 1) students representing diverse groups and communities; 2) staff and offices with responsibilities for conduct, discipline, policy-making, legal matters; 3) staff and faculty knowledgeable and engaged with issues of gender-based violence, with employment and governance issues on campus and in related support and service roles; and 4) community partners in the Violence Against Women sector. The revised policy is informed by the feedback received from those extensive consultations, as well as by legal and operational considerations related to the provincial regulations, and is grounded in relevant research and practice-based knowledge of the differing impacts of sexual assaults on diverse communities.

The Sexual Violence and Harassment Action Plan Act requires all Ontario universities to create a stand-alone sexual violence policy, which must be operational by January 1, 2017. The updated draft reflects McMaster’s commitment to preventing and addressing sexual violence, and to promoting and supporting an inclusive environment in which all members of our diverse community have the right to study, work and live in an environment free of sexual violence.

What We Heard: Key Issues Arising from the Consultation Process
- The policy should be user-friendly and easily navigable and should cover all aspects of Sexual Violence as specified in the Sexual Violence and Harassment Action Plan Act.
• The policy should clearly articulate the University’s commitment and approach to handling disclosures and complaints of sexual violence and should acknowledge and explicitly recognize the systemic issues at play.
• The policy should clearly identify the various supports available to survivors, both on and off campus.
• Prevention and training should be prioritized, both with regard to awareness raising initiatives on campus and to ensure that all those involved in implementing the policy have the necessary training and expertise to be able to do so through a trauma-informed lens.
• The support/advice/confidential disclosure functions should be separated from the intake and investigation of formal complaints to create, so far as possible, a “safe” place for survivors to disclose and to seek advice and support.
• Confidentiality should be preserved wherever possible. The goal is to create an environment that allows survivors to feel comfortable making a disclosure and enables them to maintain control of the process and the steps taken, so far as possible.
• The pathways available to survivors, including in relation to the Code of Student Rights and Responsibilities and other intersecting policies, should be clearly defined.
• The process for undertaking investigations should be clearly outlined. All investigators must have expertise in dealing with sexual violence complaints.
• The policy should allow for alternative dispute resolution or voluntary resolution methods to be employed where appropriate.
• Complainants and respondents should be treated fairly and respectfully, and support should be available to them at all stages of the process.
• Information about the outcome of a complaint should be provided to both complainants and respondents.
• The policy should be subject to regular review, including an initial review two years after its implementation.

What We’ve Done: Key Changes Made to the Draft Policy
• The language of the policy has been simplified and it has been revised to include all aspects of Sexual Violence as defined in the Sexual Violence and Harassment Action Plan Act. This will require some revisions to the University’s Discrimination, Harassment & Sexual Harassment: Prevention and Response policy, which will be made as soon as practicable. Establishing a single policy covering all aspects of Sexual Violence is intended as a more easily navigable and accessible approach.
• The University’s commitments have been clearly stated at the beginning to set the tone and expectations for implementation of the policy. This includes specific acknowledgement of the underlying systemic issues.
• The policy includes a list of internal and external supports available to members of the campus community, which will be updated from time to time.
• The Equity and Inclusion Office has been given responsibility for overseeing regular and ongoing prevention, education and training initiatives, including drawing together a diverse group to coordinate such training and ensure that it is trauma-informed and attuned to the broader social context in which sexual violence occurs.
• The role of the Sexual Violence Response Coordinator has been clarified and separated from the intake process relating to formal complaints. The services of the Sexual
Violence Response Coordinator are available to survivors throughout the process, and whether or not a formal complaint is made.

- The commitment to confidentiality has been more clearly stated and the situations where confidentiality cannot be guaranteed (in cases of concerns about personal safety or the safety of other members of the campus community, or legal requirements, for example) have been clarified.
- The options and potential pathways available to survivors have been more clearly articulated, with a distinction drawn between disclosures/requests for support and information, and internal complaint procedures. The policy now outlines three separate avenues following completion of an investigation, for student, staff and faculty respondents, respectively. This approach recognizes the different contractual arrangements that govern each constituency’s relationship with the University and is integrated with existing procedures for decision-making such as the Code of Student Rights and Responsibilities, applicable collective agreements, or the Tenure and Promotion policy.
- A Sexual Violence Assessment Team has been established to review all formal complaints and determine, in consultation with the appropriate Associate Vice-President, if an investigation is required. The Team will also coordinate any appropriate accommodations or interim measures that may be needed.
- The policy specifically allows for voluntary resolution where both parties are in agreement as to the approach to be taken. The nature of the voluntary resolution is left open to allow for a variety of approaches depending on the nature of the complaint and the identities of the parties.
- The University’s commitment to maintaining a fair and respectful approach is specified, along with the available supports that can be accessed throughout the process.
- Following completion of an investigation, a written notice of the decision, including a summary of the findings, the reasons for the decision, and (to the extent legally possible) any corrective measures taken by the University, will be provided to both complainants and respondents.
- The Sexual Violence and Harassment Action Plan Act requires the University to review the policy at least once every three years. The policy provides for an initial review after two years, followed by regular three-yearly reviews.

In general the updated draft is intended to set an appropriate framework and tone to enable all disclosures and complaints of sexual violence to be handled in a respectful, fair and accessible way. The University is committed to monitoring the operation of the policy and ensuring that appropriate training and education is put in place to ensure its successful implementation. The policy will be accompanied by a set of Hearing Procedures for the Board-Senate Hearing Panel for Sexual Harassment/Anti-Discrimination, which will be based on the procedures currently contained in the University’s Discrimination, Harassment & Sexual Harassment: Prevention and Response policy. For sexual violence cases, the Procedures will include some provisions that recognize the particularity and sensitivity of the issues involved.

Next Steps
Any final comments on the draft policy can be submitted to policy@mcmaster.ca. Members of the campus community who wish to provide comments are requested to do so by no later than November 18, 2016. The final version of the policy will then be submitted to the Senate and
Board of Governors for approval at the meetings of the governing bodies in December. The policy will take effect on January 1, 2017, as required by the Sexual Violence and Harassment Action Plan Act.

Attachments:
1. Draft Sexual Violence Policy
2. List of Participants in the Development of the Policy
SEXUAL VIOLENCE POLICY DEVELOPMENT

A. Participants in Sexual Assault Policy Development, 2015-2016:

1) STEERING COMMITTEE:
   Jane Aronson, Professor, School of Social Work & PACBIC Chair
   Amber Dean, Assistant Professor, Department of English & Cultural Studies
   Meaghan Ross, Sexual Violence Response Coordinator
   Vilma Rossi, Senior Program Manager, Human Rights & Equity Services
   Michelle Poirier, Human Rights Specialist, Human Rights & Equity Services
   This core group was supplemented by a dedicated drafting committee responsible for
   reviewing the feedback received and preparing the final draft policy:
   Michelle Bennett, Hearings Officer & Freedom of Information and Protection of Privacy
   (FIPPA) Coordinator
   Allison Drew-Hassling, Director, Student Support & Case Management
   Pilar Michaud, Director, Human Rights and Dispute Resolution
   Maggie Pooran, Associate Director, Employee/Labour Relations

2) WORKING GROUP IN FOUR CLUSTERS (met in December, February and April)
   i) Students:
   • McMaster Students Union, Women & Gender Equity Network
   • Gender Studies & Feminist Research
   • Muslim Students Association
   • McMaster Hillel (Jewish Students Association)
   • McMaster Students Union, Queer Student Community Centre
   • Indigenous students
   • CUPE Equity
   • President’s Advisory Committee on Building an Inclusive Community Violence Against
     Women/Gender Based Violence Working Group
   • Non-affiliated graduate students
   • NEADS
   • UnitedinColour
   ii) Staff / offices with responsibility for conduct, policy making, legal matters:
   • AVP, Dean of Students
   • Office Human Rights & Equity Services
   • Employee/ Labour Relations
   • Security Services
   • Risk Assessment Team
   • Housing
   • Ombuds
   • Student Conduct
   • Residence Life
iii) Staff and faculty engaged with issues of sexual violence/ university governance

- Registrar’s Office, Indigenous recruitment
- UNIFOR Women’s Advocate
- Indigenous Studies
- Indigenous Education Council
- School of Social Work
- Civil Engineering
- Anti-Violence Network, Chaplaincy
- McMaster University Faculty Association
- Student Wellness
- Athletics & Recreation
- School of Graduate Studies

iv) Community partners in the Violence Against Women sector

- Sexual Assault Centre of Hamilton (SACHA)
- YWCA Hamilton
- Hamilton Health Sciences Sexual Assault Care Centre

B. Campus Community Members or Constituencies Receiving a Copy of the Draft Policy for Feedback, March 2016:

President
Vice-Presidents
Associate Vice-Presidents: Faculty; Academic in Faculty of Health Sciences; Students and Learning (and Dean of Students); Graduate Studies (and Dean of Graduate Students); Assistant Vice President /Chief Human Resource Officer
Faculty Deans
Employee/ Labour Relations
Environmental & Occupational Health Support Services
Human Rights and Equity Services
Ombuds
McMaster University Faculty Association
TMG Committee
Collective Bargaining Units (via Director, Employee Labour Relations)
McMaster Students Union (as this policy relates to undergraduate students)
Graduate Students Association (as this policy relates to graduate students)
McMaster Association of Part-time Students (as this policy relates to part-time students)
Academic Integrity Officer
Chaplaincy Centre
President’s Advisory Committee on Building an Inclusive Community
Residence Life
Security Services
Student Accessibility Services
Student Conduct and Community Services
In addition to the meetings listed above, informal discussions were held and feedback received from a variety of groups including: the Presidents and Vice-Presidents’ Group, MSU Executive, GSA Executive, MUFA Executive, Director of Human Rights and Equity Services, Assistant Vice President Human Resources, Manager Safety and Risk Management, Director of Security, the Associate Vice-President (Academic) Health Sciences, the Associate Vice-President (Faculty), the Associate Vice-President (Students and Learning) and Dean of Students, the Ombuds, and the University Secretary. Advice and input was also received from external independent legal counsel.

C. Final Consultation Process, October/November 2016:
The groups listed above also received a copy of the updated draft policy in October 2016. At the same time, the policy was posted on the Provost’s website and highlighted on the Daily News and in the McMaster Update with a request for feedback. Two further consultation sessions were also held during November: the first focused on students; and the second on faculty and staff. Written feedback via the policy@mcmaster.ca email address was also received from a variety of individuals and groups across the campus, which was then reviewed by the drafting committee and, where possible, incorporated into the draft policy.
Complete Policy Title: Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence

Approved by:

Date of Original Approval(s):

Responsible Executive:

Policy Number (if applicable):

Date of Most Recent Approval:

Supersedes/Amends Policy dated:

Enquiries: University Secretariat

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SECTION I: BOARD-SENATE HEARING PANEL FOR DISCRIMINATION, HARASSMENT AND SEXUAL VIOLENCE

1. The Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence shall consist of six faculty members, three undergraduate students and three graduate students appointed by the Senate; and six staff members appointed by the Board of Governors. Student members shall serve for staggered two-year terms and faculty and staff members for staggered three-year terms. No member shall serve for more than two consecutive terms, but on the expiration of two years after having served the second of two consecutive terms, such person may again be eligible for membership on the Hearing Panel. In addition, the Chair of the Panel has the authority to appoint, on an ad hoc basis, faculty, staff and students who are not members of the Panel to serve on Tribunals as auxiliary Panel members (see Appendix B: Glossary of Terms).

2. The Chair and one Vice-Chair shall be appointed by the Senate from among the faculty members appointed by the Senate and one Vice-Chair shall be appointed by the Board of Governors from among the members appointed by the Board of Governors.

3. Members of the Hearing Panel will receive generic training provided by Human Rights and Equity Services in the particular sensitivities which surround discrimination and harassment, and Sexual Violence issues, in procedures which effect fair resolutions and in penalties and sanctions which are appropriate to the various breaches of Policy and which act as deterrents to further breaches of Policy.

4. 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.

5. Training will not deal with specific cases currently before any Tribunal established under this Policy and is in no way meant to fetter the independence of any Tribunal member to decide any case on the basis of the evidence presented in that case and according to his or her conscience. Once identified as a Tribunal member, the University Secretary will provide additional training regarding the hearing procedures.

ESTABLISHMENT OF TRIBUNAL

6. When the University Secretary receives the Referral to Hearing/Formal Request for Hearing, the University Secretary shall forward to the Respondent and University Officer/Complainant a list of the members of the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence. The parties shall be given the opportunity to express, in writing, any objections they may have concerning any members of the Panel.
7. After careful consideration of any such objections, the Chair or a Vice-Chair of the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence shall select the members of the Tribunal. The Chair or a Vice-Chair shall approve the Tribunal Chair and Tribunal members and, through the University Secretary, shall so inform the Tribunal members, and the parties to the Hearing. When either party has objected to the Chair, a Vice-Chair shall rule on the objection and shall select the members of the Tribunal.

8. The Tribunal shall consist of three members who are without any reasonable apprehension of bias. The Tribunal shall be appointed by the Panel Chair (or a Vice-Chair) and shall be chosen from among the relevant and/or appropriate association/constituency members of the Hearing Panel.

9. If deemed necessary for Hearings involving multiple parties, the Panel Chair, in consultation with the Vice-Chairs, may appoint a five-member Tribunal.

10. A Tribunal Chair external to the University with legal training, expertise and experience in university matters may be appointed by the Panel Chair, in consultation with the Vice-Chairs, when:
   a) the University has been named as a Respondent; or
   b) a University Initiated Investigation has been referred to a Hearing (under the Discrimination, Harassment & Sexual Harassment: Prevention and Response Policy).
SECTION II: INITIATION OF A HEARING

APPLICABLE POLICIES

11. The Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence is responsible for the adjudication of hearings under the following policies:
   a) *Discrimination, Harassment & Sexual Harassment: Prevention and Response*
   b) Sexual Violence Policy
   c) *Code of Student Rights and Responsibilities*

DISCRIMINATION, HARASSMENT & SEXUAL HARASSMENT: PREVENTION AND RESPONSE

12. Hearings may be initiated under the *Discrimination, Harassment & Sexual Harassment: Prevention and Response* Policy, by the Associate Vice-President referring the matter to a Hearing, or by the original Complainant submitting a Formal Request for a Hearing.

Parties to the Hearing

13. Parties to Hearings shall include the:
   a) Initiating Party: the University Officer (when Referred to a Hearing by an Associate Vice-President) or the Complainant (when a Formal Request for Hearing has been filed); and
   b) Respondent (the individual or entity about whom allegations have been made).

Burden of Proof

14. At the hearing the Initiating Party has the burden of proof to present evidence, and demonstrate on a balance of probabilities, to satisfy the Tribunal that the alleged violation of the *Discrimination, Harassment & Sexual Harassment: Prevention and Response* Policy has occurred.

SUBMISSIONS

Referral to Hearing by an Associate Vice-President

15. Within five business days of making the decision to refer a matter directly to a Hearing, or confirming that the conditions for initiating a Hearing have been met, the Initiating Party shall deliver to the University Secretary:
   a) a cover letter referring the matter to a Hearing, that shall include:
      i. preference for an open or closed Hearing;
      ii. the recommended sanctions and/or remedies;
      iii. the names of witnesses to be called; and
      iv. the name of the Initiating Party’s counsel/advisor (if applicable).
   b) the Investigation Dossier;
   c) any materials the Initiating Party wishes to submit to the Tribunal as evidence in support of their position.

16. If the University has been named as a Respondent at the complaint stage the University will be a Respondent at the Hearing.
17. The parties from the initial complaint stage may make a request to the Chair of the Tribunal (through the University Secretary) to be granted status at the Hearing (as a witness, party, or observer).

**Formal Request for Hearing from a Complainant**

18. When a Complainant does not accept the Investigation Outcome of No Violation of the Discrimination, Harassment & Sexual Harassment: Prevention and Response Policy, the Complainant shall *within fifteen business days of receipt* of the Associate Vice-President’s letter submit a Formal Request for Hearing Form to the University Secretary.

19. The Formal Request for Hearing Form shall include:
   a) preference for an open or closed Hearing
   b) the remedy/sanctions sought;
   c) the names of witnesses to be called;
   d) the name of the Initiating Party’s counsel or advisor (if applicable); and
   e) any materials the Initiating Party wishes to submit to the Tribunal as evidence in support of their position.

20. The University Secretary shall inform the Associate Vice-President that a Formal Request for Hearing has been filed. The Associate Vice-President shall provide a copy of the Investigation Dossier to the University Secretary and the University Secretary will forward a copy to the Complainant.

**SEXUAL VIOLENCE POLICY**

21. Hearings for faculty are initiated under the *Sexual Violence Policy* by the Provost and Vice-President (Academic) when the Respondent does not accept the recommendations of the Provost and Vice-President (Academic), or the Provost and Vice-President (Academic) believes that suspension from the University for a period of time is the appropriate sanction.

**Parties to the Hearing**

22. Parties to Hearings shall include:
   a) Initiating Party (the Provost and Vice-President (Academic)); and
   b) Respondent (the individual or entity about whom allegations have been made).

**Burden of Proof**

23. At the hearing the Initiating Party has the burden of proof to present evidence, and demonstrate on a balance of probabilities, to satisfy the Tribunal, that the alleged violation of the *Sexual Violence Policy* has occurred.

**SUBMISSIONS**

24. Within *five business days* of making the decision to refer a matter directly to a Hearing, or confirming that the conditions for initiating a Hearing have been met, the Initiating Party shall deliver to the University Secretary:
   a) a cover letter referring the matter to a Hearing, that shall include:
      i. preference for an open or closed Hearing;
ii. the recommended sanctions and/or remedies;
iii. the names of witnesses to be called; and
iv. the name of the Initiating Party’s counsel/advisor (if applicable).

b) any materials the Initiating Party wishes to submit to the Tribunal as evidence in support of their position.

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

25. In matters related to Sexual Violence where the sanctions include a suspension, expulsion, or withdrawal (voluntary or involuntary), a student Respondent may appeal the decision made by the Associate Vice-President (Students and Learning) & Dean of Students (“Dean of Students”) to the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence.

26. The decision from a lower level stays in effect unless and until it is overturned on appeal. This means that submitting an appeal will not prevent the decision being appealed from being carried out.

PARTIES TO THE HEARING

27. Parties to Hearings shall include the:
   a) Initiating Party (the Student Respondent, who is appealing the decision of the Dean of Students); and
   b) Respondent (the Dean of Students, whose decision is being appealed).

BURDEN OF PROOF

28. At the hearing the Initiating Party has the burden of proof to present evidence, and demonstrate on a balance of probabilities, to satisfy the Tribunal, that the Dean of Students acted or decided the matter in an unfair, unreasonable or unjust way.

SUBMISSIONS

29. Within three weeks of receipt of the relevant decision the Initiating Party shall complete an Appeal Form and deliver it to the University Secretary. The application shall include the following information:
   a) a copy of the decision being appealed;
   b) a statement (description) of the appeal;
   c) the precise grounds for the appeal;
   d) the relief sought;
   f) preference for an open or closed Hearing
   g) the names of witnesses to be called;
   h) the name of the Initiating Party’s counsel or advisor (if applicable); and
   i) any materials the Initiating Party wishes to submit to the Tribunal as evidence in support of their position.
DISCLOSURE AND RESPONSE

30. Within ten business days of receipt of the Initiating Party’s submission, the University Secretary shall forward a copy to the Respondent.

31. Within fifteen business days of receipt, the Respondent shall deliver to the University Secretary the following information:
   a) a written reply to the Initiating Party's submission;
   b) preference for open or closed Hearing;
   c) names of witnesses to be called;
   d) the name of Respondent's counsel or advisor, if applicable; and
   e) any materials the Respondent wishes to submit to the Tribunal as evidence in support of their position.

32. The University Secretary shall within five business days of receipt forward a copy of this reply to the Initiating Party as appropriate.

33. No matter shall be placed before the Tribunal unless the parties have completed, to the satisfaction of the University Secretary, the requisite submissions as outlined above. The University Secretary shall notify the party of any deficiencies in the submission.
SECTION III: PROCEDURAL RULES FOR HEARINGS

PROCEDURAL RULES

34. All Hearings convened under this Policy follow the procedures detailed below, subject to the Tribunal exercising its discretion to adhere to a variation of the procedures, in the interest of procedural fairness.

35. The Hearing shall be conducted in accordance with the principles of procedural fairness, namely the right to receive notice, to be heard and to know the case against one. The Hearing shall follow the applicable procedural rules specified in the Statutory Powers Procedure Act, and set out in this Section. The Tribunal shall have the right to control its own process, and, in this regard, if the Tribunal determines that variations to the procedures would lead to a fair, just and efficient resolution of the Hearing, it has the power to make any Order in furtherance of this objective.

36. A Hearing is the final step the parties may take within the University.

37. The Tribunal has sole jurisdiction to hear and to make a final adjudication for Hearings under this Policy. In some instances a Hearing may involve matters outside the Tribunal's jurisdiction and may require action by the President, such as decisions involving financial implications. In such instances, the Tribunal's decision may take the form of a recommendation to the President, with the President maintaining the discretion to accept or deny such a recommendation.

Parties to the Hearing

38. Parties to Hearings shall include:
   a) the Initiating Party; and
   b) the Respondent.

Burden of Proof and Basis of Decision

39. At the Hearing the Initiating Party has the burden of proof, as described in Section II.

Administrative and Legal Support

40. Administrative support for the Tribunal will be provided by the University Secretary.

41. The Tribunal shall have independent legal counsel arranged by the University Secretary.

42. The University Secretary shall ensure that all members of the Tribunal receive appropriate training to discharge their responsibilities, including with regard to the particularities of cases involving Sexual Violence.

Notice of Hearing

43. A Hearing shall be commenced as soon as possible following the appointment of the Tribunal.

44. An attempt shall be made to schedule the Hearing at a time and place convenient for the Tribunal and for the parties to the Hearing. However, any party whose reasons for absence are not considered valid by the Tribunal's Chair, or whose absence may cause unreasonable delay, shall be notified that the Tribunal will proceed in that party's absence.
45. The parties shall be given reasonable, written notice of the Hearing.

46. Parties to the Hearing shall be given the opportunity to submit written or other documentary evidence prior to the Hearing and any such evidence shall be made available or be accessible to the members of the Tribunal and to all parties prior to the Hearing.

47. Prior to the Hearing, members of the Tribunal shall be provided with the Hearing Record that includes all materials submitted by the parties.

48. Members of the Tribunal must not hear evidence or receive representations regarding the substance of the case other than through the procedures described in this Policy.

**Closed Hearings**

49. Hearings are normally open to the public, but any party to the Hearing may request a closed (in camera) hearing. In the event of such a request, the Tribunal shall hear representations from all parties. In making its ruling, the Tribunal shall consider 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. Due to the confidential nature of the issues, Hearings related to Sexual Violence shall be closed, unless the Tribunal rules otherwise on a request from a party.

50. The Tribunal shall make the decision on whether the Hearing shall be open or closed. If a request by one or both of the parties to close the Hearing is made prior to or during the Hearing of a case, the Chair of the Tribunal shall close the Hearing for the purpose of discussing the request. After listening to the arguments for closing, the Tribunal shall decide whether, in accordance with Section 9 (1) of the Statutory Powers Procedure Act, sufficient cause for closing exists. If not, the Hearing will be re-opened.

**Other Parties**

51. If other persons, in addition to the Initiating Party and the Respondent, have been specified or added as parties to the proceedings, the procedure described above shall be altered by the Tribunal to provide an opportunity for such additional parties to be heard in accordance with the principles of natural justice and procedural fairness.

**Recess or Adjournment**

52. The Tribunal may consider and grant a recess or an adjournment at the request of either party to allow them to review written or documentary evidence submitted at the Hearing.

53. The Tribunal may grant an adjournment at any time during the Hearing to ensure a fair hearing.

**Evidence**

54. Parties to the Hearing have the right to present evidence in support of their case to the Tribunal and to see any written or documentary evidence presented to the Tribunal.

55. The Tribunal has the power to require production of written or documentary evidence by the parties or by other sources.
56. The Tribunal has the power to rule on the admissibility of evidence.

Witnesses

57. Parties to the Hearing and the Tribunal have the right to call and question witnesses.

58. Any person appearing before the Tribunal as a witness shall be required to give evidence under affirmation or oath.

59. The Tribunal has discretion to limit the testimony and questioning of witnesses to those matters it considers relevant to the disposition of the case.

60. Parties are responsible for contacting their own witnesses; for making all arrangements for witnesses to attend the Hearing; for paying any costs associated with their appearance before the Tribunal; and for absorbing the costs of any legal counsel attending on their behalf.

61. The Tribunal Chair has the power to compel an unwilling witness to attend, and parties may contact the University Secretary to request the Chair's assistance in this regard. The power to compel a witness is derived from the Statutory Powers Procedure Act. An unwilling witness may be compelled by the Chair under summons to testify where the written request by the party for the summons demonstrates the witness' testimony is relevant and related to the alleged facts of the case.

62. Other than parties, witnesses are present in the Hearing room only during the time they are testifying.

Representation

63. Parties to the Hearing have the right to represent themselves, or be advised/represented by, for example, a friend, colleague, union representative, or advisor, or legal counsel. The costs of any representation are to be borne by the party retaining such representation.

64. The Tribunal shall have independent legal counsel arranged through the University Secretary.

Recording

65. The Hearing shall be recorded for convenience purposes only. Any malfunction of the recording device or subsequent loss of the recording shall not invalidate, in any way, the related Hearing. The recording shall be held in confidence by the University Secretary for the duration of the Hearing, and will be disposed of in a secure manner after the release of the Tribunal's decision.

Similar Questions of Fact or Policy

66. If two or more proceedings before the Hearings Panel involve the same or similar questions of fact or Policy, the Chair of the Panel, after seeking written input from the parties, may decide:
   a) to consolidate the proceedings or any part of them; or
   b) to hear the proceedings at the same time; or
   c) to hear the proceedings one immediately after the other.
Appropriate procedures

67. The principles and procedures described in this Section shall apply to all proceedings before the Tribunal. Tribunals shall not be charged with investigative duties.

68. Where any procedural matter is not dealt with specifically in this Policy or the Procedural Rules for Hearings, the Tribunal may, after hearing submissions from the parties, establish an appropriate procedure.

69. Any procedural requirement contained in this Policy or in the Rules may be waived with the consent of the Tribunal and of all the parties.

ORDER OF THE HEARING

70. The first item of business for the Tribunal shall be to determine whether the Hearing shall be closed.

71. At the outset of the Hearing, the Chair shall:
   a) identify the nature of the case;
   b) review the order of the Hearing;
   c) note for the record the documentary information submitted by the parties to the Hearing, including any preliminary or procedural orders;
   d) note the names of the witnesses for each party;
   e) confirm the likely dates for sitting and the projected length of the Hearing;
   f) raise, or request the parties to raise, any and all preliminary issues concerning composition of the Tribunal and other unaddressed procedural matters; and
   g) proceed to deal with any matters raised in (f) above before the commencement of the substantive portion of the Hearing, by either proceeding directly to the Hearing or considering and rendering a decision on matters raised in (f) above.

72. The Initiating Party is the first party heard. The Initiating Party's opening statement shall contain a brief description of their case and the recommended sanctions and remedies or relief sought (as appropriate).

73. Following the completion of the Initiating Party's opening statement, the Respondent may present their opening statement at that time, or may defer until completion of the Initiating Party's case.

74. Following the Respondent's opening statement (if presented) the Initiating Party presents their case.
   a) The Initiating Party's case presents the evidence relating to their case, which may include any or all of the following:
      i) Initiating Party's oral testimony;
      ii) oral testimony of Initiating Party's witnesses; and
      iii) documents or other evidence in support of this testimony (if admissible).

   b) Questioning of the Initiating Party and their witnesses by the Respondent and/or by the Tribunal occurs at the close of each person's testimony.
Following the completion of the Initiating Party’s case, the Respondent may present their opening statement if they elected to defer until the completion of the Initiating Party’s case.

The Respondent’s opening statement shall contain a brief reply to the Initiating Party’s case, outlining the main points of their case.

a) The Respondent’s case presents the evidence to support their defence, which may include any or all of the following:
   i. Respondent’s oral testimony;
   ii. oral testimony of Respondent’s witnesses; and
   iii. documents or other evidence in support of this testimony (if admissible).

b) Questioning of the Respondent and their witnesses by the University Officer/Complainant and/or by the Tribunal occurs at the close of each person’s testimony.

The Initiating Party and their witnesses may have the right to offer testimony or other evidence in reply to the issues raised in the Respondent’s case.

After this point in the Hearing, no new evidence or witnesses may be introduced.

The parties are entitled to make closing arguments, and to summarize briefly the main points of their cases, in the following order:

a) Initiating Party
b) Respondent
c) Initiating Party

The Tribunal may alter the order described above in the interest of fairness to any or all of the parties.

While procedural fairness is essential, the Tribunal reserves its right to direct, curtail or encourage the organisation of witnesses, testimony and evidence in the interests of enhancing the clarity, relevance and efficiency of the proceedings.

DELIBERATIONS BY THE TRIBUNAL

Following the formal Hearing, the Tribunal shall deliberate in closed session and shall reach a decision. After deliberation and decision in closed session solely with members of the Tribunal is complete, the Tribunal may solicit the assistance of the University Secretary and the Tribunal’s legal counsel regarding the precise form or wording of any order and reasons for judgement to support its decision.

For Hearings regarding violations of the Sexual Violence Policy and the Code of Student Rights and Responsibilities, the Tribunal shall consider the Complainant’s impact statement, and any mitigating and/or contextual factors in determining appropriate sanctions and remedies, and the reasons for the decision shall be clearly articulated in writing to the parties.
TRIBUNAL DECISION

84. The Tribunal's decision shall be final and shall include:
   a) the membership of the Tribunal;
   b) the background of the file;
   c) a summary of the case of the Initiating Party and the Respondent;
   d) the Tribunal's findings of fact;
   e) the Tribunal's decision and the reasons for the decision; and
   f) any sanctions and/or remedies recommended by the Tribunal, as applicable.

85. The Tribunal shall supply a written report of its decision with reasons to the University Secretary, who, in turn, shall distribute a complete copy thereof to:
   a) the parties;
   b) the President;
   c) the Director, Human Rights and Dispute Resolution;
   d) to such other individuals as the Tribunal deems appropriate and/or necessary.

86. The Tribunal may order that the Complainant (as identified in the applicable policies – see Section II) may receive a redacted copy of the Tribunal's Decision, for the purpose of receiving 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.

87. Where required by a professional licensing body, the results of the investigation may also be communicated to that professional licensing body.

88. At the discretion of a tribunal, public reports or statements may be issued identifying the Respondent: following a Hearing, when a Respondent is exonerated and wishes that fact to be known publicly.

89. Hearing files shall be retained by the University Secretary for seven years after the completion of the hearing, after which they will be disposed of in a secure manner. The Tribunal's Decision shall be kept permanently.

RECOMMENDATION OF THE TRIBUNAL

90. Apart from its duty under these procedures to hear and decide the matters properly brought before it, any Tribunal may make recommendations or suggestions to University bodies or members. Such recommendations are offered for informational purposes and shall be distinct and separate from the decision.
APPENDIX A: SANCTIONS AND REMEDIES

SANCTIONS

1. 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.

2. 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.

3. 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 staff or faculty, Suspension or Recommendation for Suspension, as applicable;
   g) for staff or faculty, Dismissal or Recommendation for Removal, as applicable.

REMEDIES

4. Remedies may include but are not limited to:
   a) mandatory referral to counselling;
   b) training or coaching; and/or
   c) Restorative Justice processes.
APPENDIX B: GLOSSARY OF TERMS

Advisor
A person of the individual’s choice who acts in a supportive or advisory role (e.g. union representative, friend). The Advisor may represent the individual at a Hearing before a Tribunal of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence.

Auxiliary Panel Members
The Chair of the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence has the authority to appoint, in exceptional circumstances and on an ad hoc basis, faculty, staff and students who are not members of the Board to serve on tribunals as supplementary Panel Members.

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 uphold the Initiating Party's case have a greater likelihood of being true than not.

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

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.

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

Hearing (Open/Closed)
An open hearing is where spectators and members of the public may be present. A closed hearing is closed to all but those who have a specific right to be present.

Initiating Party
The Initiating Party is the individual who is initiating the Hearing or Appeal. For Hearings under the Discrimination, Harassment & Sexual Harassment: Prevention and Response Policy, the Initiating Party is the University Officer (when Referred to a Hearing by an Associate Vice-President) or the Complainant (when a Formal Request for Hearing has been filed). For Hearings under Sexual Violence Policy, the Initiating Party is the Provost and Vice-President (Academic). For Appeal Hearings under the Code of Student Rights and Responsibilities the Initiating Party is the Student Respondent, who is appealing the decision of the Dean of Students.

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
The individual or entity who is responding to the Initiating Party’s case.

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.

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.

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).

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.
APPENDIX C: 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 Freedom, Statement on
- Code of Conduct for Faculty
- Code of Student Rights and Responsibilities
- Conflict of Interest Guidelines: Undergraduate and Graduate Studies
- Discrimination, Harassment & Sexual Harassment: Prevention and Response
- Employment Accommodation, Policy and Procedures on
- Freedom of Information and Protection of Privacy Act
- Ministry of Training, Colleges and Universities Act
- Ontario Human Rights Code
- Occupational Health and Safety Act
- Personal Health Information Protection Act
- 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
- Tenure and Promotion Policy
- Violence in the Workplace, Policy on
Proposed Revisions to Senate By-laws

As part of the introduction of the Sexual Violence Policy and related Hearing Procedures, the Executive Committee is recommending a revision to the name of the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Harassment. Since the definition of Sexual Violence in the amended MTCU Act will include Sexual Harassment, it is proposed that the name of the Board-Senate Hearing Panel that hears such cases be revised accordingly. There is also one small item of clarification related to Senate’s appointment of a Chair and Vice-Chair which was raised during the consultations on the Sexual Violence Policy. The Senate is being asked to waive by-law 175, requiring that these changes be presented as Notice of Motion, in order that the policies and related hearing procedures can all be aligned in time for the coming into force of the new legislation on January 1, 2017. Details of the proposed revisions are attached. As this is a joint Board-Senate Panel, similar revisions are being recommended for the Board by-laws.

It is now recommended,

that the Senate waive the requirement for a Notice of Motion and approve proposed changes to the Senate by-laws, Article VIII, clauses 91, and 93 and Article IX, clause 141, related to the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Harassment, as recommended by the Senate Executive, and request that the Board of Governors waive its requirement for Notice of Motion and enact similar revisions to the Board by-laws.
ARTICLE VIII

STANDING COMMITTEES

91. There shall be the following standing committees of the Senate and the duties of such committees shall be as defined herein and from time to time by these by-laws:

(a) the Executive Committee
(b) the University Planning Committee (joint with the Board of Governors)
(c) the Committee on Appointments
(d) the Committee on Honorary Degrees
(e) the Board for Student Appeals
(f) the Committee on University Ceremonies and Insignia
(g) the Committee on By-laws
(h) the Committee on Academic Integrity
(i) the Tenure and Promotion Appeals Nominating Committee
(j) the Committee on Student Affairs
(k) the Board-Senate Research Misconduct Hearings Panel
(l) the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence
(m) the Faculty Discipline Board

The membership of all Senate Committees and Boards shall take effect on the first day of July following the regular June meeting of the Senate, with the exception of the Board for Student Appeals, the membership of which shall take effect on the first day of September following the regular June meeting of the Senate.

92. The Senate may join with the Board in establishing one or more joint committees of the Senate and the Board.

93. The Chancellor and the President shall be ex officio members of every standing committee of the Senate, with the exception of the Tenure and Promotion Appeals Nominating Committee, the Board-Senate Research Misconduct Hearings Panel, the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence, the Faculty Discipline Board, and the Senate Board for Student Appeals.

94. The provisions that apply only to the records of meetings of Senate committees and boards that took place prior to February 16, 1996 are set out in Schedule F. For meetings that took place on or after February 16, 1996, the following shall apply:

(a) Except for joint committees of Senate and the Board of Governors, each standing committee shall fix the times and places of its meetings, which shall be open to the public except:

(i) when matters confidential to the University may be discussed,
(ii) when matters of a personal nature concerning an individual may be discussed (unless the individual requests that such part of the meeting be open to the public),
(iii) when the chair of the committee or board decides that an item of business shall be discussed in Closed Session,
(iv) when at least one third of the committee or board members present at any meeting without debate request the chair of the committee or board to declare the meeting, or any part thereof, a Closed Session, or
(v) as provided for in Sections 128, and 140(d), 141(d), and 145.
ARTICLE IX

BOARD-SENATE HEARING PANEL FOR
DISCRIMINATION, HARASSMENT, AND SEXUAL VIOLENCE

141. (a) The Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence shall consist of six faculty members, three undergraduate students and three graduate students appointed by the Senate; and six staff members appointed by the Board of Governors. The Chair and one Vice-Chair shall be appointed by the Senate from among the faculty members appointed by the Senate and one Vice-Chair shall be appointed by the Board of Governors from among the members appointed by the Board of Governors. Student members shall serve for staggered two-year terms and faculty and staff members for staggered three-year terms. No member shall serve for more than two consecutive terms, but on the expiration of two years after having served the second of two consecutive terms, such person may again be eligible for membership on the Hearing Panel. In addition, the Chair of the Panel has the authority to appoint, on an ad hoc basis, faculty, staff and students who are not members of the Panel to serve on Hearings Committees as auxiliary Panel members. For meetings of the Panel that do not relate to a specific case, 10 members of the Panel constitute a quorum.

(b) The Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence shall:

(i) receive all Referrals to Hearing / Formal Requests for a Hearing and arrange for their adjudication in accordance with procedures approved by the Senate and the Board of Governors, and

(ii) when deemed appropriate, review the policy and procedures relating to discrimination, harassment, and/or sexual violence and make recommendations, through the Senate Executive Committee, to the Senate and the Board of Governors on policy changes or new policies deemed necessary by the Panel.

(c) The hearing of any case referred to the Panel shall be before a tribunal consisting of three members of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence. These members shall be free of conflict of interest and shall be chosen by the Chair, or a Vice-Chair as appropriate, of the Hearing Panel in accordance with procedures approved by the Senate and Board of Governors.

(d) Hearings before a tribunal of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence shall be conducted in accordance with the procedures approved by the Senate and the Board of Governors.
REPORT TO THE SENATE
FROM THE
UNIVERSITY PLANNING COMMITTEE

(i) Proposal to Establish the Computing Infrastructure Research Centre

At its meeting on November 16, 2016, the University Planning Committee approved a proposal to establish the Computing Infrastructure Research Centre. The new Centre has the unanimous support of the Committee on Research Institutes. Details of the proposal are contained in Attachment 1 of the report from the University Planning Committee.

The University Planning Committee now recommends,

that Senate approve, for recommendation to the Board of Governors, the establishment of the Computing Infrastructure Research Centre, as detailed in the attached report.

Senate: FOR APPROVAL
December 14, 2016
October 21, 2016

TO: University Planning Committee

FROM: Robert Baker

RE: Computing Infrastructure Research Centre (CIRC) Proposal

The Committee on Research Institutes has reviewed the attached Proposal for the Computing Infrastructure Research Centre, as per the policies and guidelines.

The proposal has the unanimous support of the Committee on Research Institutes.

Please include this as an Agenda Item for the next University Planning Committee Meeting.

RLB:pb

Attach.

cc: David Wilkinson
    Ishwar Puri
    Doug Welch
    Helen Ayre
Computing Infrastructure Research Centre
Foundation Proposal

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1 EXECUTIVE SUMMARY

The Computing Infrastructure Research Centre (CIRC) will be a platform for transformative innovations in the design philosophy of data centres (DCs) and other forms of computing infrastructure (CI). The research thrusts of the centre will include the following elements of DCs: (1) intelligent thermal management, (2) holistic design approaches, (3) intelligent computing load distribution strategies, (4) autonomous and predictive maintenance, and (5) modular packaging solutions for deployment.

CIRC will house unique facilities, making it the first research centre of its kind in Canada and among a handful others worldwide. Most notable among these are two flexible DCs that are designed to probe the impacts of new technology on performance and resource utilization. This will equip an interdisciplinary team to (1) rapidly implement pilot studies and (2) exhaustively validate new technologies, thus delivering 21st century innovations to an industry that is plagued by archaic designs and other inadequacies inherited from previous generations of computer technology.

Various industry partners will enable seamless translation of research findings into commercial products. In particular, Cinnos Mission Critical Incorporated (CMCI), which is a McMaster spin-off startup venture, will provide continuous knowledge transfer to ensure research efforts are designed to derive maximum commercial impact of research findings.

The activities at CIRC are translational by design, including for education of the current and future workforce. It will leverage McMaster’s mission of excellence in experiential learning, delivering hands-on curricula to the next generation of McMaster engineering graduates and customized training workshops to industry personnel.

CIRC’s governance structure comprises (1) an Academic Director (AD) to authorize/approve projects and (2) the Executive Committee (EC) led by the Managing Director (MD) to develop work proposals and execute decisions by the director. An Advisory Committee, comprising academic and industry leaders, will aid the director(s). In addition, an outreach committee and a commercialization committee will serve the AD and EC in an advisory and decision support role.

The initial support for CIRC originates from substantial cash and in-kind contributions from CMCI and other industry partners, which are being leveraged to secure research grants from Federal and Provincial funding agencies. Other means of sustained revenue include (1) consulting services and (2) royalties.
2 DESCRIPTION OF THE CENTRE

2.1 Name & Branding
The centre will be named the Computing Infrastructure Research Centre (CIRC). The logo, presented alongside, is hereby proposed as secondary branding, to be used in accordance with McMaster's policy on the use of such vehicles.

2.2 Location
CIRC will be located at the McMaster Innovation Park in Suite 401A, collocating with CMCI, which is a McMaster spin-off startup venture. This is a pioneering model of university-industry collaboration that is designed to remove barriers between University research capabilities and its surrounding innovation ecosystem. It is anticipated to provide substantial benefits to its missions in both research and education, e.g., through accelerated translation of research for economic and societal impact, and by facilitating an immersive learning environment that strongly portrays real-life experiences. We expect this to serve as an exemplary model for effective industry-university collaborations in the future.

2.3 Objectives
CIRC is designed to be the world's premiere centre for translational research and development of advanced, efficient and sustainable technologies in the field of CI. Further, CIRC will develop and deliver pioneering hands-on academic curricula to meet the growing needs of highly skilled personnel in the CI industry.

2.4 Proposed Activities
2.4.1 Research
Research thrusts at CIRC include: (1) holistic modeling of DCs, (2) intelligent thermal management approaches, (3) automated design tools, (4) intelligent resource management, (5) predictive maintenance, and (6) modular components for DC deployment. Their interrelations are illustrated in Figure 2.

![Research Objectives Diagram]

Figure 2 Research Objectives The two on the left are fundamental engineering advances, which the three in the centre will exploit to develop market-ready technologies that address industry-wide deficiencies. The one on the right is a vehicle for rapid deployment of the technologies.
At the core of CIRC research will be an integrated computational model for DCs and other forms of CI. The model will be founded on physical laws and complemented with statistical algorithms that iteratively refine its accuracy using years of operational data sourced from a wide variety of DCs as well as real-time data collected from various operating DCs. Such a model will enable the optimization of all events in the lifecycle of a DC, i.e., its design, installation, operation, maintenance and expansion. Efficacy of the optimization will be validated by pilot tests. A suite of software tools are anticipated to aid the CI industry in design, operation and maintenance of their facilities.

In addition, a plethora of disruptive technologies for DC components are envisaged, e.g., novel means for heat removal, intelligent control systems for load distribution and real-time data analysis for predictive maintenance. These components will foster a new paradigm of DC architecture, enabling highly profitable yet environmentally responsible computing practices.

CIRC’s research ambitions will be realized by complementary informal groups comprising dedicated research scientists/engineers and technicians working in tandem with postdoctoral fellows, graduate and undergraduate students.

2.4.2 Education/Training
Several of the private sector partners have expressed an immediate need for skilled personnel capable of the design, operation and maintenance of CI. However, curricula addressing such needs are quite rare. To address these needs, CIRC will develop not for credit courses, workshops, and other informal programs, to be offered to both industry personnel and members of the McMaster community. The Centre will consider offering a Certificate of Completion for those who complete a set level of such activities.

Further to curricular education, CIRC will host approximately twelve graduate students (MSc/PhD) by the end of 2016, and the number is expected to increase thereafter. CIRC will also host undergraduate research interns every summer. Such students will gain hands-on training in CI design and operations and become conversant with the frontiers in scientific and technical developments relevant to the CI industry.

CIRC’s unique environment presents a novel model of education that is designed to evolve experiential learning to the context of the ever-changing societal landscape today. Students will get to witness the 21st century innovation economy in action. This will happen through a problem-based learning plan, featuring problems that are of considerable economic or societal value. The most profound differentiator to the education at CIRC is the holistic nature of the experience: students will be exposed to frequent interactions, e.g., with personnel in R&D, manufacturing, support, sales, marketing, supply-chain, customers, and consultants. Such experiences will stimulate seamless cross-pollination of ideas, which is difficult to emulate in a classroom environment, or even in project laboratories.

2.4.3 Industry Engagement
CIRC will serve its industry patrons through R&D and consulting services and by providing a forum for technology advancements. The CIRC team will couple research findings with business case studies, deployment logistics and competitive market strategies, providing a never-before envelope of services to industry patrons.
Further, CIRC will deliver customized training workshops to industry patrons for a fee. Such workshops are extremely useful for companies bringing new personnel on-board and promise to be a significant revenue source for CIRC.

3 RATIONALE FOR ESTABLISHING THE CENTRE

3.1 Background
Data centres (DCs) are a critical part of 21st century infrastructure. They house the ~75 million servers that ‘run’ our digital lives, and ~10 million new servers are sold every year. For the servers to operate, the DCs must house a plethora of supporting equipment, e.g., for cooling, power distribution and back up, networking, and fire suppression. Thus, in addition to selecting the best possible information technology equipment (ITE), a DC architect is tasked with interfacing the ITE to the available real-estate by selecting suitable supporting equipment and their appropriate interconnections. Currently, this involves an exceedingly complex year-long manual process. Thus, end-users typically requisition DCs to service ~10 years of anticipated business demand, and add a generous contingency. This leads to habitual excessive over design. Consequently, DCs typically run at ~15% of their design capacity, and on average waste ~90% of the energy consumed. These two inefficiencies translate, respectively, into exorbitant locked-in capital costs and operating expense for end-users. Considering that about 3% of the energy produced worldwide is consumed by DCs, this wastefulness is also an escalating energy crisis. Considering that much of electricity production still depends on fossil fuel combustion, this contributes to global greenhouse gas (GHG) emissions. Therefore, DC over-design is both fiscally and environmentally imprudent.

3.2 The Opportunity
The poor design of computing infrastructure stems from a classical disciplinary divide in Engineering: electrical engineers design the computer servers, computer scientists develop the software that manages their utilization, and mechanical engineers implement the systems for thermal management. Historically, integration between these three disciplines has been rare. CIRC bridges this gap by bringing dedicated personnel from each area under one roof. This will enable a holistic approach to the design of CI, enabling both incremental and disruptive innovation in the field. The availability of two flexible DCs will enable rapid pilot testing and exhaustive validation of the technologies; such infrastructure is unavailable elsewhere in Canada. Further, colocation with CMCI and close contact with other industry partners will enable seamless commercialization.

3.3 Alignment with the Strategic Priorities of McMaster University
3.3.1 Research Foci
CIRC will conduct research in the Information Technology sector, which is one of the six multi-disciplinary (cross-faculty) strategic areas identified in the 2012 Strategic Research Plan. Further, the research addresses a big environmental concern by reducing energy needs in one of the fastest growing verticals of its consumption. Simultaneously, it addresses an immediate market need, promising substantial commercial impact.

3.3.2 Research Capacity Building
CIRC will be home to two on-site DCs that are designed to examine the influence of new technologies on performance and energy consumption. They will enable seamless validation of novel technology through direct measurements. Further, two dedicated laboratories will be
developed for benchtop experiments: (1) the *thermal management laboratory* for measuring the various thermal properties of materials and systems, and (2) the *electrical testing laboratory* to probe electrical losses and health monitoring of CI. Thus, CIRC's infrastructure is quite unique. **It is the first of its kind in Canada and is among very few others worldwide.** It promises transformational research activities and will attract the best of researchers and students from all over the world as direct participants or through strategic collaborations.

CIRC will initially host three dedicated research scientists/engineers, leading the three complementary research groups. In the long run, these individuals will serve as excellent candidates for assuming NSERC Industrial Research Chair positions at various levels. Such opportunities will be aggressively pursued in collaboration with the various private sector partners. This contributes to the sustainability of the various research programs to be hosted at CIRC.

CIRC will capitalize on opportunities from various funding agencies: (1) NSERC CRD grants will be used to match all cash and in-kind contributions from the sponsors, (2) an ORF-RE application is being prepared to leverage such contributions further, and (3) application for a CFI Innovation Fund and a matching ORF-RI award is planned to boost the infrastructure. Further, CIRC will explore avenues to attract funding from the Networks of Centres of Excellence.

### 3.4 Research Impact
CIRC will position McMaster and Hamilton as a hot bed for disruptive innovations in the rapidly growing DC & CI industry, attracting businesses and experts of international repute. Further, the research findings will be commercialized exclusively through Ontario based manufacturing, design and service organizations, furthering the innovation ecosystem in Hamilton.

### 4 PARTICIPANTS

#### 4.1 Principal Investigator
Ishwar Puri, Professor, Department of Mechanical Engineering  
*Note:* The Vice President Research will appoint Professor Puri as the Acting Academic Director for the four-month period following the launch of the centre, during which time he will run a search for the Academic Director. Ordinarily, the director of a Faculty-based centre reports to the Dean of the Faculty. However, considering Prof. Puri is also the Dean of Engineering, the Academic Director will report to the Vice President of Research until another Academic Director is appointed or Prof. Puri is no longer the Dean of Engineering.

#### 4.2 Co-Investigators
Douglas Down, Professor, Department of Computing and Software  
Ranil Sonnadara, Managing Director, Research and High Performance Computing  
Rong Zheng, Professor, Department of Computing and Software

#### 4.3 Managing Director
Suvojit Ghosh, Department of Engineering Physics

#### 4.4 Researchers, trainees, and students
The researchers, comprising group leaders of the three proposed research groups, technicians, postdoctoral fellows, graduate and undergraduate students will be members of the McMaster community.
4.5 Community Support
Many organizations in the local ecosystem have expressed interest in supporting CIRC. Notable participants comprise the Innovation Factory, enabling integration with the local innovation ecosystem, the Population Health Research Institute, through data on and access to their computing infrastructure, and the Department of Economic Development of the City of Hamilton, by integration with Hamilton's innovation initiatives. Letters of support already availed are attached herewith.

4.6 Private Sector Partners
The following industry partners have committed contributions (cash and/or in-kind) to activities at CIRC:
1. Cinnos Mission Critical Incorporated, Hamilton, ON (founding partner)
2. Access Communications, Hamilton, ON
3. ClearCable Networks, Hamilton, ON.
4. Spectra Engineering, Toronto, ON.
5. Heroux Devtek, Toronto, ON.
6. Burloak Technologies, Dundas, ON.

4.7 Advisory Board
The following individuals have committed to serving on the Advisory Board of CIRC.
1. Michael Bauer, Scientific Director, SHARCNET & Professor, Department of Computer Science, Western University
2. Roop Mahajan, Director, Institute for Critical Technologies and Applied Science, Virginia Tech
3. Dimos Poulikakos, Professor, Laboratory of Thermodynamics in Emerging Technologies, ETH Zurich

4.8 Expansion of Membership
Immediate expansion is planned in the Advisory Board with particular focus on the inclusion of leaders from the CI industry. As CIRC expands, the board will recruit additional members who are of strategic interest to the centre’s growth, sustainability and impact. Additional research projects will also be sought through support from private sector partners, and the staff members expanded accordingly. Contributions from a number of potential private sector partners are being sought, and are anticipated shortly.

5 ORGANIZATIONAL STRUCTURE & GOVERNANCE
The Academic Director will be supported by an administrative team, consisting of the (1) Managing Director (MD), (2) an Executive Committee, (3) an Advisory Board, and in the future two committees focused on (4) knowledge translation and (5) intellectual property. The MD will be responsible for the overall execution of the activities required for supporting all in-house projects. The respective PIs of all projects will have oversight of the project activities.

5.1 Executive Committee (EC)
The EC will comprise the Academic Director (AD), who will serve as the EC chair, the three group leaders (described below), the Managing Director (MD), the PIs and co-PIs of the various projects being undertaken at CIRC, and a nominee from the Advisory Board. It will meet twice a month to monitor activities and discuss how to realign activities to ensure that research,
technical, and commercialization milestones are achieved as planned and the program goals are satisfied. The EC will propose realignment measures to the AD. Other EC responsibilities will include advising the MD on the day to day management of the centre, executing the AD’s decisions, planning for industry and international collaborations, reporting to the various sponsors, issuing recommendations regarding projects, and planning for the dissemination of research results, technology transfer and commercialization.

5.2 Managing Director (MD)
This role will be served by Dr. Suvojit Ghosh. Ghosh will be responsible for the day-to-day operation of the projects, e.g., managing personnel and resources to execute the objectives of the various projects. Other responsibilities of the MD include: (1) design and implementation of systems and procedures, such as personnel and fiscal decisions with the approval of AD, to manage complex projects and their integration, (2) organization of key meetings, (3) serve as the point of contact for all inward communications from external entities, such as industry and innovation partners, and, with the consent of the AD, provincial entities, e.g., concerning intellectual property, outreach and commercialization opportunities, (4) satisfying planned commercialization objectives and aggressively pursuing new avenues for project expansion and sustainability, and exploring technology transfer and commercialization opportunities, (5) human resource planning, hiring and training of new personnel affiliated with the many projects, (6) management and operation of laboratories, (7) maintaining current knowledge on upcoming funding opportunities and informing all stakeholders in a timely fashion and (8) monitoring of research accounts.

5.3 Advisory Board (AB)
The Advisory Board, which will be chaired by the AD, will assume a role of scientific and intellectual leadership for the guidance and development of the various projects and make recommendations on project direction and progress toward milestones. In order to do so, the AB will convene twice a year for a half-day event at CIRC premises. In order to ensure impartial evaluation, the AB will only comprise of individuals who hold an arm’s length relationship to the project. The AB will comprise seven national and international senior scientific and technical experts who present complementary backgrounds in R&D, technology translation, design, deployment and operation of DCs. The AB will evaluate the relevance of proposed activities, review the outcome of projects and their impact, provide additional technical direction, and advise on enhanced commercialization opportunities. Further, with consent of individual AB members, the MD will seek their mentorship for the young researchers, students and trainees. This mentorship, while voluntary, is critical to develop highly qualified personnel (HQP) for the DC industry.

5.4 Knowledge Translation and Communication Committee
Knowledge translation and communication is crucial to CIRC for building a Canadian innovation ecosystem in the DC industry. Thus, it is integrated into the mandate of CIRC through this committee. This committee will develop communication strategies with the ultimate goal to position Ontario as a leader in the rapidly growing industry of Data Centres management. Its responsibilities will include annual reports, newsletters, website development, and standardization of communication. The committee will comprise the MD, officials responsible for handling communications and outreach at the Faculty of Engineering at McMaster, and nominated members of the AB and EC (one each, on a rotating basis).
5.5 Intellectual Property and Commercialization Committee
This committee will monitor and manage the resulting intellectual property through: monitoring of scientific progress, fostering of dissemination of innovations, contributing to commercialization policies/procedures of CIRC and identification of potential new collaborations. The committee will comprise the MD, an official from the McMaster Industry Liaison Office, most likely to be Mr. Glen Crossley, and nominated member of the AB who holds a senior management role with an industry partner (on a rotating basis). Members from a regional innovation centre or business incubator (Innovation Factory/Communitech) or concerned industry patrons will be requested to volunteer if/when the need arises.

6 REPORTING
The centre will report annually to the Vice President of Research. The annual reports will describe the centre’s progress towards its mission, activities, growth plan and finances. In such communications, the centre will keep the Associate Dean of Research and the Director of Finances & Operations of the Faculty of Engineering fully apprised.

7 SUSTAINABILITY
The appetite for digital technologies will continue to grow exponentially in the foreseeable future. Thus, the collective demand for computing capacity of the planet will keep growing. This presents a continuous need to discover, invent, and innovate our computing machines, i.e., our DCs. The proposed work is designed to seed a long-term establishment that can service this need, and place Ontario at its focus. Our novel model for university-industry partnership is a major enabler in its sustenance and growth:

1. By collocating at the McMaster Innovation Park with Cinnos Mission Critical Inc. (CMCI), a McMaster-born rapidly growing company in the DC industry, we are in continuous contact with industry needs to ensure the relevance and impact of our research activities.
2. We have forged strategic partnerships with five other Ontario-based business serving the DC industry who collectively serve the entire industry value-chain.

3. As the various projects progress, we will grow this network to form a close-knit ecosystem of Ontario companies, which currently exist as scattered resources. Our program will assimilate them into a synergistic network in southern Ontario, specifically in the GTHA.

4. The strategic network will be complemented by the superior technologies translated out of our research, enabling them to compete with foreign businesses who currently dominate the global $100B+ industry.

These are fundamental differentiators of our unique impact realization strategy, and enables substantial revenues to the Ontario companies, as detailed in Section 21.

As the Ontario companies in our network prosper, their capacity to adopt advanced technologies will grow. Such technologies will be developed by our research program as sponsored projects using the unique and enabling on-site facilities that we create, which are the first of their kind in Canada and among very few others worldwide. Whenever appropriate, the team will capitalize on opportunities from various funding agencies: NSERC CRD grants will be used to match all cash and in-kind contributions from the sponsors, and an application for a CFI Innovation Fund and a matching ORF-RI award is planned to boost the infrastructure. Further, the team will explore avenues to attract funding from the Networks of Centres of Excellence. All of these combined provide a promising growth trajectory for our research capacity in the foreseeable future.
REPORT TO SENATE
FROM
THE COMMITTEE ON STUDENT AFFAIRS

For Approval

Code of Student Rights and Responsibilities

At its meeting of November 21, 2016, the Committee on Student Affairs approved, for recommendation to Senate, revisions to the *Code of Student Rights and Responsibilities* (Attachment I). The proposed revisions have been made in order to align the *Code* with the directions of the new *Sexual Violence Policy*, which is being established in response to Bill 132 *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)*.

The revisions to the *Code of Student Rights and Responsibilities* ensure that our procedures are congruent with the direction of the *Sexual Violence Policy*. In addition, following feedback from consultations with various student groups, some additional sections have been included in the *Code* revisions including an addition to the scope (7b); further guidance to readers on privacy, confidentiality and confidentiality limitations; an option for restorative justice processes along with other potential remedies, including mandatory referral to counselling and/or training or coaching sessions; and an option for voluntary measures without a finding in the Code. Finally, some sections within the *Code* have been moved and reorganised to enhance readability and some procedures have been adjusted to better reflect current processes, as well as due process principles that will be enacted based upon the nature (severity) of the allegation. This latter revision is of particular note in the Adjudication section of the revised *Code*.

The current *Code of Student Rights and Responsibilities* is also attached for reference (Attachment II).

The Committee on Student Affairs now recommends,

that Senate approve the revisions to the *Code of Student Rights and Responsibilities*, effective January 1, 2017, as outlined in the attached.
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:  
May 18, 2016, effective June 1, 2016

Supersedes/Amends Policy dated:  
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

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
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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. 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 effects 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 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 Finding No 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;
CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

SECTION V: INVESTIGATIONS AND ADJUDICATION

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) **fines 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.

<table>
<thead>
<tr>
<th>Roles</th>
<th>Sanctions</th>
<th>Appeals</th>
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| Community Advisors (i.e. Student Affairs Staff) | • Oral Warning  
• Written Warning  
• Educational Outcome | Sanctions appealable to the Residence Manager, who has final decision.                        |
| Residence Managers (i.e. Student Affairs Administrators) | • Oral Warning  
• Written Warning  
• Educational Outcome  
• Restitution  
• Fine up to $500.00  
• Behavioural Contract  
• Guest Restrictions*  
• No Contact*  
• Residence Notice*  
• Room Transfer*  
* As approved by the Residence Life Coordinator | Violation and Sanctions appealable to the Student Affairs Adjudicator, who has final decision. |
| Director (Student Support and Case Management Office) | All Sanctions listed above;  
• Probation  
• Persona Non Grata (PNG)  
• Eviction*  
• *Denial of Readmission*  
* As approved by the Director, Housing and Conference Services | Violations/sanctions appealable to Director, Housing and Conference Services, who has final decision.  
Appeals of Eviction or Denial of Readmission will be heard by the Dean of Students. |
| Director, Housing and Conference Services | All Sanctions listed above | Appeals of Eviction or Denial of Readmission will be heard by the Dean of Students.  
Appeals of PNG status reconsideration from residence(s) can be submitted after one year from time of issue. |
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:
CODE OF STUDENT RIGHTS AND RESPONSIBILITIES  SECTION IX: BEHAVIOUR PRIMARILY RELATED TO A HEALTH CONDITION

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.

IN VolvEMENT 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


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
- Welcome Week Regulations
CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

SECTION I: INTRODUCTION

PREAMBLE

AUTHORITY AND JURISDICTION

INVIOLABILITY OF CIVIL AUTORITIES

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PREAMBLE

1. In keeping with the mission of the University, the Student Affairs Office values integrity, quality, inclusiveness and teamwork and strives to support the personal and collective growth of the McMaster student community. Students are expected to conduct themselves in a manner consistent with these principles.

2. 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 this community.

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) Adjudicator means the Student Affairs Adjudicator:
      i. the Manager of Student Conduct and Community Standards (or delegate);
      ii. the Director of Housing and Conference Services;
      iii. the Director of Athletics and Recreation;
   c) Administrator means the Student Affairs Administrator:
      iv. Student Conduct Officer for all student students;
      v. Residence Managers, or delegate, or the Residence Life Coordinator, for Residence students;
      vi. Associate Director of Athletics and Recreation, or the Athletic Services Coordinator for student-athletes;
   d) Athletics and Recreation means the Department of Athletics and Recreation;
   e) Dean of Students means the Associate Vice-President (Students and Learning) and Dean of Students;
   f) Student Groups means University Recognized Student Groups;
   g) Security Services means Security and Parking Services; and
   h) Student Affairs means the Student Affairs Office.

AUTHORITY AND JURISDICTION

4. 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 G: Related Policies and Legislation.
INVOLVEMENT OF CIVIL AUTHORITIES

5. 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.

6. 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 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.

PRIVACY STATEMENT

7. The University will protect personal information and deal with records in accordance with the Freedom of Information and Protection of Privacy Act and the Personal Health Information Protection Act.

8. Where a Student's behaviour, personal security, concern to campus safety, and/or health issues are of serious concern, Student Affairs reserves the right to disclose personal information, regardless of age, in accordance with applicable privacy laws. This could include information gathered for the purpose of proceeding through this Code. In these circumstances the University will contact parents or other appropriate contacts if there are reasonable grounds to believe that it is necessary to do so.

9. Upon disclosure of personal information, notification will be made to the individual whose information relates in person or via McMaster e-mail.

10. In some situations, when deemed necessary by the Director or their designate, information regarding a situation may be shared within Student Affairs, in the interest of supporting the student and/or in the interest of safety to the individual and the University community. (e.g., when behaviour that occurred within Residence may impact or influence the student in their role as a Student-Athlete).

SCOPE

All Students

11. Every student has a responsibility to respect the rights of others and to conduct themselves in a responsible manner that contributes positively to the University and the University community. By enrolling at the University students agree to respect the Rights of other community members, the expectations for behaviour outlined in this Code and the procedures for reaching a resolution; students further acknowledge the right of the University to use this Code to address any instance of unacceptable behaviour, including behaviour that is unlawful, a potential risk to the University or members of its community and/or may cause damage to University property or to the property of a member of the University community, or that may bring the University into disrepute.

12. Behaviour dealt with under this Code includes any action that allegedly violates the Responsibilities of Students or negatively affects any member of the University community, and arises;
   a) on University property;
   b) at a University sanctioned event or when representing the University;
   c) through electronic media, where there is a clear connection to the University community; and/or
   d) off University property and where there is a clear connection to the University community.

Code of Student Rights and Responsibilities
SECTION I: INTRODUCTION

Student-Athletes

13. In addition to the expectations for all students, Student-Athletes are also required to abide by the additional expectations outlined in clause 24. 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.

Residence Students

14. In addition to the expectations for all students, Residence Students are also required to abide by the additional expectations outlined in clause 21. These expectations 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.

Student Leaders and Student Groups

15. In addition to the expectations for all students, 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 25-29.

Guests

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

GUIDING PRINCIPLES

17. The principles used to guide this Code are:
   The Rights of the Individual must be Balanced with the Rights of the University Community
   a) the University recognizes the complexity of student life at a post-secondary institution and recognizes that students may have differing levels of experience addressing conflict, however, students will be responsible for their interactions with others;
   b) students are expected to be individually responsible for their actions whether acting individually or in a group;
   c) the University will uphold the rights of students to live and work in a respectful, positive environment, as well as those of the broader University community;
   The Safety and Security of the University Community must be Protected
   d) the health and well-being of individuals involved in any situation processed under this Code will be taken into account while also considering the safety and security of the broader University community;
   e) the University reserves the right to take necessary and appropriate action to protect the safety and welfare of the campus community. This may include taking appropriate temporary action in cases where a student is accused of serious misconduct;
   This Code Should be used in a Manner that Maximizes Opportunities for Learning
   f) where possible and practicable, violations of this Code will be addressed through educational and/or restorative initiatives. These initiatives provide learning opportunities that help the individuals involved learn and develop.
SECTION II: RIGHTS, RESPONSIBILITIES, AND EXPECTATIONS

ALL STUDENTS

18. 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

19. All students have the right to:
   a) protection under the laws of the land 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 or assault; and
   e) have their personal privacy respected by other students, to the extent possible.

Responsibilities

20. All students are responsible for:
   a) obeying all the laws of the land and being acquainted with the relevant policies, procedures and rules of the University as they apply to their specific role(s) within the University;
   b) treating others in a way that does not harm them physically and/or threaten or intimidate them emotionally or mentally;
   c) supporting the ethical environment on campus through civility, honesty, respect and through valuing the inherent diversity of our community;
   d) consuming legal substances in a safe and responsible manner; and
   e) complying with any disciplinary measures assigned under this Code, and respecting the authority of University officials in the course of their duties.

21. For a list of behaviours that may be considered a violation of this code, refer to Section III: Violations.

22. 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

23. 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. These expectations are identified and agreed upon by every Residence student in the Residence Agreement Contract. 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. loitering 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 practices 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

24. 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. 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) treat everyone with courtesy and respect within the context of their sport.

c) 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;

d) 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;

e) 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;

f) refrain from willfully damaging the property of others which includes, but is not limited to, hotel rooms, facilities at other universities, and transportation vehicles;

g) refrain from the consumption or transportation of any alcoholic beverages on team vehicles;

h) be an ambassador for the University and the sport and avoid engaging in activities likely to cause personal injury, intimidation or harassment; and

i) 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 harm; and which may demean, degrade or disgrace any person, regardless of location, intent or consent of participants.

STUDENT LEADERS AND STUDENT GROUPS: ADDITIONAL EXPECTATIONS

25. 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.

26. 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

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

Personal or University Property

a) vandalizing, 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.;

Safety of Oneself and the Community

b) 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.;

c) possessing, storing, or using a hazardous material, explosive device or weapon, including any item that can be reasonably be perceived to be a weapon by others e.g., replica guns, air soft guns, etc.;

d) engaging in physical actions which are threatening, physically abusive and/or compromise the safety and security of any individual or group;

e) engaging in verbal or non-verbal behavior 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;

Community Standards

f) failing to cooperate with Special Constables, or a University official who is performing their duties under this Code, e.g. including furnishing false information, etc.;

g) assisting with or conspiring in any conduct that violates this Code;

h) trespassing and/or fraudulently gaining, or attempting to gain entry to University property;

i) engaging in disruptive behavior 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 routine of the University;

j) sharing the private information of any individual without consent;

k) fraud of any kind, including misusing University issued keys or identification, passwords, meal cards;

l) publicly displaying and/or making pornography material anywhere on University campus;

m) smoking in non-designated areas according to the Smoking in the Workplace/Public Areas Program;

n) failing to adhere to their responsibilities and expectations as identified in Section II: Rights, Responsibilities, and Expectations;

o) incurring any costs under this Code that are specific in nature e.g. a student's behavior (e.g. behavioral contract, probation) and/or failing to complete an educational outcome or sanction on time;

Legal and Illegal Substances

p) possessing, consuming, trafficking or being under the influence of any illegal substance;

q) possessing or consuming alcohol when under 19 years of age, or distributing alcohol to those under 19 years of age;

r) consuming or being intoxicated by any illegal controlled substance, in a public space regardless of age.
SECTION IV: PROCEDURES

PROCEDURAL GUIDELINES

Burden and Standard of Proof

26. 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 alleged violation occurred).

Notice

29. Notices and other written communications under this Code may be delivered in-person, by phone, McMaster email, 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.

Previous Violations

30. Records of previous violations will be considered only when (i) determining who shall hear a case, and (ii) following a finding or admission of misconduct for the purposes of determining an appropriate sanction(s) or resolution.

REPORTING

31. 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 3) 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. If the matter is not within their authority to address under the Code, the Administrator who received the report shall refer it to the appropriate Administrator within Student Affairs.

32. The Student Affairs Administrator or Adjudicator may determine at any stage of this process that the behaviour is related to a health condition and refer to Appendix C: Behaviour Related to a Health Condition for alternate procedures.

33. For Residence students: When a Student Affairs Staff member (Community Advisor) and/or Residence Manager responds to, or are made aware of a situation in Residence, it will be documented as soon as possible and will follow up through the Inquiry process outlined below. For information on sanctions that a Community Advisor or Residence Manager may assign, please see Appendix I: Sanctions and Appeal Decisions.

INQUIRY

34. The Student Affairs Administrator will make every reasonable effort to initiate an inquiry within 10 business days of being informed of the matter.
SECTION V: SANCTIONS

54. 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.

55. 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 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 failure to complete the contract and acknowledges that any breach of the contract constitutes an offence and may result in more serious sanctions, including suspension or expulsion from the University;
   f) no contact order: if the student agrees to the failure to complete the contract and acknowledges that any breach of the contract constitutes an offence and may result in more serious sanctions, including suspension or expulsion from the University;
   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 as outlined in clause 55(e). 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. failure to complete an assigned outcome/sanction;
   ii. refusal to participate in or failure to complete alternative outcomes/sanctions;
   iii. violations related to fire and fire safety; violations related to drugs;
   iv. violations related to alcohol and unsafe use; and repeat offences;
   v. in addition, repeat offences may result in increased fines;
   vi. some examples of fines for first time violations include:

$50.00 - Failing to complete a non-financial outcome/sanction of this Code
$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
$125.00 - Possession, use, or trafficking an illegal substance
l) 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) persons non grata (PNG): persons 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, 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 clause 47 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 Section 48 for further details).

Athletics Specific
56. 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
57. 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 persons 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 persons 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.
APPENDIX A: PROCEDURAL GUIDELINES FOR ADJUDICATION

1. The following procedural guidelines are designed to assist in the student 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
2. Parties to an Adjudication shall include the Administrator presenting the allegation and the student against whom the allegation has been made.

Notice
3. The student shall be given reasonable written notice of the Adjudication hearing in accordance with clause 29 of the Code (Notice).

Closed Hearings
4. 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
5. 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
6. 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
7. The student shall have the right to have an advisor present at the adjudication hearing. Such advisor may consult with the student, but shall not be allowed to speak at the hearing.

Evidence
8. The student is entitled to receive, prior to the adjudication meeting, detailed information regarding the allegation against them.

9. 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.

10. 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.

11. The decision-maker may require the production of written or documentary evidence by the parties or by other sources.

12. The decision-maker must not hear evidence or receive representations regarding the substance of the case outside of the hearing.

Witnesses
13. 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.

14. 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.

15. The decision-maker may limit testimony and the questioning of witnesses to those matters it considers relevant to the disposition of the case.

16. The witnesses will stay in the adjudication meeting only while they are testifying and responding to questions.

Recording
17. At the discretion of the Student Affairs Adjudicator or at the request of the student, the adjudication hearing will be audio recorded. Such recording is done for convenience purposes only and the malfunction of the recording device or subsequent loss of the recording shall not invalidate, in anyway, the related meeting. The recording shall be held in confidence following Appendix E: Records, Transcripts, Registration, and Notations regarding the record of a violation. Any party may request access to the tape and the reproduction thereof, upon reasonable notice and payment of the reasonable costs associate therewith.

Order of Adjudication Hearing
18. The order of the Adjudication hearing shall be as follows:
   a) The Administrator shall present the findings of their investigation and shall call any witnesses. The student and the decision-maker shall be permitted to question each witness at the end of their testimony. The Administrator shall be permitted to clarify any new points arising from such questioning.
   b) The student shall present their evidence and shall call any witnesses. The Administrator and the decision-maker shall be permitted to question each witness at the end of their testimony. The student shall be permitted to clarify any new points arising from such questioning.
   c) The Administrator may respond to any evidence presented by the student 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.
Appropriate Procedures

22. 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.

23. 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

24. The decision-maker shall notify the student, in writing, of their decision, with reasons, and any appeal rights. Notification shall normally occur within ten (10) business days of the hearing.

25. The decision-maker may decide to:
   a) direct the case to Appendix F where a student has established that they have medical circumstances that may have contributed to the behaviour;
   b) following the Adjudicator, the Adjudicator may:
      i. dismiss the case, or
      ii. make a finding of misconduct and impose a sanction(s) contained in Section V: Sanctions;
   c) The decision of the Dean of Students is final unless the decision imposes a sanction of suspension or expulsion.

26. A decision takes effect immediately and filing an appeal will not stay the implementation of any sanction imposed.

27. It is the responsibility of the Adjudicator to ensure the implementation of the sanction.

28. A student who has been expelled must leave Residence before they are permitted to commence an appeal. If the appeal is successful, the student will be considered for re-admission to Residence in the first available space deemed appropriate for that student by the Director of Housing and Conference Services.

29. If the student wishes to appeal the finding and/or sanction they may follow the Appeal procedures outlined in Appendix F: Appeals.
APPENDIX C: BEHAVIOUR RELATED TO A HEALTH CONDITION

1. 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 behavior; 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 behavior. 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 behavior is in violation of the Code and is directly related to a health condition, alternate outcomes/sanctions outlined in Section V: Sanctions may be utilized as part of the resolution in recognition of the mitigating factors.

2. 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 behavior is related to a Health Condition (including a physical or mental disability, as defined by the Ontario Human Rights Code). The Administrator will review the option to proceed under this section with the student.

3. 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.

4. 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 behavior 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

5. In non-urgent 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.

6. 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

7. 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.

8. If the Dean of Students (or delegate) determines that it is reasonable to believe that the behavior 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 by 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.

9. If the Dean of Students (or delegate) determines that there are no reasonable grounds to believe that the behavior 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

10. When enacting these procedures, the following will be considered:
   a) where a student's behavior 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 will 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 policy or any other behavioral Code.

Review Meeting

11. 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 will appoint a support person if it determines that the student is in need of assistance.

12. 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/behavior. Consultations with appropriate professionals, supporting documentation and/or additional information provided by the student may further assist in this determination.

13. In addition, the review meeting may be used to:
   a) more fully understand the contributing factors that caused the behavior;
   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.

14. 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.

15. 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.

16. 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

17. 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.

18. 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.

19. Students who return after a withdrawal may be required to fulfill other specified academic and non-academic conditions. Each such condition may require the student to provide corroborating evidence that the health condition has sufficiently improved or is being managed.

20. If the student wishes to appeal the finding and/or sanction they may follow the Appeal procedures outlined in Appendix D, Appeals.

APPENDIX D: APPEALS

1. The decision from a lower level stays in effect unless and until it is overturned on appeal. This means that submitting an appeal will not prevent the decision/sanctions being appealed from being carried out.

2. Appeals 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.

3. 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.

4. Parties to the appeal shall include the Appellant who shall be the student, and the Respondent who shall be the University authority whose decision is being appealed.

5. Appeals shall be heard as follows:
   a) decisions of the Administrator may be appealed to the appropriate Adjudicator as listed below:
      i. Student Conduct Officer’s decision appealed to the Manager of Student Conduct and Community Standards;
      ii. Information on residence specific appeals can be found in Appendix I; 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, with the exception of residence cases as outlined in Appendix I.

6. The Adjudicator may, after reviewing the case:
   a) uphold the findings and/or sanctions;
   b) reverse the finding and/or sanctions; or
   c) modify the sanctions.

7. The Adjudicator will normally provide written notice to the appellant of the receipt of the appeal within 2 business days.

8. The Adjudicator will normally have 15 business days to conduct their investigation, which may include meeting with the parties, and shall then inform the student in writing of their decision with reasons and any further right to appeal.

9. Decisions of the Dean of Students that impose a sanction of suspension, expulsion or involuntary withdrawal may be appealed to the Senate Board for Student Appeals within three weeks of receipt of the decision. Refer to the Student Appeal Procedures.
APPENDIX E: 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.

RESIDENCE SPECIFIC RECORDS

5. 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 the decision was made.

6. Residences 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

7. While under investigation for an alleged violation of the Code a student shall not be permitted to withdraw formally from the University.

8. 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.

9. 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 F: PEER CONDUCT BOARD

PEER CONDUCT BOARD MEMBERSHIP

1. The Peer Conduct Board is normally made up of twenty undergraduate and graduate students in good academic standing. Members are normally selected annually by a selection process to be determined each year by Student Affairs. 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 deliberative portion of the hearing and ensuring that a decision is made in a timely fashion.

   a) In cases where the student with alleged violations is an undergraduate student, every reasonable effort will be made for the Peer Conduct Board hearing, to consist of at least two undergraduate students.

   b) In cases where the student with alleged violations is a graduate student, every reasonable effort will be made for the Peer Conduct Board hearing, to consist of at least two graduate students.

4. No one shall serve on a Panel who has any direct interest or prior involvement in the case under consideration. Both the student and the Panel member who feels there is a conflict are expected to express this to the Adjudicator prior to the beginning of the hearing.
APPENDIX G: 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 Integrity Policy
- Alcohol Policy, University
- Conflict of Interest Guidelines: Undergraduate Studies and Graduate Studies
- Discrimination, Harassment and Sexual Harassment: Prevention and Response, Policy
- Employee/Student 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
- 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
- Welcome Week Regulations

APPENDIX H: GLOSSARY OF TERMS

Administrative Hearing means the adjudication process carried out by the Student Affairs Administrator or the Dean of Students.

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 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 the University.

Dean of Students means Associate Vice-President (Students and Learning) and Dean of Students.

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.

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

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.

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.

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.


### Appendix I - Sanctions and Appeal Decisions

The following chart illustrates the specific roles, sanctions and appeal rights applicable to residence students.

<table>
<thead>
<tr>
<th>Roles</th>
<th>Accessible Sanctions</th>
<th>Appeals</th>
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| Community Advisors (i.e. Student Affairs Staff) | • Oral Warning  
• Written Warning  
• Educational Outcome | • Sanctions appealable to the Residence Manager, who has final decision. |
| Residence Managers (i.e. Student Affairs Administrators) | • Oral Warning  
• Written Warning  
• Educational Outcome  
• Restitution  
• Fine up to $500.00  
• Behavioural Contract  
• * Guest Restrictions  
• * No Contact  
• * Residence Notice  
• * Room Transfer  
  * As approved by the Residence Life Coordinator | Violation and Sanctions appealable to the Student Affairs Adjudicator, who has final decision. |
| Manager, Student Conduct and Community Standards (i.e. Student Affairs Adjudicator) | All Sanctions listed above, and:  
• Probation  
• Persona Non Grata (PNG)  
• * Eviction  
• * Denial of Readmission  
  * As approved by the Director, Housing and Conference Services | • Violations/sanctions appealable to Director, Housing and Conference Services, who has final decision.  
• Appeals of Eviction or Denial of Readmission will be heard by the Dean of Students. |
| Director, Housing and Conference Services (i.e. Director) | All Sanctions listed above | Appeals of Eviction or Denial of Readmission will be heard by the Dean of Students. |