Processes for Reporting Instances of Sexual Misconduct by Faculty Members – 10 FAQs

McGill has heard from some members of our University community that the processes for reporting sexual misconduct (e.g., sexual harassment, stalking, sexual assault/rape) by a faculty member are opaque and complex. This document was created in an effort to clarify reporting channels in such instances.

The information set out here is not intended to be comprehensive but instead provides a general overview. Further information and support is available for any member of the McGill community through the Office for Sexual Violence Response, Support & Education (O-SVRSE).

While these FAQs were prepared with a view to responding to questions raised primarily by students at McGill, the information provided here is relevant to all members of the University community, all of whom may reach out to the O-SVRSE or the Senior Equity & Inclusion Officer at any point.

Q1| I AM THE TARGET OF UNWANTED SEXUAL ATTENTION OR CONDUCT BY A PROFESSOR. WHO CAN I SPEAK WITH ABOUT THIS?

We encourage you to speak with anyone whom you trust and with whom you feel safe and comfortable. There are many sites on campus that can provide you with supports and connect you to offices that can respond to requests for accommodation or receive a report/complaint. Common places to which individuals may turn in such cases include:

- the Office for Sexual Violence Response, Support & Education (O-SVRSE)
- the Senior Equity and Inclusion Officer (SEIO), who oversees the Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law (“Harassment Policy”)
- an Assessor appointed under the Harassment Policy
- the Office of the Dean of Students
- the Dean or an Associate Dean of Graduate and Postdoctoral Studies
- the Ombudsperson
- the Sexual Assault Centre of the McGill Students’ Society
- the Legal Information Clinic at McGill

Q2| IF I WANT TO REPORT A PROFESSOR’S BEHAVIOUR, WHICH I BELIEVE CONSTITUTES SEXUAL MISCONDUCT (e.g., SEXUAL HARASSMENT, SEXUAL VIOLENCE, SEXUAL ASSAULT), HOW SHOULD I PROCEED?

At McGill, there are various pathways through which reports of sexual misconduct are possible. Survivors are free to choose the site for reporting where they are most comfortable. The O-SVRSE and the SEIO can provide information about different reporting processes.

Most reports against faculty members are made either under McGill’s Harassment Policy, or directly to the professor’s Dean. Each of these two processes is explained here:
A complaint can be brought to the SEIO or directly to an Assessor appointed under the Harassment Policy. The information required for a complaint is set out in the relevant forms.

The complaint will be investigated by an Assessor, who is a neutral investigator appointed by Senate. To carry out an investigation, the Assessor will meet with the parties and any witnesses relevant to the investigation. They will also consider other relevant evidence.

If you meet with an Assessor:
- You will have a chance to provide information about the experience that led to the complaint.
- The Assessor will ask you some questions and you can decline to answer any or all of these.
- You can take a break or stop the meeting at any time.
- You can be accompanied by a support person of your choosing who is a member of the McGill community.
- Every effort will be made to ensure that this process is fair and respectful of your dignity.

As part of the investigation, the Assessor will also speak with the respondent (i.e., the person against whom the complaint is made) and any witnesses. When the Assessor completes their investigation, they submit a report setting out their findings and recommendations to the Provost. You will see the report, as will the respondent. The Provost then makes a final decision, which the parties also see.

Where the Provost finds that misconduct occurred, he will refer the matter to the respondent’s Dean to determine what disciplinary and/or administrative measures are warranted. See description below of such measures and the process for their institution.

Investigation by an Assessor takes 30 days, with the possibility of an extension in complex cases.

You may report an incident of sexual misconduct directly to a Dean for their investigation. The relevant Dean will be the Dean of the Faculty in which the professor is appointed (a list of all Faculty Deans can be found here).

Your complaint should be submitted to the Dean in writing. It will be helpful to provide:
- the name of professor concerned;
- a description the event(s) that led to the complaint;
- names of any potential witnesses;
- information about other steps you might have already taken (e.g., disclosure to the O-SVRSE, request for academic accommodations);
- other relevant evidence (e.g., documents, emails or text messages).

Where a Dean undertakes an investigation, they are typically advised and guided by the Associate Provost (Equity & Academic Policies). The process that a Dean follows is established by the Regulations Relating to the Employment of Academic Staff (see s. 9). This entails providing the professor who is the subject of the complaint with the report of the allegations and an opportunity to respond. The professor will have the right to know the identity of the person(s) who made the report.

If the Dean invites you to meet, you may refuse or accept the invitation. If you meet with the Dean:
You will have a chance to provide information about the experience that led to the report.
The Dean will also ask you some questions and you can decline to answer any or all of these.
You can take a break or stop the meeting at any time.
You can be accompanied by a support person of your choosing.
Every effort will be made to ensure that this process is fair and respectful of your dignity.

After completing the investigation, the Dean will determine whether the complaint is founded and which administrative and/or disciplinary measures, if any, are warranted. See description below of such measures and the process for their institution.

A Dean’s investigation will usually take about **30–60 days**.

**Q3**  MY COMPLAINT RELATES TO A PROFESSOR’S BEHAVIOUR THAT OCCURRED SEVERAL YEARS AGO. IS IT TOO LATE FOR ME TO BRING A COMPLAINT?

The Harassment Policy aims to stop problematic behaviour when it occurs. A complaint can be brought under this Policy where the most recent incident of alleged misconduct occurred a year ago or less.

In contrast, it is possible to report a complaint to a Faculty Dean at any time.

While it may be difficult to investigate complaints of behaviour that occurred several years ago, the University will seek to address misconduct even when it occurred in the past. It is important to be aware that McGill has disciplinary jurisdiction only over members of our University community. Therefore, the University cannot investigate reports of misconduct by someone who is no longer at McGill.

Anyone who has experienced sexual violence can access support services through the O-SVRSE, regardless of when the experience occurred or whether the person in question is still at the University.

**Q4**  CAN I MAKE AN ANONYMOUS REPORT?

We understand that many people who experience sexual harassment or misconduct have concerns about coming forward to report this experience to persons in authority. As explained below (Q10), our policies and regulations seek to maintain, to the extent provided by law, the confidentiality of anyone who reports harassment or misconduct. Our policies and regulations also seek to protect those who come forward from retaliation, and to provide mechanisms for supporting and respecting these individuals throughout reporting processes. The **O-SVRSE** or the **SEIO** can provide further information in this respect.

That said, McGill’s ability to investigate reports of misconduct made anonymously is extremely limited. This is because, as a matter of procedural fairness, a person who is the subject of a report should have the right to know the nature and scope of the complaint made against them, including information about the identity of the person(s) making the allegation.
**Q5| ARE INTIMATE RELATIONSHIPS BETWEEN PROFESSORS AND STUDENTS PROHIBITED?**

Intimacy between a professor and student could constitute misconduct on the professor’s part. If an intimate encounter/relationship occurred when the professor simultaneously held a position of academic authority or influence over the student (e.g., as an instructor, supervisor, thesis committee member, or advisor), the professor is in a conflict of interest under the University’s Regulation on Conflict of Interest.

In such cases, the professor must immediately disclose the situation to their superior (i.e., Chair or Dean). They will be removed from their position of academic authority over the student. A professor’s failure to disclose a conflict of interest constitutes cause for discipline.

Also, under McGill’s Policy against Sexual Violence, where sexual activity is induced by abuse of a relationship of trust or authority (such as the relationship that exists between a professor and their student), this abuse vitiates consent to sexual activity.

**Q6| WHAT ARE THE POSSIBLE SANCTIONS THAT A PROFESSOR MAY FACE AS A RESULT OF A COMPLAINT OF SEXUAL HARASSMENT OR SEXUAL MISCONDUCT?**

Where an investigation leads to a finding that a professor has engaged in sexual harassment or sexual misconduct, the discipline imposed will depend on the gravity of the offence and whether the professor has committed past offences. Disciplinary sanctions range from a letter of reprimand, to suspension without pay, to dismissal.

For a tenure—track or tenured professor, a Faculty Dean can issue a letter of reprimand or, if the Dean believes that an appropriate sanction is a suspension without pay or dismissal, the Dean must refer the matter to the Principal. The Principal will then determine whether she agrees with the Dean’s recommendation. If so, she will offer the professor a chance to meet before making a final decision as to what disciplinary measure, if any, is warranted.

A professor can contest a disciplinary measure, usually within 10 working days. This will occur through a University grievance process where the sanction was a letter of reprimand or suspension (see Regulations Relating to the Employment of Academic Staff, s. 12). Where the professor is dismissed, they can contest the decision through arbitration or by bringing the matter to the courts.

In addition to disciplinary sanctions (letter of reprimand, suspension without pay, dismissal), a Dean or the Principal may impose what are known as “administrative measures”. These are measures put in place to monitor, correct and improve behaviour. In the case of a professor, examples of administrative measures include approaches such as: required appropriate training, counselling, and education, removal or limitation of supervisory privileges, or a requirement of working with a suitable mentor.

**Q7| WILL I KNOW IF SANCTIONS HAVE BEEN IMPOSED AGAINST A PROFESSOR?**

Quebec law prevents a university from sharing an individual’s personal information. Because information related to disciplinary investigations and their outcome is personal information, the
University may not disclose this to anyone without the consent of the person who was the subject of the report/investigation.

Q8] CAN I SEEK SUPPORT OR ACCOMMODATIONS EVEN IF I DO NOT FORMALLY REPORT AN EXPERIENCE OF SEXUAL MISCONDUCT?

Absolutely. Any member of the McGill community who has experienced sexual violence may request support or accommodations regardless of whether they report the incident to McGill or external authorities. Examples of accommodations may include requests for late course withdrawal, a change in course sections, or alternate residence/living arrangements. Accommodations typically involve support from the Office of the Dean of Students, with whom it is possible to connect directly or through the O-SVRSE.

Q9] IS MY CONFIDENTIALLY PROTECTED DURING AN INVESTIGATION?

Only a limited number of people may learn that you have made a report. They are: the person who is the subject of the report (and their advisor if they have one), the person who investigates, any witnesses interviewed during the investigation, the Dean (and their advisor), and the Principal, if the matter is referred to her for discipline. These individuals are all bound to a duty of confidentiality. A breach of this duty could constitute misconduct that is cause for discipline, if the source of the breach can be identified.

Similarly, you have a right to be protected against retaliation or harassment as a result of coming forward. A breach of this right could constitute misconduct that is cause for discipline.

Q10] I HAVE WITNESSED OR KNOW ABOUT SEXUAL HARASSMENT OR MISCONDUCT INVOLVING SOMEONE OTHER THAN MYSELF. CAN I REPORT ON THEIR BEHALF?

We all have a role to play in addressing sexual harassment and sexual misconduct on our campus. While it is not possible to make a report on another person’s behalf, coming forward can still be helpful and important. Therefore, if you have witnessed potential harassment or misconduct, various offices (e.g., the O-SVRSE, the SEIO, the Ombudsperson, the Dean of Students, Faculty Dean) can assist you in sharing this information with the University. The University will then assess next steps, including providing support to you so that you can help the person concerned come forward to report when they are ready.