

Approved:  
Senate

October 25, 2017

Minute IIB3

*Full history appears at the end of this document.*

## **Charter of Students' Rights**

### **PART I: Interpretation and Scope**

1. The word "Student" shall include:
  - (i) Any person registered in the University for a course, courses, or research, whether or not they are a candidate for a degree, diploma or certificate.
  - (ii) Persons previously registered in the University under (i) above who are on a leave of absence.
2. For the purpose of a grievance under this Charter, the individual need only have been a Student at the time of the alleged violation of any right.
3. The word "University" includes, unless the context warrants otherwise, any of McGill University's constituent entities, and staff, appointees and representatives of the University.
4. A "Member of the University Community" is the following:
  - (i) Anyone holding office under the University Charter and Statutes;
  - (ii) An appointee or employee of the University; or
  - (iii) A Student.
5. The "University Context" is defined as activities or events organized and supported by the University, whether or not on University properties.
6. "Personal information" is defined as information, which combined with the name or student number of a student, serves to identify the student, and which is contained in records concerning such student and held by the University.
7. The rights established by this Charter apply to all Students in the University Context.
8. The Charter shall not be interpreted so as to:
  - (i) Deny or restrict any advantage which by reason of a University regulation is enjoyed by a Student;
  - (ii) Deny or restrict any right or advantage granted to Members of the University Community pursuant to the Statement of Principles Concerning Freedom of Expression and Peaceful Assembly and the Statement of Academic Freedom; or

(iii) Give authority to the Committee on Student Grievances to award damages and interest.

## **PART II: Fundamental Rights and Freedoms**

9. Students enjoy within the University all rights and freedoms recognized by law.

10. Students have the right to be treated with equality, dignity and respect, including the right to be free from harassment and from discrimination on the basis of race, colour, sex or gender, gender identity or expression, pregnancy, sexual orientation, civil status, age (except as provided by law), political conviction, language, ethnicity, religion, social condition, family status, a disability or the use of any means to palliate a disability.

10.1 A distinction, exclusion or preference based on academic or physical requirements established in good faith is deemed non-discriminatory.

10.2 The determination by the University of the language of instruction for any course shall be deemed not to infringe Section 10.

11. The University will take reasonable efforts to ensure students are free from violence, including sexual violence.

12. Students enjoy the freedoms of opinion, of expression and of peaceful assembly.

13. Students have a right to be free from vexatious conduct displayed by a representative of the University acting in an official capacity.

14. The University's administrative decisions and actions that affect students must be taken with due regard to the best interest of the student body.

15. University decisions may not violate the rights conferred upon students by any University policies or regulation.

16. The University shall take adequate measures to protect the personal security and health of students.

17. No University policy or regulation may be changed retroactively to the detriment of any student.

## **PART III – Academic Rights**

18. Students have a right to a quality education. The University's corresponding obligation is fulfilled where:

(i) The University offers an education that provides students with an adequate level of competence in the relevant field of study, and

(ii) The University makes every reasonable effort to maintain the quality of education it dispenses, and

(iii) The University makes every reasonable effort to provide an appropriate environment for learning and assessment activities for the student body, including the provision of safe and suitable conditions for learning and study.

19. Students have the right to complete their graded written course work in either French or English, except in courses where language proficiency is an objective.
20. Students have the right to be provided with sufficient information to make informed decisions about course selection and registration. This information should include where appropriate:
  - (i) Course descriptions,
  - (ii) Pre-requisites for courses,
  - (iii) Course availability,
  - (iv) The method of evaluation.
21. Students have a right to a detailed and complete course outline for every course in which they are registered, to be provided during the first week of class. This information should include, where appropriate:
  - (i) A description of the topics to be considered in the course,
  - (ii) A list of required and recommended readings or other materials,
  - (iii) A description of the means of evaluation to be used in the course,
  - (iv) A statement regarding the right of every student to submit in English or in French written work that is to be graded (not applicable to courses in which acquiring proficiency in a language is one of the objectives),
  - (v) The instructor's contact information, office location, and office hours as appropriate.
22. Students have a right to fair and reasonable assessment of their performance in a course, and these assessments shall reflect the content of the course.
23. Students have a right to be informed, in a timely fashion, of their current academic standing or performance in a course unless the method of evaluation renders such a determination impossible.
24. Students have a right to consult any written submission for which they have received a mark, and discuss this submission with an examiner, provided the request is made within a reasonable time after notification of the grade, and subject to reasonable administrative arrangements.
25. Students have right to an impartial and competent review of any mark, provided the request is made within a reasonable time after notification of the grade, and subject to reasonable administrative arrangements.
26. Where students are permitted a choice of courses or course loads, the University shall provide a reasonable change of course period.
27. Students have a right to quality supervision of graduate work.
28. In the event that a change in supervisor is required, the University has an obligation to make reasonable efforts to identify a supervisor, with due regard to the preference of the student.

29. Students have a right to have access to relevant information concerning financial assistance offered by public funding bodies for the pursuit of higher education.

30. Students have a right to equal access to sources of funding for which they are eligible, and to have funding determinations made on a fair and impartial basis.

31. Students have the right to the recognition and protection of their scholarly work, contributions, and intellectual property.

#### **PART IV: Procedural Rights**

32. Students have the right to have access to University mechanisms for the possible resolution of disputes through informal means.

33. Every student who is charged with a disciplinary offence has a right to present a full and complete defence.

34. Every student is presumed innocent of a disciplinary offence unless they are found responsible on the basis of clear, convincing and reliable evidence brought against them.

35. Students have a right to a full, equal and fair hearing by an impartial committee, for the determination of their rights under this Charter and the determination of the merits of any allegation of a disciplinary offence brought against them.

36. Any grievance under this Charter must be filed within three years of the event giving rise to the grievance, or within one year of a Student last being registered, whichever comes later, unless, in the opinion of the Committee on Student Grievances, exceptional circumstances precluded the timely filing of the grievance.

#### **PART V: Rights of Association and Representation**

37. Students have a right to belong to any lawful association of their choice and shall not be subject to any prejudice from the University by reason of their belonging to such an association.

38. Every group of students has a right to organize and promote the interests of its members, provided that the purposes of such a group are lawful. Every such group shall have the right to publicize and hold meetings, to debate any matter and to engage in lawful and peaceful demonstration.

39. All University bodies constituted to make decisions of policy in matters pertaining directly to students must provide for student membership.

40. Recommendations for student membership shall be sought by the University from the appropriate student association where it exists. Refusal to accept a recommendation must not be based on arbitrary or unreasonable grounds.

#### **PART VI: Access to Personal Information**

41. Students have a right to consult any record kept by the University containing their personal information, provided that such information was not transmitted to or recorded by the University in circumstances of confidence. Where, under this section, a student is denied an opportunity to consult personal information, the University, unless it is prevented by law from doing so, shall

inform the student of the existence of this information and of the reasons preventing its disclosure.

42. No personal information shall be disclosed by the University to a third party in a manner which permits the identification of the student unless such disclosure is required by law, or unless the Student has consented to such disclosure.

#### **PART VII: Amendment**

43. Except for amendments to Division B of Part IX, any amendment to this Charter shall require notice to all members of Senate at least two weeks before the meeting at which it is to be considered. To be adopted, an amendment shall require a two-thirds majority vote.

#### **PART VIII: Implementation**

44. The University shall ensure that students have access to this Charter and other policies related to students. The University's obligation under this section is fulfilled when the University ensures policies are available online<sup>1</sup>, and communicated to Members of the University Community.

45. The University Senate shall establish and maintain appropriate committees to give effect to this Charter.

46. The University may consider the application of this Charter in individual grievances brought before it pursuant to the Code of Student Grievance Procedures.

#### **PART IX: Senate Advisory Council on the Charter of Students' Rights**

##### **DIVISION A – Mandate and Composition**

47. The Senate Advisory Council on the Charter of Students' Rights (hereafter 'the Council') is established to consider allegations that regulations or policies of the University are in breach of, or incompatible with the provisions of this Charter. The Council shall review any allegation that the general application of a regulation or policy of the University is in violation of this Charter.

48. The Council is not empowered to arbitrate or adjudicate a specific grievance made by a student against the University.

49. The Council shall consist of five members and a Chair who shall be appointed by Senate for staggered two-year terms. Three members (including the Chair) are drawn from Academic Staff, one member shall be an undergraduate student and one member shall be a graduate student.

50. Three members of the Council (including the Chair and one student member) shall constitute quorum.

##### **DIVISION B – Terms of Reference and Applicable Procedures**

51. A request for review may be made by a member of the University community (hereafter 'the complainant'), or may be referred to the Council by either the Committee on Student Grievances or the Appeals Committee for Student Discipline and Grievances. When a review is referred to the Council by either committee, that committee shall not be a party to the proceedings before

the Council. The complainant must be a member of the University community at the time the request for review is made.

52. Any request for a review shall be directed to the Chair. The Chair may meet with the complainant before or after the complainant requests a review, in order to explain the mandate of the Council and to answer any questions the complainant may have about the procedure. Within 30 days of receiving a request, the Chair shall convene a meeting of the Council to determine whether the allegation merits review. If the review is considered unnecessary, the complainant shall be informed of the decision and the reasons for the decision within 30 days.

52.1 If the Council decides to review the complaint, it shall call for written submissions from the complainant, the University, and any other party it considers useful or necessary for its deliberations, to be received within 30 days. The Council may also hold hearings.

52.2 After all submissions have been received, the Council shall determine whether the University has violated the Charter in its general application of a regulation or policy.

53. If the Council is of the opinion that there is no violation, it shall inform the complainant of the decision and the reasons for the decision, within 30 days of that decision. If the Council is of the opinion that a violation has occurred, it shall meet with appropriate members of the University to attempt a reconciliation of the regulation or policy and the Charter. Reconciliation is to be within one year of the initial complaint being brought to the Council.

53.1 If the regulation or policy is not changed, or if the Council is not satisfied that the change renders the regulation or policy in conformity with the Charter, it shall report immediately to the Secretary-General to ensure proposed changes are submitted to the appropriate governance body at the University. The Council's report shall include a concise statement of the relevant facts, citation of relevant regulations, all reasons for finding that a violation of the Charter exists, and any recommendations to amend the regulation or policy.

54. An annual report of the activities of the Council shall be prepared by the Chair and presented to Senate annually. The report shall include a summary of each investigation and its final outcome. No mention shall be made of the names of the individual parties nor of any information that might lead to their identification. The report shall also include a summary of requests for which an investigation was denied.

54.1 The Council shall also report to Senate of any changes arising from the process described in article 53.1. The Principal, or the Principal's delegate, shall ensure that the decisions of Senate are implemented without delay.

55. Requests to the Council, and records of Council meetings and reviews, shall be maintained and housed in the Secretariat.

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<sup>1</sup> Relevant policies and guidelines are housed online in the Secretariat:

<https://www.mcgill.ca/secretariat/policies-and-regulations>

*History*

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Senate

April 4, 1984

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Senate  
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January 13, 1988  
May 24, 2001  
May 4, 2005  
January 21, 2009  
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Minute 8  
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