



## Question for review by Steering Committee\*

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**TO:** Senate

**FROM:** Senator Joshua Werber (Law), Senator David Vaillancourt (Engineering),  
Senator Jose Londono (Nursing)

**SUBJECT:** Question Regarding the New Vic Project and Kanien'kehá:ka Kahnistensera

**MEETING DATE:** October 19<sup>th</sup>, 2022

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**PREAMBLE:** The New Vic project promises to foster advances in sustainability and public policy. The project is the fruit of years of planning and design by the University and its partners. The resulting research capacity will benefit the local and global community for years to come. It therefore represents a significant advancement of the University's academic and research mission.

Discussion regarding the New Vic Project has historically been within the purview of Senate. In 2017, Senate heard an [informative presentation](#) on the project from the then Vice-Principal (Academic). Further, in 2013, when the project was in its infancy, Senate heard a [question](#) on the project from an officer of the Students Society of McGill University (SSMU). The questions below are thus a continuation of a practice historically within Senate's jurisdiction.

Simultaneously, the social responsibility of projects that advance the University's academic and research mission is appropriately the concern of Senate. Discussing allegations which risk impeding such advancement is instrumental to the furthering of the University's academic mission and thus a shared concern of senators.

The project's site adjoins the Allan Memorial Institute, where [unethical psychological experiments](#) were performed on human subjects in the 1950's and 1960's under the supervision of Dr. Donald Ewen Cameron.

In traditional Kanien'kehá:ka society, the Kahnistensera play a crucial role in social and political life, including maintaining communal knowledge. Informed by such knowledge, they allege that Indigenous people were subject to inhumane treatment at the Allen in the context of Dr. Cameron's research. Further, they believe that pre-colonial Indigenous artifacts may be buried beneath the site. They allege that archeological evidence of this recent and pre-colonial past, including potential unmarked graves, is at risk of irrevocable destruction, should excavation for the project proceeds without further archeological inspection. Accordingly, the Kahnistensera seek an injunction to halt the

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excavation so that further investigations may be performed. They also seek permission to conduct their own archeological investigation.

Reconciliation with Indigenous peoples is central to the University's academic mission and advancement. The University has thus committed itself to principles of respect for and reconciliation with Indigenous peoples. Notably, in 2017, the [University committed to fifty-two "calls to action"](#) regarding reconciliation following the Provost's Task Force on Indigenous Studies and Indigenous Education.

With specific regard to the new Vic project, the fifth of its seven principles is to "Recognize and honour the Indigenous history of the site." The New Vic project's [website](#) explicitly highlights this commitment:

"In response to the Calls to Action in the 2017 Final Report of the Provost's Task Force on Indigenous Studies and Indigenous Education, the University committed to ensuring that Indigenous spaces are integrated into all aspects of University planning, including plans for the Royal Victoria Hospital site".

The University has consulted with Indigenous communities and individuals regarding the New Vic project and on how to incorporate Indigenous spaces into the new facilities. Concern nonetheless remains as to whether the University was sufficiently exhaustive in its consultations regarding excavation. The Kanien'kehá:ka Kahnistensera's lawsuit is cause for the University community to seek, via its Senate, further clarification on the approach taken to advancing McGill's academic mission, particularly as sufficient stakeholder consultation is vital to the project's success.

In 2016, McGill commissioned Arkéos, an archeological consulting firm, to investigate the archeological potential of the project's site. Arkéos' 2016 report on the project's site, parts of which have been submitted as evidence by the Kanien'kehá:ka Kahnistensera, discusses a "prehistoric" Indigenous presence, defined as human activity on the site before the arrival in North America of European colonists. It does not, however, consider the presence of human remains resulting from activities conducted in the recent past, such as the psychological experiments discussed above.

Excerpts of the 2016 Arkéos report submitted as evidence by The Kanien'kehá:ka Kahnistensera nonetheless recommends that "archeological surveys be carried out before any intervention."

The Kanien'kehá:ka Kahnistensera claim that Arkéos did not consult them during the archeological survey. As stewards of their community's

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history, they may possess valuable information to share regarding what lay beneath the project's site, particularly considering Arkéos recommendation to undertake further analysis. This raises concern about the project's viability, particularly worry that insufficient consultation may see the University's academic advancement inopportunistically interrupted by foreseeable archeological discoveries.

Considering the foregoing, the senators named above submit the questions below with the hope of clarifying the University's approach to academic and research advancement.

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**QUESTIONS:**

1. Given that reconciliation with Indigenous peoples is at the core of the University's academic mission, including its plans to establish new research centres, how did the University consult with Indigenous communities on this project, particularly the Kanien'kehá:ka Kahnistensera, regarding their concerns?
2. Seeing as it is in the interest of advancing the University's academic mission that the New Vic Project not be interrupted by archeological discoveries after construction has already begun, can the University guarantee or confidently assert that there are no human remains, particularly of Indigenous people subjected to the psychological experimentation discussed in the preamble, below the site of the New Vic project?
3. Does the University believe that permitting the Kanien'kehá:ka Kahnistensera to conduct their own archeological investigations of the New Vic site may be a cost-effective approach to university advancement and in the best interest of the University?

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*Response provided by Professor Fabrice Labeau, Deputy Provost, Student Life and Learning, and Co-Acting Provost and Vice-Principal (Academic).*

Thank you for your questions, Senators Werber, Vaillancourt, and Londono.

The footprint of the New Vic Project encompasses approximately 15% of the total site of the decommissioned Royal Victoria Hospital. The full site, including the area intended for the New Vic Project, remains the property of the Government of Quebec, and McGill is working collaboratively with the government, through the Société Québécoise des Infrastructures (SQI), to ensure that all necessary due diligence is done, and that work is planned and carried out in such a way that respects the history of the site and ensures appropriate and sustainable future development. In these efforts, we continue to work with the archeological firm, Arkéos, which undertook the initial preliminary study of the site and identified areas of potential archeological significance.

It is the SQI that is leading the community consultation process with respect to the redevelopment of the former RVH site, based on established protocol. McGill University's community outreach efforts are intended as support and complement to those consultations. In that regard, McGill has endeavored to move forward in a manner aligned with its commitments to reconciliation. Hence, McGill has maintained open communication with local Indigenous communities from the early stages of development of the New Vic Project – in particular, with the recognized elected and traditional leadership of the Mohawk community in Kahnawake, Kanasatake and Akwesasne, the Haudenosaunee Confederacy, the Mohawk Nation Council of Chiefs, and the Anishinaabeg and Huron-Wendat nations. We have taken steps to include Indigenous faculty, staff and students at McGill in this process. The same is true in both respects concerning the archeological investigation that will begin 17 October. Most recently, during the week of 3 October, the SQI, together with McGill and the architectural firm Arkéos, invited members of McGill's Indigenous community, the Kahnawake Band Council, and Longhouse Elders to briefings about the archeological work plans and what would happen should anything of significance be found. Members of SSMU were also invited to and attended one of these meetings. The Kahnistensera were invited to join discussions on two separate occasions but declined.

The area adjacent to the Hersey Pavilion, on the lower part of the old Hospital site, is one such area of potential archeological significance and it is here that archeological work will take place in the latter part of October. The launch of this work follows a successful application for an archeological research permit and work authorization from the Ministère de la Culture et des Communications du Québec. Prior to granting this permission, the Ministry informed the elected leadership of Kanasetake and Kahnawake, allowing time for leaders to respond with any concerns. No concerns were expressed by the elected leadership for the archeological work proposed on the Hersey Pavilion site. Two Indigenous observers, who are also archeological technicians from Akwesasne, will be present throughout the investigation.

With respect to your second question, it would be impossible to guarantee or confidently assert that anything will or will not be located on the site of the former Royal Victoria Hospital prior to excavation taking place. It is for precisely this reason that archeological study is necessary. It is reasonable, however, to believe that the likelihood is low that remains of persons who were the subjects of experiments conducted at the Allan Memorial Institute would be found at the Hersey Pavilion site, given the ages of the respective sites and the distance between the two.

The agreed methodology for the present archeological work – excavation by hand – reflects professional and scholarly best practices given the conditions and characteristics of the site in question. While other methodologies have been proposed, including those involving technologically sophisticated tools, there would be no additional benefit to such an approach at this particular site.

Cost-saving was not a consideration with respect to choice of methodology, nor will it be a primary motivator in any future decisions determining the parties who would undertake future excavations, or the methodologies to be deployed, should there be any potential for finding human remains or significant archeological evidence.