



The Post-Graduate Students' Society of McGill University Inc.
Association étudiante des cycles supérieurs de l'Université McGill inc.
Maison David Thomson House, 3650 rue McTavish, Montréal (Québec) H3A 1Y2
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PGSS Code of Conduct

Date Passed by Council: August 7, 2019

1. General

1.1 The PGSS is a community of graduate students and post-doctoral fellows involved in learning, teaching, research, and other activities at the University. All members of this community are encouraged to conduct themselves in a meaningful manner that contributes positively to an environment in which respect, civility, diversity, opportunity, and inclusiveness are valued, so as to assure the success of both the individual(s) and the community and promote good governance.

1.2 The purpose of this PGSS Code of Conduct is to define the general standard of conduct and behaviour of graduate students and post-doctoral fellows; promote the memberships confidence in the PGSS representatives by ensuring that they are held to the highest standards of behaviour; provide examples of conduct that may be subject to action by the PGSS; provide examples of measures that may be imposed; and set out the process and procedures that the PGSS will follow when an allegation of misconduct is made. Members are expected to be aware of and to conduct themselves in accordance with this Code.

1.3 The PGSS respects the right of members to conduct their own personal lives. This Code governs conduct only to the extent necessary to protect the integrity and proper functioning of the activities of the PGSS, the peaceful and safe enjoyment of Thomson House by other members, the freedom of members of the PGSS to participate reasonably in the programs of the PGSS and in activities in or on Thomson House's premises, or to protect the property of the University or its members.

2. Definitions

2.1 In this Code:

- (a) "member" means: a member of the PGSS as defined in the Bylaws;
- (b) the "University" means: McGill University; and
- (c) "premises" includes: Thomson House, lands, buildings, and grounds of the University.

3. Application

3.1 This Code applies to conduct that:

- (a) occurs on or near the premises;



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(b) occurs elsewhere in the course of activities sponsored by the PGSS, or where the conduct is alleged to adversely affect, disrupt, or interfere with another member's reasonable participation in PGSS' programs or activities.

3.2 However, this Code will not apply to conduct that:

(a) is specifically assigned to another disciplinary body within the University;

(b) is subject to action for an alleged failure to meet standards of professional conduct as required by the University;

(c) is subject to action under a residence discipline policy unless some non-residence PGSS interests are deemed to be involved, in which case the matter may also proceed under this Code; or

(d) is committed by a member in their capacity as an employee of the University unless some non-employment PGSS interests are deemed to be involved, in which case the matter may also proceed under this Code.

3.3 Nothing in this Code precludes the PGSS from referring an individual matter to the appropriate law enforcement agency before, during, or after disciplinary action is taken by the PGSS under this Code. A member may be subject to criminal prosecution and/or civil proceedings notwithstanding, and in addition to, disciplinary action taken by the University against the student.

3.4 The University may also define standards of professional conduct for members in programs where these are appropriate, and this Code does not replace or supersede such standards.

3.5 Nothing in this Code supersedes municipal, Quebec, or Federal law.

4. Expected Conduct

Members of the PGSS and representatives of the Society are expected to:

4.1 Conduct business using a professional and respectful standard of language when communicating with other PGSS members; members of McGill staff, administration, and student body; and third parties when conducting PGSS business.

4.2 Act reasonably so as to not disrupt, interfere, or unduly delay PGSS activities or PGSS related activities.

4.3 Act in good faith towards the PGSS, its representatives, and members.

4.4 Understand the scope and limits of their mandate they are responsible for and not infringe on other representatives' roles.

4.5 Maintain a professional and respectful relationship with the other PGSS representatives and PGSS members.



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4.6 In the capacity of PGSS representatives, indicate clearly when personal opinions are being stated that are not the official position of the PGSS.

5. Prohibited Conduct

5.1 Any conduct on the part of a member that has, or might reasonably be seen to have, an adverse affect on the integrity or the proper functioning of the PGSS, or the health, safety, rights, or property of the PGSS or its members and visitors, is subject to discipline under this Code.

The following list sets out specific examples of prohibited conduct. It is intended to help members understand the type of conduct that will be subject to discipline. It is not an exhaustive list and members should be aware that their conduct may still be considered prohibited conduct under this Code even if it does not appear in the list below.

5.2 Prohibited conduct that is subject to PGSS' disciplinary measures include, but is not limited to, engaging in, attempting to engage in, or assisting others to engage in any of the actions described below:

5.2.1 Misconduct against persons, which includes:

- (a) physically aggressive behavior, assault, harassment, intimidation, threats or coercion;
- (b) conduct that threatens or endangers the health, safety or property of any person;
- (c) conduct that creates conditions that endanger the health, safety, property, or well-being of any person;
- (d) engaging in a course of vexatious conduct, harassment, or discrimination that is directed at one or more specific persons and that is based on any of the protected grounds under Quebec law; and
- (e) engaging in unwelcome or persistent conduct that would cause another person to feel demeaned, intimidated, or harassed.
- (f) engaging in gendered violence and/or sexual violence towards another person as defined in the PGSS Gendered and Sexual Violence Policy.

5.2.2 Misconduct against property, which includes:

- (a) taking without authorization, or misusing, destroying, defacing, or damaging PGSS or University property or property that is not their own, or information or intellectual property owned by the PGSS or by any of its members;
- (b) possessing PGSS property or property that is not their own, if the member ought to reasonably know, that property to have been taken without authorization; or



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(c) creating a condition that unnecessarily endangers or threatens destruction of PGSS property or property that is not their own.

(d) using PGSS property contrary to its intended or permitted uses.

(e) using or allowing others to use PGSS property or premises for activities that are illegal under municipal, Quebec, or Federal law.

5.2.3 Disruption

No member shall, by action, threat, or otherwise, disrupt any activity organized by the PGSS or by any of its Executives, Commissioners, or Committees, or the right of other persons to carry on their legitimate activities, to speak or to associate with others.

5.2.4 Unauthorized Use of PGSS Facilities, Equipment, or Services

(a) No member shall use any facility, equipment, or service of the PGSS, or enter or remain on any premises, to which they do not have legitimate access, or contrary to the expressed instruction of authorized persons.

(b) No member shall use any PGSS or University computing equipment, facility, network, or system for any disruptive or unauthorized purpose, or in a manner that violates any law, University regulation, policy or procedure.

5.2.5 False Charges

No member shall bring a false charge against any member of the PGSS to PGSS representatives, other students, or the media under this Code.

5.2.6 False Information and Identification

No member shall knowingly create false information to any person or office acting on behalf of the PGSS, or forge, alter or misuse any PGSS or University document, record or instrument of identification, or knowingly disseminate false information to any person.

5.2.7 Aiding the Commission of Prohibited Conduct

No member shall encourage, aid, or conspire with another member or person in the commission of prohibited conduct, or encourage or aid behavior by a non-member which, if committed by a member, would be prohibited conduct under this Code.

5.2.8 Refusal to Comply with Disciplinary Measures or the Terms of an Agreement Made Under Section 7.



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No member found to have committed prohibited conduct under this Code shall fail to comply with a disciplinary measure or disciplinary measures imposed under the procedures of this Code. No member who has agreed to take steps to correct or resolve a matter under Section 7 of this Code shall fail to comply with the terms of that agreement.

5.2.9 Unauthorized Possession or Use of Dangerous Objects

No member shall store, possess, or use firearms or other weapons, explosives (including fireworks), ammunition, or toxic or otherwise dangerous materials on PGSS premises.

5.2.10 Alcohol or Drug Use

No member shall distribute a controlled or restricted substance or contravene provincial liquor laws or the policies of the PGSS governing the possession, distribution, and/or consumption of alcoholic beverages.

5.2.11 Hazing

No member shall engage in hazing, which is defined as an act which endangers the mental or physical health or safety of a member for the purposes of initiation or admission into, affiliation with, or as a condition for continued membership in, a group or organization.

5.2.12 Contravention of PGSS Regulations

When a rule, regulation, or policy of the PGSS prohibits or proscribes certain conduct but does not provide any penalty for breaches of the rule, regulation, or policy, breaches shall be dealt with under this Code.

5.2.13 Contravention of Other Laws

No member shall contravene any provision of the Criminal Code or any other federal, provincial, or municipal statute or regulation.

6. Confidentiality

All PGSS representatives shall maintain strict standards of confidentiality, which shall include:

6.1 Respect the privacy of meetings.

6.2 Ensure the safeguarding of sensitive legal information related to the PGSS.

6.3 Not disclose the details of decisions, investigations, or policy changes that have not been approved by the appropriate governing body and/or made public.

6.4 Not use confidential information to leverage a personal advantage of any kind.



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6.5 All Executives, Commissioners, Directors, society staff, contractors, and any other members deemed necessary by the Executive Committee and/or the Board of Directors shall sign a confidentiality agreement annually.

7. Disciplinary Measures

7.1 Disciplinary measures which may be imposed, singly or in combination, but are not limited to, the following:

- (a) Informal warning – A discussion with the member wherein the purpose is to inform the member of their misstep and make more appropriate decisions in the future;
- (b) Warning or reprimand – A written warning or reprimand to the member;
- (c) Probation – A written reprimand and order for a designated probationary period in which a member must fulfill certain conditions and have good conduct or otherwise be subject to the imposition of further or more severe disciplinary sanctions;
- (d) Apology - Issuance of a statement, apology, or retraction in an appropriate form;
- (e) Loss of privileges – A denial of specified privileges for a specified period of time. Privileges are those that if restricted may affect full participation in PGSS activities;
- (f) Restriction or prohibition of access or use – A denial for a specified period of time of, or conditions imposed on, a member's right to access to or use of any part or all of the PGSS' equipment, facilities, services, activities, programs, meetings, or events;

7.2 Refusal to comply with a disciplinary measure or disciplinary measures imposed under this Code is itself a serious offence and may result in further disciplinary measures.

7.3 Where the misconduct resulted in property damage, the disciplinary measures may include a request for full or partial financial restitution to rectify the damage caused, within reason.

7.4 In the most serious of cases where such a violation brings the PGSS into irreparable disrepute the Executive Committee may deem such an action an automatic resignation to be ratified by Council.

8. Process and Procedures

8.1 All incidents of suspected misconduct will be reported to the Operations Manager and Student Life Coordinator, who will then bring the matter to the attention of the Executive Committee and/or Board of Directors, where appropriate. The Operations Manager and Student Life Coordinator **must** bring all matters brought forward to the attention of the appropriate governing body and failure to do so will be considered a violation of PGSS Policies. The Chair of the appropriate governing body will become the investigator and consider the allegations and may do any of the following:



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- (a) meet with the member suspected of the misconduct;
- (b) investigate further by any means deemed necessary and appropriate;
- (c) decide no further action is required; or
- (d) refer the matter to the Judicial Board.

8.2 If the investigator believes that the suspected misconduct is of such a minor nature that it does not require corrective action or that the appropriate governing body is not likely to find facts that would result in disciplinary action, the investigator may discontinue further action. Upon discontinuing further action, the investigator will notify the appropriate governing body, the Judicial Board, and the member(s) named in the allegation in writing of their decision.

8.3 If the investigator believes that misconduct has occurred, the investigator may determine what, if any, steps the member could take to correct or resolve the matter. If the member agrees to the resolution proposed by the investigator, an agreement outlining the steps to be taken by the member will be drawn up and signed by the member. If the member does not agree, the investigator will refer the matter to the appropriate governing body for full deliberation of the body.

8.4 The investigator and Student Life Coordinator will keep a copy of the signed agreement. The Chair of the governing body will also monitor the member's compliance with the agreement.

8.5 If the member does not agree to a signed agreement, a full deliberation of the appropriate governing body will be conducted, and recommendations made to the investigator and member.

8.6 Any agreement reached with the member must be consistent with PGSS and University policy and procedures and must, in the opinion of the investigator, adequately resolve all aspects of the allegations made against the member. The member must be advised that the agreement is conditional upon compliance and that if the member fails to comply with any aspect of the agreement, the matter may be referred to the Judicial Board and the non-compliance may constitute a separate incident of misconduct.

8.7 A record of any decisions made as a result of the allegations will be retained by the Student Life Coordinator and the Chair of the appropriate governing body. In the event of any further allegations of misconduct, the allegations may be considered when determining how to deal with subsequent alleged misconduct.

8.8 The Judicial Board may refer any matter that has been referred to the Judicial Board back to the investigator for resolution by agreement with the member when it is appropriate to do so under the circumstances.

8.9 All matters proceeding to the Judicial Board shall be carried out in accordance with the Society Activities Manual, Bylaws, and Judicial Board procedures, which shall be made available to the member.

8.10 If the reported incident involves the Chair of governing body deliberating the incident, then the governing body shall select another member of the body to act as the investigator. In the case that the accused is a member of the deliberative body, they may not be involved in deliberations by the



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governing body considering the case except to provide context, information, and defense when prompted.

8.11 In the case of matters brought to the attention of the Executive Committee, if the Executive Committee agrees that there is a conflict of interest then it may refer the case to an Human Resources Consultant who provides services to the PGSS.

8.12 In the case of matters brought to the attention of the Board of Directors, the Human Resources Committee of the Board of Directors shall first consider the case. If the Human Resources Committee identifies a need it may refer the case to the Board of Directors for investigation and review. If the Board of Director identifies a conflict of interest it may refer the case to an Human Resources Consultant who provides services to the PGSS.