

MUFA Statement on DeGroot School of Business Judicial Review

On August 23, 2014, the Hamilton Spectator reported that a Notice of Application for Judicial Review had been filed with the Ontario Superior Court in relation to the findings and remedies issued in 2013 by the McMaster University Tribunal of the Board-Senate Hearing Panel for Sexual Harassment/Anti-Discrimination. The process of Judicial Review led to the public release of the full reports issued by the Tribunal, which were previously confidential, in addition to copious supporting documents. MUFA members are both claimants and respondents to the case under Judicial Review, and MUFA is not a party to this Review. MUFA supports the rights of its members to due process under the law.

In light of the public release of these reports, the MUFA Executive reaffirms the stated Principles of the McMaster University Anti-Discrimination Policy, including “the right of every member of its constituencies to live, study and work in an environment that is free from discrimination and harassment” [1]. Furthermore, we believe that a healthy work environment is essential to enable our faculty members to carry out their duties with respect to the University’s core missions of Teaching, Research and Service. We remind our members of their personal responsibility corresponding to that right, to adhere to the McMaster University *Code of Conduct for Faculty* and comport themselves with the highest standards of ethical and professional behaviour. “Each faculty member is responsible for conducting himself or herself in a professional and ethical manner towards colleagues, students, staff, and other members of the University community” [2].

The MUFA Executive also calls on the University Administration to be vigilant in its managerial responsibility to ensure a harassment-free workplace for its employees, including our members. University administrators have many tools at their disposal to prevent escalation of conflicts before they reach the stage of formal hearings. Furthermore, mutual respect and a collegial working relationship between faculty and University administrators is critical to maintaining a healthy working environment and it is not surprising that a breakdown of this relationship would fuel conflict and make de-escalation less likely to occur.

Finally, a robust and transparent set of policies is necessary to provide a moral and legal framework for a harassment-free workplace. The Tribunal has ordered a review of the McMaster University Anti-Discrimination Policy as one remedy for the University’s breaches of the Policy. However, robust policies are not sufficient in and of themselves. “The Tribunal found that some of the University’s policies were not effectively mobilized in a timely fashion and, as a result, issues festered. Manageable issues and differences among faculty members became insidious and destructive” [3]. A comprehensive review of the Policy and its implementation mechanisms is now underway. “The Terms of Reference for the Review Panel will focus on the development of recommendations for necessary revisions to the current policy and procedures related to complaints of discrimination/harassment and sexual harassment and will include a review of the current operational practices of a number of areas of the University, including the Human Rights and Equity Services Office” [4]. We are hopeful that the Judicial Review, proceeding in parallel with the internal review, will inform significant improvements to the Policy so that it will better serve the University community in the future.

[1] McMaster University Anti-Discrimination Policy http://www.mcmaster.ca/policy/General/HR/Anti-Discrimination_policy.pdf

[2] Code of Conduct for Faculty and procedures for taking disciplinary action
<http://www.mcmaster.ca/policy/faculty/Conduct/CodeofConduct-ProceduresforDisciplinaryAction.pdf>

[3] The Public Report may be found on the website of the University Secretariat at
http://www.mcmaster.ca/univsec/reports_lists/McMaster_University_USHAD_Public_Report.pdf

[4] Statement from the Antidiscrimination-Sexual Harassment Policies and Procedures Review Panel
http://www.mcmaster.ca/vpacademic/documents/Anti-Discrimination_Sexual-Harassment_Policies_and_Procedures_Review_Panel-April30,2014.pdf

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