



TRIBUNAL STATEMENT FOR PUBLIC DISSEMINATION


We are the members of the Tribunal adjudicating proceedings commenced under the McMaster University's Anti-Discrimination Policy ("the Policy"). Complaints submitted to us under the Policy were filed by some individuals associated with the DeGroot School of Business. Important issues relevant to the parties and the University community have been raised in this proceeding. Inquiries with respect to the hearing have been made to us by our colleagues. The Tribunal cannot respond to inquiries. However, the Tribunal can provide guidance concerning the process which we believe may be helpful in the circumstances.

The Tribunal's Confidentiality Order dated June 30, 2011, remains in effect until further notice. A copy of the Confidentiality Order is attached to this statement. The proceedings are being conducted as a closed hearing pursuant to the Section 66 of the Anti-Discrimination Policy. Participants including parties and witnesses have been directed by the Tribunal to maintain the confidentiality of the complaints and the evidence. The expectations of strict confidentiality pertain to all aspects of the complaints and apply to all parties including the University. A breach of the in-camera and confidentiality requirements is a breach of the Policy. A breach may result in sanctions being considered by the Tribunal.

The Tribunal is continuing to consider whether the evidence has established any breaches of the Policy. Further hearing dates, if required, will take place for remedial submissions. Our award concerning whether Policy breaches were established will be released shortly. However, this interim decision will be released in confidence to the parties so they may prepare for the remedy submissions, if required. Such decision is not to be released for public distribution and the parties and their counsel cannot breach confidentiality orders. We ask that individuals remain respectful of the process.

A summary of the decision for the public, as contemplated by Section 70(g) of the Policy will be released with the Tribunal's final decision. The Tribunal appreciates the interest in this important proceeding. However, the Tribunal remains committed to fully considering all the evidence before issuing an award which must be fair and just to all participants. In the interim, the Tribunal asks for our colleagues and students' indulgence and appreciates your respect for this important process.

Dated at Hamilton this
13th day of March, 2013



Dr. Maureen MacDonald (Chair)
on behalf of the Tribunal comprised
of herself, Dr. Bonny Ibhawoh
and Dr. Lorraine York

CONFIDENTIALITY NOTICE

TO PARTIES AND POTENTIAL WITNESSES RELATED TO CERTAIN HEARINGS COMMENCED UNDER THE McMASTER UNIVERSITY ANTI-DISCRIMINATION POLICY

TAKE NOTICE THAT:

As a party and/or potential witness in either or both of Complaint (2010-11) U/SHAD-002 and/or Complaint (2010-11) U/SHAD-003, such Complaints are subject to Section 66 of the Anti-Discrimination Policy of McMaster University and a hearing tribunal (the “Tribunal”) has been constituted and hearings are to be scheduled in respect of each Complaint (the “Hearings”).

AND TAKE FURTHER NOTICE THAT:

Section 66 of the Anti-Discrimination Policy provides as follows:

Closed Hearings

66. Hearings shall be held *in camera* unless either the complainant or the respondent requests that the hearing, or some part of the hearing, should be held in public. In the event of such an objection, the Tribunal shall hear representations from all parties. In making its ruling, the Tribunal shall consider whether matters of an intimate financial or personal nature are to be raised, whether there is an issue of public safety involved, the desirability of holding an open hearing and other relevant circumstances.

AND THEREFORE THAT:

The Hearings are being held *in camera* and accordingly, all witnesses are directed to maintain the confidentiality of the Complaints and all information, documents or proceedings related to the Complaints and not disclose either their contents or any details relating to the Complaints to any person except to a party to the Complaints (or his or her advisor) conducting an interview for the

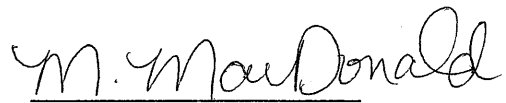
purposes of the Hearing or to a witness' own advisor provided he or she is first made aware of this Confidentiality Notice. The expectations of strict confidentiality pertain to all aspects of the Complaints and their respective proceedings. This confidentiality obligation is in place to protect personal and confidential information pertaining to all parties involved. A breach of this confidentiality requirement is a breach of the Policy and procedures of the Tribunal seized to hear the Complaints and shall be dealt with accordingly.

AND TAKE FURTHER NOTICE THAT:

All parties and witnesses are required to refrain from engaging in any negative behaviour, reprisal or retaliation against or towards any other individual who may have participated, has participated or may participate in such proceeding. Engaging in any reprisal or retaliation against any individual(s) involved in this process is a breach of the University's applicable policies and in violation of the rules under which these Hearings shall proceed and may be subject to disciplinary action.

Dated at Hamilton the 30th of June, 2011

By Order of the Chair,



Dr. Maureen MacDonald
Chair of the Tribunal
for complaints
(2010-11) U/SHAD-002
(2010-11) U/SHAD-003