



PRIVILEGED & CONFIDENTIAL

Report re:

McMaster University

Per:

George Avraam, Baker & McKenzie LLP

November 26, 2020

**Executive Summary
Systemic Review of PNB Department**

Prepared by:

Katharine Montpetit
RUBIN THOMLINSON LLP
20 Adelaide Street East, Suite 1104
Toronto, Ontario M5C 2T6
Telephone: (416) 597-5753
Facsimile: (416) 847-1815
Email: kmontpetit@rubinthomlinson.com
www.rubinthomlinson.com

Table of Contents

1. Introduction and Mandate 1

2. Conduct of the Systemic Review 1

3. Disclaimer 2

4. Summary of Themes 2

 a) Culture of the department 3

 b) Social events and the role of alcohol/other substances 4

 i. Department social events 4

 ii. Alcohol consumption..... 5

 c) Boundaries between faculty and students..... 6

 i. Sexually inappropriate behaviour7

 d) Instances of non-sexual harassment7

 e) Lack of accountability 8

5. Recommendations 9

 a) Training 9

 b) Limits and restrictions with respect to alcohol consumption at social events.....10

 c) Equity, Diversity and Inclusion (“EDI”) expertise 11

 d) Increased oversight and accountability 11

 e) Transparency.....12

1. Introduction and Mandate

On July 27, 2020, Rubin Thomlinson (“RT”) was retained by McMaster University (“McMaster”) to conduct a systemic review of the Psychology, Neuroscience and Behaviour (“PNB”) department, further to serious allegations that had been made under McMaster’s Sexual Violence Policy about several members of the department. Specifically, we were asked to determine whether there existed systemic or cultural issues within the PNB department.

2. Conduct of the Systemic Review

In total, 262 individuals in the PNB department were invited to participate in the PNB systemic review, including faculty, clinical and adjunct/associate faculty, staff, graduate students, post-doctoral fellows, certain PNB undergraduates and certain PNB alumni.

Participation in the review was on a voluntary basis, and participants were invited to substantively participate in the systemic review in a number of ways: through a one-on-one interview with an RT representative; through a confidential online survey with the option to remain anonymous; or through both a confidential online survey and a one-on-one interview.

In total, 114 participants submitted complete responses to the survey, and 35 one-on-one interviews were conducted with participants.

Participants were advised of the anonymity and confidentiality limitations of the process, including that if they provided information to RT that suggested that anyone at McMaster was currently experiencing or had experienced behaviour which, if true, would amount to a breach of

McMaster policy (including its Sexual Violence and Discrimination and Harassment Policies), RT was obligated to share that information with McMaster in order to allow McMaster to respond appropriately in a process separate from the systemic review, and that, in doing so, RT may be required to disclose their identity to McMaster.

3. Disclaimer

The purpose of the systemic review was to hear about and report on general concerns identified by those who participated. We did not make any findings of fact within that process; and the information included in our report and summarized here represents the subjective experiences of the individuals who participated. In this report, we have also not attributed any information to a particular participant, nor have we presented participant experiences at a level of detail that might allow a particular individual to be identified as the source of the information.

4. Summary of Themes

Based on the results of the survey and the interviews, we identified the following key themes in our review:

- a) The culture of the department generally
- b) Social events and the role of alcohol/other substances
- c) Boundaries between faculty and students
- d) Instances of non-sexual harassment
- e) Lack of accountability

To assist in presenting the information in a summary fashion, we have used the following ranges to denote the frequency of response: “one” (1 person),

“some” (2-5 people), “several” (6-15 people), “many” (over 15 people). Where the number is significantly higher than 15 people, it is noted.

a) Culture of the department

Many participants (more than 50) described the culture of the department in a positive way using one or more descriptors such as “friendly,” “welcoming,” “social,” “collegial,” “like a family,” “collaborative,” and “close-knit.” As examples of this type of environment, many participants referenced the department’s social events as opportunities to network, get to know their colleagues and break down the perceived barriers between faculty, staff, and students. Others mentioned how it is a department where everyone interacts with one another, where students can work with different labs, and drop in on professors for discussions about research. Several participants expressed that these attributes were unique to PNB and not often seen in other academic settings. Several participants also shared that they stayed in the department from their undergraduate studies through to their graduate studies because of this welcoming and supportive environment.

We also heard more negative or critical comments about the department. Several participants spoke of how the social aspect of the department led to a lack of boundaries between faculty and students. Some speculated that this may have contributed to an environment in which certain faculty had taken advantage of the lack of boundaries within the department to engage in sexually inappropriate behaviour with students. Several participants also spoke about a degree of complacency in the department, which may have led to a lack of accountability and “letting things slide.” These two themes (boundaries and lack of accountability) will be discussed in further detail below.

With respect to other more negative or critical comments about the department culture, we also heard the department being described as “insular” and “uninviting” and there being a divide between the clinical stream and the experimental research stream. Some participants also described the department as having a “boys’ club mentality” that was noticeable in select faculty members. Several other participants also described the culture of the department as “toxic,” “elitist,” “cliquey,” and “gossipy.”

b) Social events and the role of alcohol/other substances

i. Department social events

As noted above, the PNB department was overwhelmingly described as being “social” and “friendly.” We heard about a wide range of department social events, including Friday night socials in the department lounge, Wednesday “tea times,” wine and cheese after Thursday night colloquia, graduate student welcome reception in September, wine and cheese event for undergraduates, recruitment weekend, the department holiday party, and intramural sports teams (for graduate students).

We also heard that the various labs in the department have their own informal events to celebrate special occasions, end-of-term, or to encourage team building. Some participants also described informal meetings between faculty and students taking place at the faculty club, restaurants or bars on campus or near the university, or at coffee shops.

We also heard about thesis defence parties, which were often hosted at the homes of faculty members, and we heard about faculty hosting other parties at their homes, including holiday parties.

While not a department-sanctioned event, we also heard about the Lake Ontario Visionary Establishment (“LOVE”) conference¹ that takes place in Niagara Falls every February, and how members of PNB’s “cognition and perception” group regularly attended this event.

ii. Alcohol consumption

Participants provided mixed responses regarding the extent to which they thought alcohol plays a role in the department culture.

Many participants (more than 45) stated that alcohol either played no role in the department culture or that the role it played (celebratory or to create a casual, relaxed environment) was not problematic. Several of these participants expressed that the survey was too focused on alcohol consumption. Some of these participants stated that alcohol should not be used as a “scapegoat” for other issues in the department, and they expressed a concern that the outcome of the systemic review would be to ban alcohol at social events.

On the other hand, we also heard from many participants (more than 30) who spoke of how integral alcohol is to the department’s social events. Some of these participants spoke of how there is a culture of drinking within the department, and some said that the alcohol consumption in the department blurs the professional lines between faculty and students. We should note that of the participants who described alcohol as playing a role in the culture of the department, some of them expressed that they did not feel as though this was unique to PNB, and that such alcohol consumption

¹ We understand from participants that this is a two-day conference where there is a social event called the “LOVE affair” on the first night.

was “typical” for academic environments. We further note that the majority of the participants answered that they did not feel pressured to drink alcohol or partake in other intoxicants at these events, although several participants did reference feeling some degree of pressure to drink.

In terms of the amount of drinking that is taking place in the department and the level of intoxication that ensues, we heard reference to certain events being “boozier” than others. Participants described the annual department holiday party, parties at faculty members’ homes, recruitment weekend, and the LOVE conference as events where more alcohol was consumed, and where people tended to become intoxicated, including at times some faculty members. We also heard about marijuana being consumed at these events.

c) Boundaries between faculty and students

Several participants wondered whether there was a relationship between the social culture of the department and a resulting lack of boundaries between students and faculty. Some other participants commented that the lack of boundaries and the level of socializing that occur between students and faculty in the department is a “red flag” and leftover from a bygone era.

Some participants theorized that because of the very nature of the department – psychology – faculty members had a tendency to have more personal conversations with their students, which also resulted in a blurring of boundaries.

Some other participants (including both faculty and students) commented that they were aware of the potential boundary issues between faculty and

students, and therefore made concerted efforts not to socialize outside of school.

It should be noted that some participants highlighted the positive aspects of social interactions between faculty and students. As one participant put it, “I don’t see the need for this clear delineation between graduate students and faculty. I think we can all be adults.” Some other participants spoke of how they had built lasting friendships with their supervisors, due to the amount of time that they had worked together.

i. Sexually inappropriate behaviour

Some participants felt that certain faculty had taken advantage of the lack of boundaries within the department to engage in sexually inappropriate behaviour with students. In our survey, we asked participants if they had ever heard of or witnessed behaviour that was concerning to them. Many participants (more than 25) described behaviour both in the surveys and interviews which, if true, could be characterized as sexual harassment. These behaviours included: male faculty making sexual advances or engaging in unwanted sexual attention towards female students; sexually inappropriate comments by faculty; inappropriate sexual behaviour between students; and sexual relationships between faculty and students. Some of the participants who shared these experiences described how they tried to have these concerns addressed, but felt continually dismissed by the department, and to a lesser extent, McMaster’s Equity and Inclusion Office.

d) Instances of non-sexual harassment

In addition to sexually inappropriate behaviours between faculty and students, we also heard about examples of behaviour that if true could be

characterized as harassment under McMaster policy.² Several participants (more than 10) provided examples of this type of behaviour, including faculty adopting rude and condescending tones towards students, nitpicking, imposing unreasonable timelines and unclear expectations, and engaging in what one participant described as “an emotionally abusive pattern of supervision.” Some of these students attributed these behaviours to the inherent power imbalance that exists in the faculty-student relationship. We again heard from the participants who shared with us these experiences that they were disappointed with how these issues were handled by the department.

e) Lack of accountability

Many participants described being shocked by the allegations that have surfaced in the PNB department, both by the nature of the allegations and the number of people in the department being accused of sexual misconduct. They expressed that the allegations did not reconcile with the caring and supportive environment that they have experienced within the department.

Some participants wondered if the insularity and complacency of the department had prevented it from seeing what was happening, and whether, because of the close-knit nature of the department, people were heavily biased by their long-standing relationships with each other.

We heard from many participants who welcomed the review given their concerns that inappropriate behaviour by faculty had been tolerated and

² Harassment is defined under McMaster’s Discrimination and Harassment policy as, “engagement in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. ‘Vexatious’ comment or conduct is comment or conduct made without reasonable cause or excuse.”

not properly addressed in the department for many years. These participants spoke of the department's tendency to, as one participant put it, "sweep things under the rug," and a general pattern of ignoring problems or transgressions by its members.

In contrast, some of the participants took offense at the notion that the department was being reviewed. They felt that the systemic review was premature, and that it cast the entire department in a negative light when allegations had not yet been proven. They described the negative impact that such a review was having on their reputations and the reputation of the department. These individuals often used the term "outliers" to describe the allegations under investigation and cast doubt that there was anything cultural or systemic behind the alleged behaviours. Some participants pointed out that if there was a cultural aspect to the behaviour, then it was probably not unique to the department, and that the whole university should be investigated in this regard.

5. Recommendations

The information we heard during our review has painted a picture of a department whose collegiality, while having many positive qualities, has created a degree of complacency that has let inappropriate behaviours go unchecked. We have set out here our recommendations for how McMaster and the department can address these issues going forward.

a) Training

We feel that training on navigating healthy boundaries between faculty and students, as well as training on sexual harassment should be mandatory for incoming graduate students and be delivered by someone in the EIO.

For faculty and staff, we feel that there should be mandatory and ongoing training on boundaries and sexual harassment, including, among other things, ensuring that all faculty and staff are aware of and knowledgeable about the support resources available should someone come forward to them with such concerns. We suggest that such training be conducted using a trauma-informed approach. We further recommend that there be coordination in this regard between the department's Equity, Diversity and Inclusion committee and the EIO.

b) Limits and restrictions with respect to alcohol consumption at social events

We appreciate that the social aspect of the department is what many members value about PNB and we do not suggest that all such social events be banned, or that faculty never be allowed to socialize with students. We do feel however that there should be limits and restrictions placed on these events and that the opportunities for faculty to become intoxicated with students should be curbed. We suggest that McMaster appoint representative(s) from the department to address this issue. Their mandate should not be to decide whether or not there should be restrictions with respect to alcohol consumption at PNB social events - in our view it is clear there must be - but rather to decide what those restrictions will look like and how to implement them.

We suggest that the department representative(s) obtain input from various groups within the department, including undergraduate and graduate students, faculty and staff. We strongly recommend that the clinical or associate/adjunct faculty and the EIO be consulted by the department representative(s) or form a committee with the department representative(s), in order to offer a diversity of opinions on how best to

minimize the risks associated with alcohol consumption within the department.

c) Equity, Diversity and Inclusion (“EDI”) expertise

Given the lack of trust among many current and former graduate students towards faculty and administration within the department to appropriately deal with concerns of bullying, harassment, discrimination, sexual misconduct and boundary-crossing, we feel that the department would benefit from dedicated EDI expertise to assist the department in how it handles concerns of this nature moving forward. We recommend that this expertise be provided by someone outside of the department, either through the EIO office, the Ombuds Office or an independent intake person with EDI expertise. We recommend that this individual(s) be available for students, staff and faculty in the department to report their concerns, and could direct issues or individuals to the other appropriate resources within the university, including the EIO, as necessary.

d) Increased oversight and accountability

We heard many positive comments about how the current department leadership has handled the allegations and issues of equity, diversity and inclusion generally. Notwithstanding this, given the serious issues both identified in this review and in the recent allegations which have come forward, we feel that there needs to be increased accountability and oversight of the PNB department.

With respect to increased oversight, we recommend that current and future department leadership demonstrate a strong commitment, understanding and prioritizing of EDI issues. In considering the ways in which it will demonstrate its commitment to EDI principles, we recommend that

department administration make use of EDI resources available to it within the university, such as the EIO office and/or the individual whose appointment we recommend in c) above.

In order to improve oversight, we also recommend that McMaster consider ways in which the department administration can integrate the input of the clinical or associate/adjunct faculty stream to its work in prioritizing EDI principles in the department. We feel as though the clinical or associate/adjunct faculty have a strong grasp of the importance of maintaining healthy boundaries (something which we understand they contend with regularly in their work as clinical psychologists). We feel that their perspectives in this regard would assist in counteracting some of the more engrained viewpoints within the department to the contrary.

We also recommend that a plan be put in place to ensure accountability for addressing the issues which have been identified in this review. Specifically, we recommend a “check-in” on the department through another survey or assessment at a reasonable future interval to help determine whether there have been improvements and whether the actions taken as a result of this process have had the desired outcomes.

e) Transparency

We recommend that McMaster be transparent with the members of the department and other participants in this process about the themes coming out of this review, our recommendations and the university/department’s action plan for addressing the recommendations.



Date: November 26, 2020

A handwritten signature in black ink, appearing to read 'K. Montpetit', with a period at the end.

Per: Katharine Montpetit
RUBIN THOMLINSON LLP