

Senate Working Group

To Review the

Harassment/Discrimination Complaint Policy and Procedure

Notice of Motion

March 24, 2011

Background

Following Keith Norton's report ~~to the Senate~~ ~~in November 2007~~, the Senate appointed a Working Group to review his recommendations and to make changes to the existing policy and procedure. The Working Group has revised the document in an effort to improve upon the ~~document's~~ clarity, scope, applicability, fairness, and due process.

Analysis and Discussion

The Working Group considered current legislation and case law in addition to the recommendations prepared by Mr. Keith Norton, which can be found at http://www.queensu.ca/secretariat/senate/Jan24_08/Norton.pdf

An earlier draft of the revised policy was circulated for comment to those individuals/units who

6. A respondent will be referred to the Coordinator, Dispute Resolution Mechanisms or a delegate to eliminate the perception of conflicts of interest when respondents are referred directly to an Adviser by a Human Rights Office staff member.

The Working Group thanks the Senate Educational Equity Committee December 2010 Report both in response to the University Student Appeal Board decision referred to it by the Senate, and for its comments regarding the Human Rights Policy and Procedure

Recommendation:

It has been the Working Group's objective in preparing the Human Rights Policy and Procedure Harassment, Discrimination, and Accommodation to express the necessity of providing safeguards for members of the University community against harassment and discrimination to create a procedure that provides equity and fairness in dealing with complaints whether made by students, staff, or faculty. Accordingly, the Working Group submits this Notice of Motion with the recommendation

1. **That at its meeting on April 28, 2011, the Senate approve the Human Rights**

POLICY STATEMENT

Queen's University believes in the necessity of providing safeguards for its members against harassment and discrimination. Every community member has

**prohibited
grounds of
discrimination**

**duty to
accommodate**

**equity
programs**

**discrimination
free
environment**

**knowledge of
Policy**

**cooperation
with
complaint
process**

**attention to
complaints**

**authority of
Boards**

**appointment
of human
rights advisors**

**community
awareness**

**administration
of process**



PROCEDURE

Application

1. General application of the Policy and Procedure

2. Application of the Policy and Procedure for Non-University community members

3. Non-University employment, placement, internships, instructional field courses and practica

4. University campuses/sites outside of Kingston

Definitions

5. Prohibited Grounds

It should be noted that personal/workplace harassment which is not based on one of the prohibited grounds enumerated above is not covered under this Policy and Procedure.

8. Poisoned environment

14. Involvement of external agencies

15. Reprisals

16. Residences

17. Emergency action

Informal Consultation with the Human Rights Office

19. Information

24. Multiple complaints

25. Early Disposition

26. Informal Resolution

27. Fact Finding

28. Contacting the respondent

29. Advice to members of bargaining units



31. The role of the Advisor as ADR facilitator

32. External dispute resolution

35. Initiating a formal complaint

36. Establishing jurisdiction

38. Make-up of Complaint Board



41.



44. Additional parties

45. Disposition of complaint by the Board



48. Service of documents

Appendix A
DEFINITIONS



Undue hardship

Alternative Dispute Resolution (ADR)

Complainant

Discrimination

Constructive discrimination

Direct discrimination

Systemic discrimination

Disability

Sexual Harassment

Hate propaganda

Hate/Bias Motivated Act

Heterosexism

Homophobia

Intake

Jurisdiction

Marginalization

Procedural Fairness

Prohibited grounds

Racism

Racial discrimination

Addressing human rights issues in Residence

The referral of human rights issues from Residences to the Human Rights Office will occur in the manner stipulated in the Harassment/Discrimination Policy and Procedure. The HRO Advisor seeing the complainant will discuss both the substance of the complaint and the processes which the complainant might utilize in order to pursue a resolution.

If the complaint appears to involve a fairly low level resolution (e.g. a request for no contact), the complaint can likely be addressed informally with just the assistance of the HRO Advisor. However, if the elements in the complaint are such that behavioural contracts, relocation, or any sanctions related to students or undergraduate student staff is contemplated within the Residence system as a possible resolution to a complaint, the advisor will refer the complaint to the Director of Residence Life.

Complainants referred to the Director of Residence Life (as per the Residence Non-Academic Discipline Process), will be advised of their entitlement to pursue a complaint through the HRO and the Harassment/Discrimination Policy and Procedure should they feel the outcome of the Residences process has not been satisfactory i.e. that the human rights elements in the complaint have not been adequately considered in the Residence process.

The HRO advisor will assist the complainant in documenting her/his complaint, discuss and provide any necessary referrals (e.g. Health, Counselling and Disability Services, Campus Security, etc.) The complaint will then be directed to the Director of Residence Life with the assistance of the Human Rights Advisor. The Human Rights Advisor can, at the request of the complainant, attend a meeting with, or on behalf of, the complainant and the Director of

Residence Life/designate, in order to assist in outlining the complaint and possible options for resolution.

The Director of Residence Life will then engage in a fact-finding process keeping in mind the principles of procedural fairness at all times. Such a process will include but is not limited to: meeting with the respondent to discuss the details of the complaint, interviewing witnesses to the alleged behaviour to ascertain the merits of the complaint, etc., with the goal of effecting an appropriate resolution.

In the event that the allegations involve sexual or other forms of assault, The Director of Residence Life reserves the right to take immediate action to ensure the safety, security and well-being of all residents. The Director of Residence Life retains her/his right to relocate the
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against them, and be informed of the availability of respondent advisors to assist them throughout the process. The respondent(s) will be sent a letter further confirming a meeting time with the Director, along with the recommendation that the respondent avail him or herself of the assistance of a respondent advisor, (including the name and contact information of a respondent advisor). A meeting will take place as quickly as possible, the purpose of which will be to outline the complaint, provide a written summary of the allegations, and to discuss the complaint process with the respondent(s). Included in this meeting will be a discussion of the shortened time frame the respondent(s) has to in which to process the information included in the complaint summary, a recommendation to discuss any pertinent issues with his/her advisor and to secure whatever additional support s/he needs, prior to a second meeting (if necessary) with the Director of Residence Life, in which the respondent is given the opportunity to respond fully to the allegations, provided they have not already done so.

A decision about the next steps that need to be taken in the process (further investigation or decisions about the possible sanctions) will then be made by the Director of Residence Life while cautioning the respondent(s) about making reprisals against the complainant(s). The respondent(s) will be informed that any such reprisals will be considered further T&M t is giecehspoTf that a
