

Informal Session of the Senate April 22, 2010

The Working Group to Review the Harassment/Discrimination Complaint Policy and Procedure submitted an Interim Report to the Senate on March 25, 2010. The Interim Report can be found at http://www.queensu.ca/secretariat/senate/Mar25_10/HDCPP.pdf and includes a link to the revised *Human Rights Policy and Procedure: Harassment, Discrimination, and Accommodation*.

Members of the Senate and the Queen's University community have been invited to review the document and submit comments to the Working Group using the form found at <http://www.queensu.ca/secretariat/senate/HDCPP/HDCPP.html>. The Working Group would appreciate receiving feedback by **April 30, 2010**.

To provide further opportunity for Senators to ask questions and comment on the report and the revised policy, the Senate Agenda Committee has scheduled a 15-minute informal session.

Therefore, a motion will be proposed by the Senate Agenda Committee “that the Interim Report by the Working Group to Review the Harassment/Discrimination Complaint Policy and Procedure and the revised *Human Rights Policy and Procedure: Harassment, Discrimination, and Accommodation*, be considered in an informal session.”

The Senate will move into Informal Session under VIII, Other Business.

Working Group to Review
the
Harassment/Discrimination Complaint Policy and Procedure

Interim Report to Senate
March 25, 2010

Background

Following Keith Norton's report *Review of the Harassment/Discrimination Complaint Policy and Procedure of Queen's University at Kingston, Ontario* to 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 attempted to respond to Mr. Norton's recommendations respecting the *Policy and Procedure'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.

The Working Group has drafted a revised policy entitled *Human Rights Policy and Procedure: Harassment, Discrimination, and Accommodation* for review and comment by the Senate and the Queen's University community. The draft policy can be found at http://www.queensu.ca/secretariat/senate/Mar25_10/plcydrft.pdf.

Some of the more significant changes to the Policy are outlined below for consideration:

1. The document has been reordered. Definitions are located within the body of the Procedure rather than as a section immediately following the Policy itself. The definitions are more global and include a definition of accommodation. A final section comprising a glossary to provide more detail has been added at the end of the document.
2. The Policy section has annotations along the side of the text. We would appreciate some feedback as to how helpful this format is and whether the entire text should be formatted in this way.
3. Sections 3, 4, and 5 respectively address the applicability of the procedure for non-University members and with respect to non-University employment, placement, internships, instructional field courses and practica, and to campuses outside of Kingston.
4. A fact-finding process (Section 27) may be used to assist in the direction or resolution of discrimination and/or harassment complaints.
5. The time frame to pursue a complaint (section 24) now is within 12 months of the incident, consistent with the new Ontario Human Rights Tribunal's time frame.

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.

An earlier version of the revised policy was circulated for comment to those individuals/units who interact directly with the Human Rights Office and its *Policy and Procedure* in the resolution of issues. Many of those suggestions were incorporated in the current version found at the link.

We would appreciate receiving any feedback that you wish to provide to the Working Group **by April 30, 2010**. An email will be sent to members of the University community using the University's listserve. The email will include a link to the revised Policy and a form to respond with comments. The Working Group will consider the comments submitted. In addition, there will be an opportunity for those interested to meet with the Working Group to offer comments directly.

Recommendation

The Working Group to Review the Harassment/Discrimination Complaint Policy and Procedure submits the following recommendation:

That the revised policy entitled *Human Rights Policy and Procedure: Harassment, Discrimination, and Accommodation* be widely disseminated to the University Community for review and comment.

The Working Group will submit a final report to the Senate.

Respectfully submitted,
H. Smith, Chair

Working Group Membership:

I. Bujara (Director, Human Rights Office and Office of the University Advisory on Equity)
D. Kelly (University Legal Counsel)
I. LaFleche (Staff Senator, School of Computing)
J. Laker (Associate Vice-Principal and Dean of Student Affairs)
M. Lombardi (Student Senator, BAH'10)
R. Morrison (Vice-Principal Human Resources)
R. Peterson (Faculty Senator, Faculty of Arts and Science)
H. Smith (Dispute Resolution) Chair