

Minutes

Meeting:	University Council on Anti-Racism and Equity (UCARE) – Public Meeting	Date & Time:	March 11, 2021 5:00-6:00 pm
Location:	Zoom		
Co-Chairs:	Alana Butler and Aba Mortley		
Members:	<ul style="list-style-type: none"> • Alana Butler (Elected – Faculty, Faculty of Education) • Yolande Chan (ex Officio – Provost’s Delegate) • Yolande Davidson (Elected – Alumna and Community Member) • Petra Fachinger (ex Officio – Chair of SEEC) • Janice Hill (ex Officio – AVP Indigenous Initiatives) • Lavonne Hood (ex Officio – University Ombudsperson) • Richelle Ignatius (Elected – AMS Student) • Klodiana Kolomitro (Elected – Faculty, Director of Education Development and Adjunct Professor with DBMS) • Aba Mortley (Elected – Alumna and Community Member) • Mona Rahman (Elected – Staff, Office of the Vice-Principal Research) • Angela Sahi (ex Officio – AMS Social Affairs Commissioner) • Teri Shearer (ex Officio – Principal’s Delegate) • Stephanie Simpson (ex Officio – Associate Vice-Principal (Human Rights, Equity and Inclusion) • Nathan Utioh (Elected – Staff, Residence Life) • Leena Yahia (Elected – SGPS Student) 		
Regrets:	<ul style="list-style-type: none"> • Laeeque Daneshmend (Elected – Faculty, Department of Mining Engineering) • Fikir Haile (ex Officio – SGPS Equity and Diversity Commissioner) • Adriana Lopez Villalobos (Elected – Staff, Queen’s Biological Station) • Ann Tierney (ex Officio – Vice-Provost & Dean Student Affairs) • Osaru Omoruna (Elected – AMS Student) 		
Guests:	Mark Green, Provost and Vice-Principal (Academic), Amanda Kesek, Anita Davies, Barb Lotan, Carlyn McQueen, Clarissa de Leon, Harry Smith, Jubilee Lambie, Lisa Newton, Liz Brule, Lindsay Winger, Lon Knox, Melissa Seal, Nasser Salah, Toni Thornton.		

Before the Meeting was called to order, Alana acknowledged Queen’s University’s presence on the traditional lands of the Haudenosaunee and Anishinaabe peoples.

1. Co-Chairs' Remarks

Aba welcomed UCARE members and community guests to the meeting. Aba reminded the Committee that The Provost has requested this Special Public UCARE meeting so that community members can provide their feedback in person and ask questions about the proposed changes to the Student Code of Conduct.

<https://www.queensu.ca/secretariat/policies/community-consultation-student-code-conduct>

2. Student Code of Conduct

Aba welcomed Provost and Vice Principal (Academic) Mark Green, to speak to the Student Code of Conduct. Mark Green thanked everyone for agreeing to this meeting. Mark reviewed the proposed amendments.

The proposed amendments to the Student Code of Conduct include:

- aligning the definitions of “harassment” and “discrimination” with those in the draft Harassment and Discrimination Prevention and Response Policy
- the addition of educational commentary on discrimination and protected grounds under the Ontario Human Rights Code. Again, this educational commentary is aligned with that being proposed in the Harassment and Discrimination Prevention and Response Policy; and,
- additional language to make clear that violating protected grounds under the Human Rights Code is considered as a factor in the sanctioning process.

Aba and Alana opened the floor for questions or concerns. Aba read a question she received in advance, from Laeeque.

Question: “In the Principal’s statement of September 16, 2020 regarding COVID-19 and Queen’s Student Code of Conduct, he indicated, in part, that students, whether living on or off campus, are expected to uphold public health directives – and that students whose behaviours ignore provincial and other applicable regulations will be referred for review under our Student Code of Conduct and will be subject to sanctions available under the Code, including expulsion from the university.

Does this mean that the Student Code of Conduct can now be interpreted to encompass other off campus behaviours that violate the Code, including acts of racism? Will the revised Student Code of Conduct reflect this expansion of scope, as was recommended in the PICRDI report?”

Answer: Mark replied that determination of the SCC's scope revolves around how an activity affects operations and the living/learning community. For example, just before Christmas there was a COVID 19 outbreak in the student community, which meant we had to reduce operations for some units on campus. General off campus activity needs to be assessed to see if it is in scope. In the case of COVID 19 we are able to demonstrate this quickly and easily. Scope would need to be determined on a case by case basis.

Question: Petra Fachinger and Liz Brulé asked if there could be more extensive definitions for transphobia, anti-Semitism and Islamophobia –similar to the definition of homophobia? Liz suggested reviewing the report from Justice Cromwell as it provides robust definitions.

Answer: Mark asked Lindsay Winger to take this suggestion under advisement.

Question: Anita Davies asked, I notice that the amendments include a definition of "race" and "racism" which is important; however, there is no definition of "institutional racism" or "Islamophobia" for example. Is there room to add these or to discuss this further? I realize that everything can't be included.

Answer: Lisa Newton advised that we keep in mind that changes to the SCC are being undertaken in conjunction with the new Harassment and Discrimination policy and that policy does speak to systemic issues. She advised that the appropriate place for full definitions was in the Harassment and Discrimination policy however, the educational commentary will be the same for both policies. She noted that Antisemitism, Islamophobia and institutional racism are defined.

Question: Jubilee Lambie asked, outside of typical overt racism (e.g. derogatory name calling) when do more subtle experiences of racism fall under the SCC?

Answer: Mark noted that it was important to prioritize the experience of the person affected and that, most of all, students should be encouraged to bring their concerns forward so that we can be better informed about how communities are being affected. Otherwise, how racism issues are addressed will depend on facts and scope. Some responses can be educational so people are aware of the racial impacts of their actions. Mark asked Lindsay to explain the process.

Lindsay explained that the non-academic intake office would do the initial prima facie analysis. This would be to determine if the behaviour is a violation and if the university has jurisdiction. Then the assessment team will decide which non-academic misconduct unit the case will be assigned to and skilled investigators are involved in review the facts of the case. The Intake Assessment Team proposed under the new H&D policy will be helpful [in moving cases forward appropriately].

Lindsay and Lon Knox reiterated that cases are fact dependent and investigators will be skilled at undertaking fact finding (e.g. to determine if race is an aggravating factor). There is no set list of indicia re: whether racial discrimination has occurred but evidence does not always need to be explicit; can look at witnesses and other contextual factors to see if there is bias. The threshold of balance of probabilities is lower than in a criminal proceeding. The Student Conduct Office has developed a guide with examples of what might constitute racial harassment or discrimination under the SCC.

Question: Leena Yahia asked would including the microaggressions framework be helpful then? Also, is there a way to ensure that the composition of any committee would be diverse to guarantee a safe and unbiased process to protect all parties?

Jubilee commented that including the microaggressions would be helpful as would including the identities of the students in the consideration of aggregating/mitigating factors. Considering additionally the surrounding makeup of the context in which the incident occurred. For example, there are two students of colour at a school sanctioned event who feel they experience discrimination at the hands of group of entirely non-racialized students saying according to the makeup of the group it is less likely that those two students were arbitrarily targeted for reasons beyond their race.

Jubilee asked if NAMIO officers have to have bias sensitivity training or be of diverse backgrounds?

Mona Rahman asked, what is the composition of the intake committee and what resources are available to the intake committee?

Answer: Lon answered that NAMIO staff are not finders of fact and accept the truth of the facts in the claim in order to determine scope. Following this, the process relies on the expertise of trained investigators. There is diversity training provided to staff and they have the ability to seek out expertise on various issues. Lon noted that the Human Rights and Equity Office will be on the H&D policy Intake Assessment Team which will be helpful.

Lindsay commented that investigators all have extensive training including trauma informed investigation.

Angela Sahi commented that though the revised language in the SCC looked good, students wanted to see

more tangible actions in the form of better student experiences and just outcomes.

Question: Yolande Chan asked in respect to "student groups" under the SCC, are special interest groups allowed (i.e. will they be permitted to restrict membership)?

Answer: Mona commented that her understanding was that a special interest group (under the Ontario Human Rights Code) does have the right to restrict membership because otherwise it is no longer a special interest. This special interest group is specifically catering to that group to allow them the privileges they cannot get in the majority. It is in the Canadian' Charter or Ontario Human Rights code. It may be a good idea to have that explicitly (i.e. special interest group rights) [stated] as this is an issue that comes up with a misunderstanding on the part of student groups like the AMS.

Yolande Davidson commented that to help prevent conflation with discrimination, it would be helpful to be more explicit on the special interest group issue. "Club" or "student society" may not immediately convey that there are Charter provisions afforded to groups who choose to restrict membership and have the right to do so.

Lon agreed that Ontario Human Rights Code provisions allow special interest organizations. Lon committed to looking at whether/how this exception could be made more explicit in the SCC.

Question: Yolande Davidson and Leena asked, what recourse does a complainant have if they feel they haven't been well served by the investigation/fact finding? People don't trust the institutional structures.

Answer: Mark and Lindsay commented that trust is very important and needs to be (re)built. Lindsay explained that the Conduct Office tries to take a restorative approach and that there is still opportunity after formal investigation to come to some sort of resolution that leaves people feeling safe e.g. there could be a no contact agreement. People should always feel physically and psychologically safe but there is not always 100% satisfaction. Lon and Lindsay noted that there are also external options available such as the Human Rights Tribunal.

Question: Jubilee asked what can be done with NAM and student code of conduct where lack of education is not the problem but not wanting to change behavior is the issue?

Answer: Lindsay answered that this is definitely one of the challenges faced by Student Conduct. We can provide education but it is up to the student to adjust their behavior. We do review how likely it is that the student will repeat. We hope that they will learn the impact of their behavior. Our approach is usually from a learning development perspective but if we are not confident that the student will learn or believe that the behavior will repeat, sometimes measures escalate to loss of privilege or certain restrictions. We can't force a student to change and therefore we put other measures in place if we feel this is happening.

Mark commented that we need to have optimism for potential for change in everyone.

Aba asked about next steps in the process. Mark explained that community feedback would be accepted by the Secretariat until March 18. Feedback will be considered and the SCC will continue on to committees of the Board of Trustees which will review how feedback was incorporated.

Aba thanked Mark Green for his time and reiterated the need for the Student Conduct office to increase

student familiarity with the SCC and to build trust.

3. Other Business (5 Minutes)

Aba asked any of the community members if they have any questions for the Council. There were no questions from the community. **Aba** asked for any other comments. **Aba** informed the Council of the next meeting on April 12, 2021 and adjourned the meeting.