Protocol to Promote a Workplace Free From Harassment by Students

Introduction

Queen’s University is committed to a working and learning environment that is free from harassment and discrimination. This includes harassment of, and discrimination against, academic staff members by students. To that end, the University has developed this Protocol to promote a harassment-free environment.

The purpose of this Protocol is to facilitate the timely handling of concerns from academic staff members who are experiencing harassment by students by identifying for academic staff members and their unit heads, the various forms that harassment may take and the resources best suited to assist them depending on the form of harassment. The orientation of this Protocol is toward early intervention in all incidents, initial or otherwise, of harassment by students.

The Protocol is not intended to introduce new procedures, policies or offices dealing with harassment into the University. Several procedures, policies and offices exist and provide a framework that is already in place at Queen’s to respond to both personal/workplace harassment and human rights oriented harassment perpetrated by members – and in some cases non-members – of the Queen’s community.

Thus the Protocol has been designed to integrate into the larger framework rather than serve as a separate or alternative mechanism. Accordingly, it incorporates by reference, rather than restates, the applicable components of the broader framework so that it remains consistent with any modifications to policies or procedures within that broader framework. Further, this Protocol is intended to be a guide to assist when potential incidents of harassment of academic staff members by students occurs. It is not a set of rules.

Finally, it is important to keep in mind that not all interpersonal conflict constitutes harassment. While there is a subjective element to harassment, there is also an objective element, and context is important. Allegations of harassment are serious and can have serious consequences. They should not be made lightly.

The Protocol

1. Initial contact person for academic staff members with concerns about student harassment

   Academic staff members should contact their Unit Head if they experience any type of harassment by students and describe the incident in as much detail as possible and identify any potential witnesses to the incident. Academic staff members should also make contemporaneous notes.
2. **Discussion with the Student**

At any time before or after resorting to some or all of the actions described in this Protocol, if an academic staff member and/or his/her Unit Head believes that a conversation with a student about the student’s behaviour could resolve a problem, the academic staff member and/or the Unit Head should give judicious consideration to that approach. Some of the resources identified below may help the member to assess whether such a conversation is advisable and provide guidance on how to initiate it as well as what, and what not, to say or do. As well, these resources may be able to assist in facilitating the conversation.

3. **Initial assessment of the threat-level and type of harassment**

Upon being contacted by an academic staff member with a harassment concern, the Unit Head should without undue delay, elicit from the complainant or from any potential witnesses as much detail about the incident as possible in order to appreciate the threat-level, type and severity of the problem and determine which other resources (if any) should be engaged. The Unit Head should endeavor to ascertain the following:

a. Whether there is an immediate threat – or apprehension of a threat – to the health and safety of any person (“immediate threat”);

b. Whether the student conduct complained of is of a non-violent but hostile, belligerent, abusive or invasive nature (“personal harassment”*); and

c. Whether the student conduct complained of is human rights oriented (i.e. whether it involves sexual harassment or discriminatory harassment prohibited by the Queen’s Code of Conduct, the Queen’s Harassment/Discrimination Complaint Policy and Procedure, or the Ontario Human Rights Code**) (“human rights oriented harassment”).

In a departmentalized faculty, the Unit Head should also inform his/her Dean of the situation.

* The *Occupational Health and Safety Act* defines workplace harassment as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. The comments or conduct typically happen more than once. They could occur over a relatively short period of time (for example, during the course of one day) or over a longer period of time (weeks, months or years).

** The *Human Rights Code* states that employees have the right to freedom from harassment in the workplace because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.
4. Engagement of other resources

Based on the information obtained, the Unit Head should determine what resources to engage to protect the Member from further harassment. The choice of resources will be based on the nature, scope and severity of the problem. The Unit Head should be guided by the following:

a. Immediate threat to the health and safety of any person – The Unit Head should call 911 or Campus Security (36111 or 533-6111) immediately.

b. Personal harassment that is non-violent but hostile, belligerent, abusive or invasive – The Unit Head should contact the Department of Environmental Health & Safety (32999 or 533-2999), which is the University department responsible for matters related to personal harassment.

c. Human rights oriented harassment – The Unit Head should contact the Queen’s Human Rights Office (36886 or 533-6886).

d. Mental health concerns – Whether the problem presents itself in the form of a, b, or c above, there may also be underlying mental health concerns. In such circumstances, the Unit Head should consult the Green Folder and contact Health, Counselling & Disability Services (78264 or 533-2506).

5. Development of a Response Plan

As soon as practicable after an emergency situation has become stable, the Unit Head and the academic staff member should meet, along with representatives of other resources involved, to develop a response plan. The plan may include invoking investigative or disciplinary measures+ with respect to the student respondent, measures to restrict the actions or access of the respondent, and/or measures to protect the academic staff member from further harassment (such as modification of schedules or the location or certain features of the academic staff member’s work environment, de-publicizing the Member’s contact or personal information, enhanced security patrolling, etc.).

+ Note that in matters where investigative or disciplinary measures may be invoked, depending on the nature of the alleged harassment and the context in which it is alleged to have occurred, the appropriate resource to which to refer the matter may vary. Guidance on the appropriate resource to which to refer such matters is available from the member of the Dean’s Office responsible for such matters who may then contact the Coordinator, Dispute Resolution Mechanisms in the University Secretariat, if appropriate.

6. Implementation of the Response Plan

Implementing the response plan is a responsibility generally shared between the Unit Head and the academic staff member. However, the Unit Head is primarily responsible for implementing
the response plan insofar as the plan involves engaging other University resources. This means that where other resources are to be engaged, the Unit Head is responsible for ensuring that they are, in fact, engaged and that there is a shared understanding of who will do what.

7. **Ongoing monitoring of the Response Plan’s effectiveness**

The Unit Head\(^\text{1}\) is responsible for monitoring the implementation and ongoing effectiveness of the Response Plan. Implementation monitoring will involve, at a minimum, appropriate follow-up with the other resources, while ongoing effectiveness monitoring will necessarily require continued communications with the academic staff member.

\(^\text{1}\) The ability of the Unit Head to carry out his/her responsibilities as noted above will be limited to the extent that the academic staff member chooses (as he/she may choose) to engage or not engage the Unit Head in the plans and actions intended to respond to the harassment. Continued interest and invitations to provide support from the Unit Head to the academic staff member is appropriate as the University maintains a responsibility for a harassment-free workplace.