

# Annual Report to Senate of the Co-ordinator of Dispute Resolution Mechanisms 2008 - 2009

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The Annual Report of the Co-ordinator of Dispute Resolution Mechanisms (CDRM) for the period September 1, 2008 to August 31, 2009, is submitted in keeping with subsection 14(c) of the *Senate Policy on Student Appeals, Rights and Discipline (SARD)*, which requires that the CDRM make an annual report to the Senate on the work of USAB as well as other activities undertaken by the CDRM. This Report covers both areas of activity.

Please refer to Appendix A for the mandate of the CDRM.

## Activities of the Co-ordinator

### *Case Management*

Summary:	<u>2007-08</u>	<u>2008-09</u>
Student cases	201	<b>181</b>
Inquiries by faculty and administration	12	<b>53</b>
Other inquiries from within the University	49	<b>53</b>
Inquiries by persons external to the University	10	<b>26</b>
Staff	9	<b>10</b>

**STUDENT CASES:** The CDRM handled 181 student academic cases for the period from September 1, 2008 to August 31, 2009, compared to 201 student cases a year earlier, and 121 during 2006-07. Most student cases involved at least one in-depth in-person interview in the form of office meetings, often about an hour in length. Frequently, the matter required contact with other individuals or offices.

Thirty students were assisted by a Dispute Resolution Advisor during the reporting period, compared with 21 the previous year.

The CDRM dealt with 53 inquiries from faculty and administration compared with 12 queries in 2007-08. Another 53 inquiries were received from individuals within the University regarding matters not directly related to academic issues (e.g. students seeking information unrelated to their studies, questions from students involved in student government and related to non-academic discipline). Twenty six people external to the University contacted the CDRM for information.

STAFF CASES: The CDRM was involved in 10 staff cases providing information and advice, up from 9 cases the previous year. These cases often require more than one meeting. In addition to those people who contacted the CDRM, additional cases were addressed by the staff advisors who were contacted directly.

#### NON-BARGAINING UNIT SCHOOL OF MEDICINE ACADEMIC STAFF GRIEVANCES

One complaint was filed with the CDRM under the *Non-Bargaining Unit School of Medicine Academic Staff Grievances* policy but was not heard during the reporting period.

#### *Tribunal Administration*

The CDRM is responsible also for providing administrative support to the University Student Appeals Board (USAB) and the Harassment/ Discrimination Complaint Board (H/DCB).

Professor N. Bala (Faculty of Law) was Chair of USAB during this time, and he was re-appointed chair for a second two year term beginning September 1, 2009. Professor Emeritus R. Price (Faculty of Law) was an alternate chair during this time, and Professor D. Freedman (Faculty of Law) also acted as an alternate chair for a period while Professor Bala was absent.

Six cases were submitted to be heard by the USAB in the 2008-09 year, compared with four appeals the previous year. One appeal, submitted during the previous reporting period, completed. In another appeal, prior to a decision being rendered, the parties were directed to participate in an alternative dispute resolution mechanism for the purpose of resolving the proceeding. Two cases were referred to the USAB according to SARD subs.17(c) in order that a decision be made regarding alleged student non-academic misconduct. One appeal was not pursued by the student. Two appeals were filed within the reporting period but were not scheduled to be heard during that time.

The Chair of the Harassment/Discrimination Complaint Board (H/DCB) during this period was Professor D. Freedman (Faculty of Law). Professor Freedman was appointed to a three year term. No complaints were brought before the H/DCB during the reporting period.

#### *Training*

A training session was provided in September 2008 for members of the AMS prosecutor's office and the judicial committee.

The CDRM met with staff members of a department at their request to discuss generally issues relating to personal harassment, applicable policy, and procedure.

In May 2009, the CDRM attended a two day Human Rights and Accommodation Conference addressing topics such as cultural, racial, and systemic discrimination and workplace violence including bullying and harassment.

In May 2009, the CDRM was invited again to participate as a coach at the Queen's Industrial Relations Centre 5 day workshop in *Dispute Resolution Skills: The Mediation Process*. Coaches are assigned to assist groups during program (skill-building) exercises.

In June 2009, the CDRM attended a six day University Management Course held by the Centre for Higher Education Research and Development (CHERD). The course dealt with issues that arise in the academic environment relating to administrative, tort, contract, labour, and human rights law, as well as organizational culture and conflict resolution.

### *Policy Development*

#### Athletics and Recreation Non-Academic Discipline Policy

The CDRM was contacted by L. Dal Cin, Director, Athletics and Recreation regarding the development of a revised non-academic discipline policy for recreation and varsity programs. A non-academic discipline framework was reviewed with additional meetings of the Director, R. Denniston-Stewart, Associate Dean, Student Affairs, and the CDRM planned to draft a simplified, transparent and consistent policy that is able to respond to infractions in an expedient way.

### *Committee Work*

#### Review of the *Harassment/Discrimination Complaint Policy and Procedure*

The CDRM chairs the Working Group established by the Senate for the purpose of reviewing the University's *Harassment/Discrimination Complaint Policy and Procedure*. The Working Group met six times during 2008-09 and a draft of the revised policy should be available for circulation to the University community in early 2010 for comment.

#### Senate Committee on Non-Academic Discipline

The CDRM served as secretary to the Senate Committee on Non-Academic Discipline (SONAD). SONAD met four times from October 2008 through April 2009. During this time, SONAD proposed amendments to its composition and terms of reference, which were approved at the April 23, 2009 meeting of the Senate and effective September 1, 2009. As a result of the changes to the committee's composition, the CDRM will no longer act as secretary to SONAD but will sit as an ex officio member replacing the Secretary of the Senate. In addition, the Dean of Student Affairs or designate was added to the committee as an ex officio member

The CDRM is a member of the Discipline Working Group, a sub-committee of the Senate Residence Committee; an observer at the *Principal's Ad Hoc Committee to Draft a Safe*

*Disclosure Policy*, which first met on June 9, 2009; and was invited to continue attending meetings of the TA Consultative Committee as a guest.

### *Co-ordination of Advisors*

#### University Dispute Resolution Advisors

The CDRM performs the function of co-ordinating and supervising the University Dispute Resolution Advisors. These are faculty members appointed by the Senate to assist students who are facing adverse academic decisions or other difficulties related to their academic program. Advisors provide students with advice and information about policies and procedures regarding (usually) academic discipline matters. Where possible they also promote the informal resolution of academic discipline-related concerns by helping students to identify and evaluate options for resolution.

Referral to an Advisor often follows a meeting with the CDRM. In most instances, University Dispute Resolution Advisors become involved when a student is appealing an academic decision. Frequently an Advisor will accompany a student to a meeting with a faculty member to discuss an allegation of academic dishonesty. As mentioned above, thirty students were assisted by a Dispute Resolution Advisor during the reporting period. Three faculty members volunteered their time in this capacity during the reporting period.

Faculty members interested in participating as a University Dispute Resolution Advisor are encouraged to contact the CDRM. Advisors should have a reduction in administrative or other service responsibilities in their school or faculty. The CDRM confirms the availability of an Advisor before providing the contact information to the student, acknowledging the many other demands on a faculty member's time. Additional Advisors would make referrals and scheduling easier, and provide alternatives when a conflict of interest prohibits an advisor from becoming involved.

#### Staff Advisors

The CDRM also co-ordinates the activities of the Staff Advisors appointed by the Principal to assist Queen's non-unionized staff with questions related to grievances and discipline. Currently, however, as a result of retirements and resignations, there are no Staff Advisors. The skills, temperament, and time commitment required to assist staff members and meet with supervisors regarding employment issues has made it difficult to recruit volunteers and presents an on-going challenge, which may require that the policy be revised

As mentioned above, the CDRM heard from 10 staff members over the course of the year. Currently, when a staff member requests an Advisor, she or he is referred to the Queen's University Staff Association. In addition, a staff member may choose to be accompanied or represented by any Queen's employee who has been employed for at least 12 months and who does not report to the same department head.

### Respondent Advisors

The CDRM co-ordinates the activities of the Respondent Advisors under the *Harassment/Discrimination Complaint Policy and Procedure*. These advisors are also appointed by the Principal to assist Queen's faculty, students, and staff who are the subject of a complaint under that policy. The CDRM did not make any referrals to the Respondent Advisors in the reporting period since most referrals currently are made by the Human Rights Office in direct response to the filing of a complaint.

### *Thank You*

There are many people across the University who offer their time and experience to those in need of assistance. Much of this occurs informally. Many students are able to get the information they need simply by asking an approachable instructor or staff member in a faculty office who is willing to take the time to understand the issue. Helpful information at this initial stage often allows the student to assess options and decide on an appropriate course of action. Explicit statements of the rights and responsibilities of students and clear descriptions of formal procedures including channels of appeal are invaluable in allowing all parties to understand the procedure in advance and then focus on the appeal and its merit. Regular review, updating, and publishing of rules and regulations are essential to ensure consistency with the *Senate Policy on Student Appeals, Rights and Discipline* and other Senate policies.

Thank you to those faculty members who have volunteered as University Dispute Resolution Advisors again this year and who have made themselves available when the CDRM has called regarding a student in need of assistance with an academic appeal or meeting:

Professor R. Dawes, School of Computing  
Professor P. Oosthuizen, Mechanical and Materials Engineering  
Professor C. Pulling, School of Nursing

Thank you to faculty and student Senators who have given their time to sit as members of the University Student Appeal Board. Thank you also to the chairs and alternate chair of the USAB and the Harassment/Discrimination Complaint Board.

Thank you to the Staff Advisors who provided assistance in the resolution of workplace issues. This can be a difficult and time-consuming task when combined with a staff member's own work responsibilities.

B. Burge, John Deutsch University Centre  
J. Cowperthwaite, University Secretariat

Thank you to those members of the University community who, as Advisors, assist respondents with the Harassment/Discrimination Complaint procedure:

P. Banfield, University Archivist  
Professor E. Deir, Faculty of Education  
Professor G. Wanless, Drama

Finally, thank you to the many faculty members, staff, and senior administrators I have called upon at various times throughout the year either for assistance or to gather information and clarify circumstances. The cooperation received by the CDRM often makes it possible to narrow the scope of a dispute, to focus on the main issues in question, and sometimes to resolve disputes without resorting to formal and lengthy procedures.

Respectfully submitted,

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Co-ordinator, Dispute Resolution Mechanisms  
University Secretariat

## **Appendix A**

### **Mandate of the CDRM**

The CDRM has a mandate in the following areas:

*Case Management* - The mandate of the office of the CDRM is to promote the informal resolution of academic and non-academic discipline matters, including those of Queen's staff who have a work related problem or grievance. The Co-ordinator provides information on Queen's policies and procedures and can help students and staff identify and evaluate options for resolution. The CDRM does not act as an advocate for any party in a process but rather for the process itself. Depending on the nature of the matter, the CDRM may make a referral to other resources at Queen's.

*Tribunal Administration* - In addition to working with users of the dispute resolution mechanisms, the CDRM serves as administrator of the University Student Appeal Board and the Harassment/Discrimination Complaint Board. In this capacity, the CDRM receives materials filed with the boards, circulates copies amongst the parties and the chairs, co-ordinates the selection of board members, and schedules and organizes the hearings.

*Mediation* – Students who have been affected by an academic or non-academic discipline decision, or who are alleged to have committed an academic or non-academic offence, may contact the CDRM to discuss the options available to them. Following an initial consultation, the CDRM may attempt to facilitate the informal resolution of the dispute.

*Non-Bargaining Unit School of Medicine Academic Staff Grievances* – The formal grievance process is invoked when the grievor files with the CDRM a Notice of Intention to Grieve setting out the grounds of the appeal. The CDRM mediates the Step 1 meeting(s) and prepares the meeting memorandum.

*Policy Development* - The CDRM also serves a consultative role for Queen's administrators by offering input and recommendations regarding policies or procedures for dispute resolution mechanisms throughout the university. The CDRM may also be called upon to provide input on questions of procedural fairness in the implementation of dispute resolution mechanisms.

*Education* - In addition, the CDRM has an educative function within the University. The office may be invited to present at conferences or seminars on academic or non-academic discipline or on administrative law and procedural fairness. The CDRM may also be requested to work with an adjudicative body on campus – be it a faculty sub-committee or a non-academic discipline tribunal – to educate members on questions of jurisdiction and due process.

*Committee Work* - The CDRM also has committee responsibilities, as a member of the standing Senate Committee on Non-Academic Discipline (SONAD) and of other ad hoc committees or working groups.

*Co-ordination of Advisors* - The CDRM is responsible for co-ordinating the activities of such various advisor groups as the University Dispute Resolution Advisors, the Harassment/Discrimination Respondent Advisors, and the Staff Advisors. This involves assessing and meeting their training needs, monitoring caseloads, and receiving and dealing with concerns raised by the advisors about the practical application of policies or processes relating to the resolution of disputes.