

**Annual Report to Senate
of the
Co-ordinator Dispute Resolution Mechanisms
2009 - 2010**

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January 20, 2011

The Annual Report of the Co-ordinator of Dispute Resolution Mechanisms (CDRM) for the period September 1, 2009 to August 31, 2010, is submitted in keeping with section 14(c) of the Senate Policy on Student Appeals, Rights and Discipline (SARSD), 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 a year's worth of activity.

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

Activities of the Co-ordinator

Case Management

| Summary: | <u>2008-09</u> | <u>2009-10</u> |
|---|----------------|----------------|
| Student cases | 181 | 206 |
| Inquiries by faculty and administration | 53 | 14 |
| Other inquiries from within the University | 53 | 104 |
| Inquiries by persons external to the University | 26 | 28 |
| Staff | 10 | 14 |

STUDENT CASES The CDRM handled 206 student academic cases for the period from September 1, 2009 to August 31, 2010, compared to 181 student cases a year earlier during 2007-08. Most student

Seventeen students were assisted by a Dispute Resolution Advisor during the reporting period, down from 30 the previous year.

The CDRM dealt with 14

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 Nick 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 2009. Professor Emeritus Ron Price (Faculty of Law) as an alternate chair during this time

Ten cases were submitted to be heard by the USAB in the 2009-10 year, compared with six appeals the previous year. Three related cases were academic matters referred directly to the USAB under SARD s.17(c). In one of these cases a lawyer for one of the students submitted that the case was appropriate for alternative dispute resolution (s.138(a)). The lawyer handling the cases for the University accepted this approach in order to expedite the matter and to avoid further hardship to the other students who would have attended as witnesses. Consequently, in all three cases mediation between the parties was conducted by the CDRM with agreement from the University and the respondents on the sanctions imposed.

Four cases were heard by the USAB and a decision rendered. One appeal was withdrawn by the student before a hearing occurred. 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 David Freedman (Faculty of Law). Professor Freedman was appointed to a three year term. One formal complaint was submitted to the H/DCB but the case was not heard before the end of the reporting period.

Policy Development

Athletics and Recreation Non-Academic Judicial Policy

The CDRM assisted Leslie Dal Cin, Director, Athletics and Recreation and Roxy Denniston-Stewart, Associate Dean, Student Affairs in drafting a revised academic discipline policy for recreation and varsity programs. Once drafted, the Athletics and Recreation Non-Academic Discipline Judicial Process was reviewed and approved by the Senate Committee on Non-Academic Discipline. Final approval for the policy was granted by the Senate at the April 22, 2010 meeting.

Committee Work

Review of the Harassment/Discrimination Complaint Policy and Procedure

The Working Group was established by the Senate for the purpose of reviewing the University's Harassment/Discrimination Complaint Policy and Procedure. The Working Group 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 was submitted in an interim report to the Senate on March 25, 2010 and can be found at

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. Additional Advisors would make referrals and scheduling easier, avoid delays in addressing academic issues, and provide alternatives when a conflict of interest prevents a particular advisor from becoming involved.

Staff Advisors

The CDRM also coordinates the activities of the Staff Advisors appointed by the Principal to assist Queen's non-unionized staff with questions related to grievances and discipline. However, there have been no Staff Advisors

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 Robin Dawes, School of Computing
 Professor Patrick Oosthuizen, Mechanical and Materials Engineering
 Professor Cheryl Pulling, School of Nursing

Unfortunately, Professor Pulling will not be continuing in the role of student advisor.

Thank you to faculty and student Senators who have given their time to sit as members of the University Student Appeal Board.

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

Paul Banfield, University Archivist
 Professor Ellie Deir, Faculty of Education
 Professor Greg 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. .b31 Tw 12.88 0 Td -()Tj

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 chair, coordinates the selection of board members, and schedules and organizes the hearings.

Mediation – Students who have been affected by an academic discipline decision, or who are alleged to have committed an 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 Grievance 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 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 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 committee or a non-academic discipline tribunal – to educate members on questions of jurisdiction and due process.