

**Annual Report to Senate
of the
Co-ordinator Dispute Resolution Mechanisms
2010 - 2011**

Harry Smith

January 24, 2012

The Annual Report of the Co-ordinator of Dispute Resolution Mechanisms (CDRM) for the period September 1, 2010 to August 31, 2011, is submitted in keeping with subsection 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 all areas of activity.

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

Activities of the Co-ordinator

Case Management

Summary:	<u>2009-10</u>	<u>2010-11</u>
Student cases	206	259
Inquiries by faculty and administration	14	49
Other inquiries from within the University	104	67
Inquiries by persons external to the University	28	41
Staff	14	14

STUDENT CASES The CDRM handled 259 student academic cases for the period from September 1, 2010 to August 31, 2011, compared to 206 student cases a year earlier, and 181

Again this year, several cases were more complex and required multiple meetings with the student involved and with related parties in an effort to monitor/manage a situation or to avoid a more formal dispute resolution process. Increasingly, however, the CDRM is involved in matters that do not fall clearly into the formal appeal channels. These tend to be the more complex cases. They include cases where Campus Security and/or Health Counselling Services may be involved because of concern about or actual incidents regarding student behavior. In some instances a notice of prohibition may have been issued to the student. This type of case may require on-going meetings with the student in ~~add to~~ multi-party meetings with other stakeholders at the University. It may be necessary to monitor the situation with intermittent contact and no obvious or immediate resolution to the matter. Graduate student issues also have potential to be quite complex and time-consuming, often with the School of Graduate Studies participating formally or informally in the resolution process.

Eighteen students were assisted by a Dispute Resolution Advisor during the reporting period, compared to 17 the previous ~~year~~

The CDRM dealt with 49 inquiries from faculty and administration regarding specific cases compared with 14 inquiries in 2009-10 and 53 queries in 2008-09. Another 67 inquiries were received from individuals within the University regarding matters not directly related to academic issues (e.g. administrators inquiring about procedural issues, Notices of Prohibition issued, freedom of information requests, questions from students involved in student government and related to non-academic discipline, ~~students~~ seeking information unrelated to their studies). In one instance the CDRM was asked to conduct an investigation into a student complaint and report to the Dean of the Faculty. Also, the CDRM was asked to mediate a dispute related to an organization within one of the student societies. This involved preliminary meetings with the parties separately and discussions on three separate dates with all parties attending.

Forty-one people external to the University contacted the CDRM for information compared with 28 during the previous reporting period.

STAFF CASES The CDRM was involved in 14 staff cases providing information, advice, and assistance. This is the same number as recorded the previous year. These cases often require more than one meeting and some require ~~going~~ assistance to the staff member over a

NON-BARGAINING UNIT SCHOOL OF MEDICINE ACADEMIC STAFF GRIEVANCES

This policy sets out the grievance procedures for those persons employed by Queen's University in the School of Medicine in an instructional and/or research capacity and who are not members of a bargaining unit that has been certified by the Ontario Labour Relations Board. As the first step in the formal grievance process, the CDRM will consult with the parties and then bring them together in an effort to mediate a resolution to the dispute. A grievance may proceed to Step 2 (arbitration) only if Step 1 did not resolve the grievance.

One complaint under the Non-Bargaining Unit School of Medicine Academic Staff Grievances policy carried over from the previous reporting period. After multiple individual meetings and all-party mediation meetings, the parties determined that grievance could not be resolved and proceeded to arbitration. Another case filed with the CDRM entered Step 1 mediation during the reporting period. At the conclusion of the first meeting the CDRM obtained the consent of the parties and their respective lawyers to adjourn and to resume the mediation at a later date. (ul)-2(tv)4(r)

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The service of faculty and student Senators who have given their time to sit as members of the University Student Appeal Board also is greatly appreciated.

Thank you to those members of the University community who, as Advisors, were available to 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 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

Mediation – Students who have been affected by an academic-~~academic~~ discipline decision, or who are alleged to have committed an academic ~~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(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 ~~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 has committee responsibilities on the standing Senate Committee on Non-Academic Discie b