URGE Complaints and Reporting Policy for Department of Geological Sciences and Geological Engineering

This is what was found by the Queen’s URGE Pod at Queen’s University on policies for handling complaints, the reporting process, resources, and possible outcomes. All information included here was public. There appears to be a general lack of clarity regarding what happens when a report is made, how students can anonymously report harassment, bias, microaggressions or overt racism. This information can be found when searched for by multiple people, but it is not an easy task.

The links to the reporting policy at our organization are here:

- Queen’s University Harassment/Discrimination Complaint Policy & Procedure, which covers any individual member of the university community or groups within the university: https://www.queensu.ca/secretariat/policies/senate/harassmentdiscrimination-complaint-policy-and-procedure
  - This policy is currently being replaced and the draft updated version of policy is found here: https://www.queensu.ca/secretariat/policies/consultation-harassment-discrimination

- Interim Workplace Harassment and Discrimination Policies and Procedures which only covers “Employees, Persons of Authority, Human Resources, the Faculty Relations Office, Bargaining Agents, and University Departments”: http://www.queensu.ca/humanresources/policies/workplace-issues/interim-workplace-harassment-discrimination-policy &
  - Employees can file a “complaint” - http://www.queensu.ca/humanresources/policies/workplace-issues/interim-workplace-harassment-discrimination-policy/complaints-procedure
  - All other parties can file a “report” - http://www.queensu.ca/humanresources/policies/workplace-issues/interim-workplace-harassment-discrimination-policy/information-reporting

- The university also has a Safe Disclosure Reporting and Investigation policy that is “in addition to, but does not replace or modify either the responsibility of
administrators and managers or existing University policies.” This only applies to employees of the university.

- [https://www.queensu.ca/secretariat/policies/board-policies/safe-disclosure-reporting-and-investigation#E](https://www.queensu.ca/secretariat/policies/board-policies/safe-disclosure-reporting-and-investigation#E)

- **Department, Lab, Division, Advisor or Supervisor Policies**
  - To the knowledge of the pod, there is no internally or externally available policy within the department or any individual portion of the department. University wide and HR policies are used.
  - The departmental EDI (equity, diversity, inclusion) committee has proposed the creation of a code of conduct for the department ([https://www.queensu.ca/geol/inclusive-geo](https://www.queensu.ca/geol/inclusive-geo)).

**Review of reporting policies:**

- The university wide *Harassment/Discrimination Complaint Policy & Procedure* that is currently in effect was approved in 2000, replacing a policy from 1995. The policy outlines that 5 years from coming into force, the university Senate shall appoint a working group to review the procedure. No information on this process is readily available. The draft/updated policy is currently anticipated to be finalized in May 2021. As part of this update, there are/will be two phases/periods in which the campus community is able to provide feedback through email or an online form and are able to request a direct meeting with the working group.

- The HR *Workplace Harrassment and Discrimination Policies and Procedures* available at the above link are as of August 2016. At the end of the document, there is a “date for next review”, which states “September 8, 2017”. No information on this review or an update can be found on the website.

**Are the rates of reporting made publicly available (e.g. # of reports each year)?**

- There is no mention of reporting rates in any of the aforementioned documents.

- However, the Human Rights Office produces annual reports that include records of “client intake per month” (for consultations on how to address human rights issues), the “nature of the concerns”, “what human rights issues were raised” (including race and race related), and “who is accessing the resources” (student, staff, faculty, etc.).
  - [https://www.queensu.ca/hreo/publications](https://www.queensu.ca/hreo/publications)

**What mechanisms are available for reporting complaints, bias, microaggressions, harassment, and overt racism?**

- **For Employees:**
  - As outlined in the above documents and here ([https://www.queensu.ca/inclusive/connect/harassment-and-discrimination-support](https://www.queensu.ca/inclusive/connect/harassment-and-discrimination-support)), all employees are able to go to department/unit heads or supervisors to
report any issues. Procedures are also in place for complaints that involve department/unit heads or supervisors.

- Concerns relating to Discrimination, Harassment and/or reprisal are expected to first be raised through consultation with a supervisor or manager. All such Persons of Authority are expected to seek guidance from Human Resources in attempting to address and resolve concerns regarding workplace Harassment and/or Discrimination. However, if an Employee’s supervisor or manager is allegedly involved in the Discrimination, Harassment and/or reprisal, the Employee’s concerns are expected to be raised directly with the Employee and Labour Relations Unit within Human Resources.

- If allegations of Discrimination, Harassment and/or reprisal concerning another employee are not fully addressed and resolved by way of consultation with a supervisor or manager, a Report may be submitted to the Employee and Labour Relations Unit within Human Resources. If an allegation involves a person who is employed in Human Resources, then the Report can be submitted directly to the Faculty Relations Office. The Faculty Relations Office will ensure that the Report is addressed by individuals outside of Human Resources.

- Similarly, if an allegation involves a person who is employed in the Faculty Relations Office, that Office will not be assigned primary responsibility for the Report.

- Human Resources will provide a Report Form for submitting a Report. The Report Form is expected to be submitted to Human Resources in the format provided, attaching additional pages if required. Upon receiving a Report, Human Resources will immediately consider whether interim measures are necessary. Based on a review of the Report Form, Human Resources will determine whether the conduct alleged in the Report amounts to Discrimination, Harassment and/or reprisal assuming all of the alleged facts were true. If the information provided, assuming the alleged facts were true, support a finding that Discrimination, Harassment and/or reprisal has occurred, an investigation will be conducted. Human Resources will establish an investigative process that is appropriate in the circumstances.

- At any stage during this procedure an Alternative Dispute Resolution (“ADR”) process, such as mediation, can be pursued if the Respondents and Human Resources or the Faculty Relations Office (depending on which has been assigned primary responsibility for the Complaint), consent to the ADR being pursued.

- At the conclusion of each investigation, Human Resources will ensure that any Employee who has alleged to have experienced Discrimination and/or Harassment and any Respondent(s) who is an Employee of the University is informed in writing of the outcome of the investigation, and of any corrective actions taken (if applicable). This information will be provided in accordance with the procedural requirements of any applicable legislation and/or collective agreements.
For students:
- Students can contact the Queen’s Human Rights office for support, advisory services, and information. This office can also help to pursue a formal complaint. Contact info can be found here - https://www.queensu.ca/humanrights/
- Students can also contact the University Ombudsperson for confidential advice. It appears that they offer support and advice for complainants, respondents, or witnesses to incidents but do not help with pursuing formal complaints. https://www.queensu.ca/ombuds/home

Who are the designated individuals/positions for reporting incidents?
- https://www.queensu.ca/inclusive/connect/harassment-and-discrimination-support
- The apparently easiest path forward for students or staff is to consult with the Human Rights Office who will “For individuals who have questions or concerns about human rights at Queen’s, a human rights advisor can assist in identifying and articulating concerns (such as discrimination, harassment, failure to accommodate), explain relevant Queen’s policies and procedures, make referrals where appropriate, and offer options for addressing concerns. (https://www.queensu.ca/humanrights/home)"
- “Any Person of Authority (defined as any person who has charge of a workplace or authority over an employee) at the University is legislatively required to Report all incidents of alleged Discrimination and/or Harassment, and therefore cannot keep the information entirely confidential.” - http://www.queensu.ca/humanresources/policies/workplace-issues/interim-workplace-harassment-discrimination-policy/information-reporting

Can reports be made online? Where?
- No, or not in an easily available place
- Anonymously? For employees, no, Complaints and reports must be done through direct superiors and/are submitted to Human Resources (for employees). However, “To the extent possible and within the limitations of the law and of this policy and of the need to conduct a competent investigation, reports of an alleged Improper Act and consequent related actions shall be kept confidential, including but not limited to the protection of the identity of the Discloser and/or Respondent. To the extent possible, and within the limitations of the law and this policy, the Discloser shall also hold the matter as strictly confidential throughout the investigation and until the completion of the process outlined under this policy.” (https://www.queensu.ca/secretariat/policies/board-policies/safe-disclosure-reporting-and-investigation#E)
- It is not clear how student complaints are dealt with.

Who do reports go to? Who has access to see reports?
- For employees of the university:
Safe Disclosure Officer compiles a report, which is submitted to a Responsible Officer. If an investigation is carried out, the report is seen by the Investigator and the Respondent (i.e. the subject of the alleged Improper Act).

- For students it is not clear what the process of reporting is and who sees the report.

**Are police included in the process? When and how?**

- Police contact phone numbers for emergencies and non-emergencies are provided but not included in the reporting procedure.

- For employees, “If an alleged Improper Act appears to involve criminal behaviour, the appropriate authorities will be notified immediately.”

- For the general community policy, “There may be cases in which the use of external agencies will be more appropriate, such as the police for example, if assault is alleged to be involved, or the Ontario Human Rights Commission. The Ontario Human Rights Commission generally follows its policy of not pursuing an investigation until internal remedies have been sought. However, should the Commission begin an investigation with respect to the subject matter of a complaint being dealt with under this Procedure, action under this Procedure will cease at least until the complaint before the Commission is discontinued or brought to a conclusion. Commencement of proceedings in the courts under criminal or civil law with respect to the subject matter being dealt with under this procedure will not necessarily affect the processing of complaints under this procedure."

**Are individuals accompanied by an advocate or someone from the organization?**

- From [https://www.queensu.ca/secretariat/policies/board-policies/safe-disclosure-reporting-and-investigation#E](https://www.queensu.ca/secretariat/policies/board-policies/safe-disclosure-reporting-and-investigation#E) -- "Respondents and Disclosers can be accompanied by an advisor of their choosing. The name and position of an advisor shall be provided to the Investigator at least three (3) days prior to any meeting. If the advisor is legal counsel, five (5) days notice shall be provided."

**What are the outcomes or consequences for reported individuals?**

- The safe disclosure officer will submit a report to the Responsible Officer within 10 days of the initial disclosure. They will determine whether there will be an investigation.

- If they decide to conduct an investigation, the Responsible Officer will appoint an Investigator who will review the report and advise the Respondent within 15 days.

- The Respondent then has 20 days to respond via written submission or meeting with the Investigator.
● If it is decided that no further investigation is necessary, all documents will be destroyed.

● If further investigation occurs, a final written report will be provided within 40 days.

● There are no other clearly stated outcomes or consequences for reported individuals.

● It appears to be dependent on the investigator’s report.

Tracking reports:
● Records relating to reports are kept by the University Secretariat.

● At the end of each academic year, the Safe Disclosure Officer provides the Provost, Senate and the Board of Trustees with a written report of: number of reports made by Disclosers, number of reports investigated, findings of investigations, and any action taken. The reports protect the privacy of Disclosers and Respondents.

● Reports are destroyed after 5 years.

Repeated Complaints
● No clarity on what happens with repeated complaints or whether they are escalated to a disciplinary board.

What resources are available for individuals reporting?
The university provides access and directs community members to a number of potential resources (some of which are confidential) including:

● The Queen’s Human Rights Office (for those wishing to pursue a formal human rights complaint)
● The Office of the University Ombudsperson (to provide confidential advice regarding incidents of harassment and discrimination)
● Faith and spiritual support and counselling
● Various university and student organizations that provide confidential support.
● Directs employees to discuss issues with supervisors/managers and department heads.
● More info: https://www.queensu.ca/inclusive/connect/harassment-and-discrimination-support

● What resources are available to groups raising issues or proposing changes?
The university is currently undergoing a review of its harassment and discrimination policy. A Phase 2 period will open for comments in late February/March.