

Human Rights Training Notes

How Do You Know It's a Human Rights Issue?

Human rights refer to entitlements we share by the simple fact of our humanity. The foundation for human rights is the idea that every human being is entitled to dignity and respect on the basis of membership in the human family.

The Human Rights Office (HRO) at Queen's deals specifically with issues of discrimination, accommodation, sexual harassment, homophobia, heterosexism, and racism. The HRO has a focused mandate and does not deal with the broad spectrum of philosophical human rights outside these areas.

The HRO has university jurisdiction only.

The HRO allows the complainant to hold a complaint for up to 3 months after graduation (or finishing the class, etc.). This allows the complaint to be pursued after the complainant is out of the threatening situation.

Abuse of power issues are not by themselves human rights issues.

General Information on Pursuing a Complaint at Queen's University

At Queen's, human rights issues are dealt with in a complainant-driven process. This removes the burden of 'policing' the campus from the Human Rights Office. It is important to remember that staff of the HRO are advocates for rights, not people. Also be aware that even though there is limited jurisdiction in pursuing a complaint with Queen's HRO, they can aid in contacting outside agencies which can advocate for your rights in non-Queen's cases.

A respondent system also exists in order to avoid conflicts of interest, and to provide information and advocacy for the respondent so that both parties are not treated unequally in the process of pursuing or responding to a complaint. It is important that the respondent is informed of the issue, possible outcomes, documentation, and rules. This is due to emphasis on natural justice in the system.

With human rights issues, there is little weight given to the intent of the respondent in the action (or lack of action) in question. The effect of the action is what is investigated and concentrated on. The issue remains the same regardless of intent but the context and nature of the relationship can change the ease of finding a solution/positive outcome.

That said, in cases in which there was no intent to hurt the complainant, remedial resolutions are preferable. This means that the optimal solution focuses on benefiting the complainant, not punishing the respondent.

In pursuing a human rights complaint, informal resolution of the problem between parties precedes formal complainant procedures. Usually, only cases in which a suitable outcome cannot be found through informal measures is the formal procedure pursued. In [REDACTED] advises the university on actions that should be taken.

Complainant-Respondent Interviews

The context of the issue brought forth can determine who is actually the complainant and who is the respondent after fact-finding, but initially the person who brings forth the complaint is the complainant. If the complainant's story indicates that they might be the respondent, referral to the proper person should occur so that a later conflict of interest does not occur.

Typical feelings of the complainant include minimizing the issue, self-blame, and fear about escalating behaviours from the respondent. These feelings should be acknowledged and dispelled. Be aware that these emotions are often evident but not articulated. Stress that they are not powerless and that the process only goes as far as they wish to pursue it. Ask about their support system, and refer to support services if it seems inadequate. Separate out all the individual issues, and deal with any jurisdiction issues (i.e. this part is Human Rights Office at Queen's, this part is outside the Queen's University jurisdiction, this part can be dealt with strictly by student advisors).

On initial interview with the complainant, ask them what they hope will occur and what they want your part to be in the process. You can then adjust their expectations to be realistic while still remaining non-judgemental.

On initial contact with the respondent, specify that you are acting on behalf of the complainant, and that they should not contact the complainant. [REDACTED]

always? Make the respondent aware that there are advocacy services for them. (Do not talk about the issue on the phone) and do not call on a Friday, since it gives them all weekend to stew over it and become angry.

In issues where the complainant's security is an issue, let them know that Campus Security (or the police) should be notified...this does not mean that these services will contact the respondent.

FIRST RESPONSE

Initial Interview:

1. Aim to make the student feel comfortable and safe (e.g. you might need to change the location you had planned if the place you're in feels unsafe or exposed to them)
2. Meet student in a non-distracting environment (no stereos, etc.)
3. Encourage the student to share with you:
 - what has happened, preferably from the beginning of the story
 - what has brought them to see you
 - what their expectations are of coming to see you (i.e. what are they hoping you'll do now that you have their story)
4. Allow sufficient time for the meeting-usually 1 ½ hours is about right for the initial meeting. The student may be upset, venting, or very quiet and hesitant-spend the time with the person that they appear to need. Don't worry about periods of silence, keep being attentive and allow/encourage breathing or breaks as necessary.
5. Demonstrate that what they are saying is not making you feel uncomfortable. This means that it's important not to pity them, be shocked or disgusted by what they say. You can do your debriefing later!
6. It is very important to be non-judgmental of the actions they did or did not take in the situation. You may have reacted differently, but you were not faced with the situation-they were.
7. Let the student do most of the talking. Offer verbal encouragers, and ask probing questions to clarify points of their story. Show that you are interested in what they have to say, be patient and don't interrupt them. It is important for most complainants to have somebody listen and validate the reality of their experience. You may be the first person who has actually done this for them.
8. Pay attention to their non-verbal language. You may want to check in with them if you see fear, tearfulness, anger, etc. It is important that these emotions come out if possible. People usually need to get a perspective on how they feel about a situation and be able to cope with these feelings in order to be able to move forward in an effort to resolve their complaint.

ASSESSMENT

After you've heard the complainant's story, you need to establish what needs they have and what may need to happen first. The following list is included to prompt you to consider what might be appropriate action(s) to take:

1. Does the complainant need counselling?
 - is the student in a state of crisis?
 - are they so distraught that they can't make good decisions for themselves?
 - are they in a serious situation and have little or no support from friends etc. to talk to (remember that partners are often not the best source of support, either because of their particular stance on an issue or their concern(s) about their partner- it is hard to really care and be objectively supportive)
 - has the student been sexually assaulted? Would they feel more comfortable speaking with someone at SAACK?
 2. Does the student need medical attention?
 3. Is the student's (complainant) immediate safety in danger or in jeopardy?
 - does the complainant feel safe on campus?
 - is the respondent following them or appearing outside of work or classes?
 - has the respondent pursued the complainant off campus?
 - has the respondent made threats to the complainant, friends or family?
 - has the behaviour directed toward the complainant escalated recently?
 4. Do you need to seek advice or assistance from the Human Rights Office, and/or Security if you think that safety is an issue?
 5. Might the police need to be involved?
 - has the complainant been assaulted or criminally harassed?
<Criminal harassment may consist of harassing phone calls or threatening behaviours directed to the complainant and her/his friends and family.>
- ** Remember to spend time with the student-don't jump into problem solving mode. Your role is to support and provide an appropriate first response, which might include referrals, and perhaps assist with the complaint, as required. Also, remember that everyone has personal limits-know yours and step back if you need to and seek support for yourself.**

**** How you make a referral is critical in determining whether or not a complainant will go through with it.**

Key strategies to keep in mind:

- A If you are wanting to suggest personal counselling, it is often helpful to start a conversation with the complainant about what sort of support system they have. Because of the nature of harassment and discrimination, it is not uncommon for the complainant to have told few people. This allows you to suggest that they may want to speak to someone (a professional, etc.) about how what's happening is affecting them in order to get some objective support and possibly to learn new skills which will be helpful for them to be able to handle the situation effectively.

Sometimes, depending on what physical condition the complainant appears to be in, and if they are denying that the harassment or discrimination is affecting them, try asking them how their studies are going, about the quality of their sleep, their ability to eat regularly, and /or how much effort they have put in to avoiding the respondent on a daily basis. This can help the complainant understand the effects of harassment and discrimination and makes it much easier for you to initiate an appropriate referral.

- B. If the person seems at all interested but is hesitant, you can suggest that you could phone the counsellor for e.g. for them and have them speak to the counsellor to ask any questions they might have concerns about.

Sometimes, it is helpful to ask permission of the complainant to contact the referral with the complainant in the room, and ask that the person come to your room or office and meet with the complainant.

It is also appropriate to accompany a complainant to the referral's office and stay until the complainant feels comfortable enough to be left on their own.

What do I do if the person is too afraid to do anything?

- take the time to build trust with them
- give them short, helpful bits of pertinent reading material to take away with them
- let them know that you will make yourself available should they want to speak to you again and let them know that they can either call you or drop in, if appropriate
- assure them that they will have the final choice about what does or does not get done with their complaint, and that you will respect their choice