

For these reasons the University has chosen to act in accordance with “best practices” in Conflict Resolution or Appropriate Dispute Resolution in order to highlight the importance of using appropriate techniques in any given situation.

Benefits of Conflict Resolution/Appropriate Dispute Resolution

- a. Participation in the conflict resolution process is voluntary.
- b. Most aspects of the conflict resolution process are confidential.
- c. The atmosphere in conflict resolution is informal and conducive to constructive, positive communication.
- d. Conflict resolution empowers individuals in managing their own disputes.
- e.

concern or complaint. The Advisor shall be impartial and shall protect the confidentiality of all parties who the Advisor has been requested to assist. (See limits to confidentiality Section 9.) The Conflict Resolution Advisor shall provide individuals seeking advice with a copy of this policy; explain the procedures and make them aware of other available, appropriate support services (i.e., counseling, Employee Assistance Programs, [relevant internal and / or external resources](#) etc).

The Advisor will determine whether the complaint:

- a. Falls within the University's policy's definition of harassment and/or discrimination on the grounds protected by the Nova Scotia Human Rights Act
- b. Falls within the University's definition of Organizational Conflict
- c. Is not within the jurisdiction of this policy, in which case the Advisor shall, if appropriate, re-direct the complainant to relevant channels for redress
- d. Is frivolous, vexatious or made in bad faith; or is being heard, or already has been heard by another University officer, or through another procedure
- e. Does not meet the criteria for an informal resolution
- f. Does not appear to be supported by sufficient evidence

Given any of c, d, e or f above, the Advisor may refuse to assist in an informal resolution and may suggest alternatm 0 0 4m ins0 4m e 8 cm (e) -3 (8 cm (e) -(8 cm (e) -.

What happens if an Agreement of Resolution is violated?

Every effort will first be made to repair damage and broken trust; however, violation of the Agreement of Resolution may lead to reopening the file. The participant may choose to proceed to the formal complaint process.

What if the informal resolution process is unsuccessful?

If the informal process does not achieve an acceptable outcome, the participant may decide to use the formal process. As well, an individual may choose not to proceed to the formal complaint process even if the informal resolution has proven to be unsuccessful. No record of an informal resolution will be entered into an employee or student file. A record will be kept in the confidential files of the Conflict Resolution Advisor (see Section 15 - Time Lines, Documents, Files and Records).

What are the exclusions from the Informal Resolution Procedures?

Harassing events, which may result in an exclusion from the Informal Resolution Procedure, include:

- a. Events which might constitute a criminal code violation: physical assault, sexual assault, sexual abuse and misconduct, including coercive sexual exploitation,

persons who will be attending the hearing. At no time will the support person participate in the proceeding.

The Hearing Committee submits a decision along with recommended sanctions, if appropriate, to the President within ten (10) working days of the Hearing. The decision of the majority will be the decision of the committee.

The Hearing Committee shall determine:

- a. Whether the charges are valid or whether or not enough evidence exists to form the basis of an adjudication;
- b. Whether the complaint is with or without merit, or has been brought with malicious intent (which may be different from arising without merit); and
- c. If the complaint is sustained, what discipline, sanction, remediation or compensation will be recommended to the President to be taken to secure a respectful environment where all individuals can work or study without harassment or discrimination. Disciplinary action will be in accordance with University policies, the appropriate collective agreement or the student disciplinary system.

Disciplinary action recommended by the Harassment and Discrimination Hearing Committee will be in accordance with University policies, the appropriate collective agreement or the student disciplinary system. This recommendation will be sent to the President for ratification and a copy of the Report will also go to the Complainant, the Respondent and the Conflict Resolution Advisor. No record of complaint will appear on the complainant's official file.

The President will ratify the recommendation or request further information from the Hearing Committee within ten (10) working days of receiving the Report and will notify the Complainant, Respondent, the Hearing Committee and Advisor of his/her decision.

IX. CONFIDENTIALITY

All members of the University community involved in a case are required to maintain confidentiality. All complaints of harassment and/or discrimination and reports on these complaints are kept in strict confidence except as required to investigate and respond to a complaint. The exceptions to complete confidentiality are:

- a. Cases where disclosure is necessary to carry out the procedures outlined in this Policy, including the University's obligation to investigate allegations of misconduct and to take corrective action. It does not preclude the discreet disclosure of information in order to elicit the facts of the case or to implement and monitor the terms of any resolution. Confidentiality must be distinguished from anonymity. A complainant who wishes to seek a more formal remedy must be prepared to be identified to the respondent.
- b. Cases where disclosure is required by a legal subpoena. Normally, documentation in conflict resolution is exempt from being subpoenaed.
- c. Cases where, in the University's opinion, disclosure is necessary to ensure health, safety and security of individuals; i.e., in cases that involve imminent danger or where an institutional response is warranted.

All files shall be treated confidentially, in accordance with FOIPOP (Freedom of Information/Protection of Privacy) Guidelines for Confidential Records, unless the complaint is brought before civil or legal authorities.

X. RIGHTS AND RESPONSIBILITIES

General Responsibilities

Each member of the University community is responsible for helping to create an environment that is free of harassment and discrimination. Any individual who believes they have been subjected to harassment and/or discrimination should take

revealing the identity of the persons involved, seek advice from the Advisor as to how to proceed in those instances where a person alleging to have been subject to harassment is unwilling to take the matter to the Advisor.

Management Rights

The Policy on the Prevention and Resolution of Harassment and Discrimination will not be applied, interpreted or administered in such a way as to detract from the inherent right and duty of the University to manage the University nor shall it restrict the rights and obligations of those in supervisory or instructional roles to manage and discipline employees and students.

Union Rights

This policy is not to be applied in such a way as to detract from the rights of unions to defend the interests of their members and to exercise their rights under a collective agreement. Members of unions and employee associations have all rights to representation that their collective agreements confer.

Rights of Complainant

- a. To lodge a complaint and have it responded to without fear of retaliation or harassment, in accordance with the procedures put in place under this policy;
- b. To be fully informed about all measures taken in resolving the case
- c. To determine one's own level of participation in the resolution of the case, without compulsion
- d. To bring the complaint forward to authorities outside of the University
- e. To be accompanied by a person of choice at any proceeding relating to the complaint (the costs incurred are the responsibility of the complainant). Complainants are asked to give the Chair 48 hour notice of who is attending
- f. To have the complaint or any reference to the complaint excluded from official file unless the complaint was frivolous or vexatious
- g. To have the complaint dealt with in a confidential manner (see section 9)
- h. To be kept informed of the status of any proceedings under this policy
- i. To receive the results of any investigation in writing
- j. To be assured that the complaint will be handled within a reasonable length of time (see section 15)

Rights of the Respondent

- k. In the event a complaint is formalized, the respondent has the right to receive a

- o. To be dealt with in a confidential manner (see section 9)
- p. To be kept informed of the status of any proceedings under the policy
- q. To receive the results of any investigation in writing
- r. To be assured that the complaint will be handled within a reasonable length of time (see section 15)

Protection of Freedom of Speech

This policy is not to be applied in such a way as to detract from the right of faculty, staff and students to engage in the frank discussion of potentially controversial matters. This policy is not intended to limit or prohibit debate, instructional techniques, or the assignment of readings that advocate controversial positions, provided that discussion and instruction are conducted in a mutually respectful and non-coercive manner. This policy al5456() () -208 (ul)(p) -(o)Tj ET07 ((e) 1 (4 [j (u -2 (i) 1 (

XII. RETALIATION AND FALSE ACCUSATIONS

Any reprisals or attempts at retaliation shall be subject to disciplinary action. Anyone found guilty of making vexatious or misleading accusations will be subject to disciplinary action (this is not the same as charges made in good faith for which there is insubstantial evidence to sustain a finding of harassment and/or discrimination).

XIII. APPEALS

In the case of unionized faculty and staff, the right to grievance and arbitration will serve as the appeal process. Nothing in the policy shall be construed as removing any rights of appeal or rights to grieve which members of the University community

Time Limits for Concluding a Formal Investigation

A formal investigation, with review and final report, should be concluded within a fifty (50) working days time frame. The need to extend this time limit shall be documented in writing.

Time Limit for Convening the Harassment and Discrimination Hearing Committee

The Investigator will notify the Chairperson of the Harassment and Discrimination Hearing committee when the investigation report

Appendix A Conflict Resolution Advisory Committee

Appointment and Composition

The President appoints the Conflict Resolution Advisory Committee. Members are selected from faculty, staff and students. The committee may include other members as might be recommended by the Committee and approved by the President, or designate, including a member external to the University.

The Conflict Resolution Advisor will be a member, ex-officio.

Members of the Committee shall normally serve staggered two (2) year terms. Members are eligible to serve more than one term.

The Committee will nominate its own Chair and Secretary from among its members. The Chair shall be responsible for calling meetings, organizing the agenda and conducting meetings. The Committee shall meet at the call of the Chair, or at the call of any three (3) members of the Committee, but no less than twice per academic year.

Duties:

- a. To consult and collaborate with the Advisor on matters of prevention, education, and policy review;
- b. To maintain communication between the various University constituency groups and the Committee concerning policy, education, and programs;
- c. To provide feedback on the Policy on Conflict Resolution and the Prevention and Resolution of Harassment and Discrimination and to make suggestions for changes as needed;
- d. To maintain and respect the confidential nature of all information received as a member of the committee, including signing a "confidentiality agreement"; and
- e. To review the Advisor's annual report.

When operationally feasible, Committee members

Appendix B Harassment and Discrimination Hearing Committee

Students, staff and faculty will be chosen, as needed, to serve in this capacity by the Chair

Appendix C Conflict Resolution Advisor

Appointment, Role and Responsibilities

The Conflict Resolution Advisor (the Advisor) is appointed by the Senior Director of Human Resources. The Advisor shall be experienced and skilled in organizational conflict management as well as issues arising from harassment and discrimination. The Advisor must act in accordance with the professional and ethical standards as determined by both recognized professional associations and the Nova Scotia Barrister's Society Code of Conduct for Mediators. The Advisor shall also have significant amount of experience and understanding of best practices in organizational conflict management system design.

The Role of the Advisor

- a. To provide advice and recommendations to senior representatives within Saint Mary's University on dispute resolution policies, standards, practices and guidelines and on strategies to prevent or manage critical existing or potential conflicts;
- b. To coordinate the conflict resolution process from initial contact through all stages to resolution or termination;
- c.

Appendix E Definitions in Appropriate Dispute Resolution (ADR)

Active Listening

Using the techniques of clarifying, paraphrasing, reflecting, and summarizing to better understand

reasons, or underlying needs and concerns that motivate people to ask for certain outcomes.

Issue

Appendix F Links to Relevant Web Pages

The following links will provide the reader with additional information directly linked to the key areas reflected in this policy:

Institute on Conflict Resolution (ICR) - <http://www.ilr.cornell.edu/icr/>

A partnership between The School of Industrial and Labor Relations at Cornell University and The Fou