1.0	PURPOSE

1.1 We all share the responsibility to treat each other, and those who interact with the College, with civility and respect. Every member of the College Community has the responsibility to uphold our values and to understand the impact of their behavior.

1.2 The purpose of this procedure is to:

   a) Foster a respectful environment that promotes civility and is free of offensive behavior.

   b) Lay out approaches and options for the resolution of concerns that will allow members of the College Community to:

   i. collaboratively resolve concerns, maintain effective relationships, and contribute to a positive, inclusive community culture.

   ii. address the impact of the behavior and respond to concerns in an effective, inclusive and equitable way.

   iii. use restorative practices in response to concerns under this policy whenever possible.

   c) Guide individuals through the process of resolving their concerns under the Respectful Community Policy.

   See Respectful Community Guidelines for more information on restorative practices and how to resolve concerns.

2.0	DEFINITIONS

TERM	DEFINITION
Bullying	Is also referred to as psychological/personal harassment. Bullying often refers to offensive, abusive, intimidating or insulting behaviour which makes the recipient feel upset, threatened, humiliated and/or vulnerable, which undermines the recipient's self-confidence and/or reduces their feelings of self-esteem and self-worth.
	Conflict is not, on its own, bullying, however, conflict may escalate to the point where it becomes bullying. A single incident of unreasonable behaviour or incivility is not, on its own, bullying but is also not acceptable and could be in breach of this policy or a Code of Conduct.
	Reasonable management action (in class or work setting) such as the allocation of work and giving fair and reasonable feedback, including performance feedback, is not bullying.

41.02	*Respectful Community*	*PROCEDURES*

Civility	Behaviours that are courteous and polite. Civility and respect are based on showing esteem, care and consideration for others and acknowledging their dignity.
College Community	NSCC Community member under this policy/procedure includes, but is not limited to the following: a) Employee: any person who is currently employed by NSCC or provides services to NSCC under an employment contract. This includes all employees, regardless of status, as well as current employees who are on a leave of absence (paid/unpaid). b) Student: anyone registered in College programs or otherwise participating in College courses, programs, events and activities. c) Volunteer: any person performing work for NSCC in an unpaid capacity. d) Contractor: any individual or company (and its employees) who provides services to NSCC under a service contract (i.e. a non-employee-employer relationship). e) NSCC Community Member: any person working in collaboration with NSCC for a business or academic purpose or an external community member, including all graduates and alumni of NSCC. f) NSCC Board of Governors: the governing body of the College.
Discrimination	Making a distinction, whether intentional or not, based upon a characteristic or perceived characteristic protected under the Human Rights Act. Discrimination includes action, behaviour or attitudes, which could or ought reasonably to be known to offend or deny fair treatment based upon the protected characteristics set out in the Nova Scotia Human Rights Act, RSNS 1989, c 214.

Fairness	There are many forms of fairness. Decision makers under this policy will consider that complete fairness requires Procedural, Substantive, and Relational fairness.
	
	a) **Procedural Fairness** describes the duty of fairness that is most commonly discussed in relation to administrative decisions, such as investigations. The two primary rights involved in Procedural Fairness are the right to be heard and the right to an unbiased decision. Procedural Fairness requires:
	   i. notice of the matter under consideration;
	   ii. access to information that will be considered when the decision is made. The College considers personal privacy and safety factors when determining access to information;
	   iii. the right to respond; a meaningful opportunity to be heard;
	   iv. an impartial and unbiased decision maker;
	   v. reasons for the decision or outcome.

	b) **Substantive Fairness** relates to the fairness of the decision itself. Substantive fairness requires that decisions are:
	i. made by those with appropriate authority to do so;
	ii. made with relevant information;
	iii. not unjust, oppressive or discriminatory, or wrong in fact or law;
	iv. are reasonable.
	c) **Relational fairness** describes how the person feels about the process, decision, or outcome. Relational fairness requires a decision maker:
	i. provide attention, listening to points of view and evidence;
	ii. be approachable and easy to communicate with about the decision and decision-making process;
	iii. be honest and forthright in dealings with those affected by decisions;
	iv. respect confidentiality during and after the process;
	v. be accountable, offer apologies if mistakes are made;
	vi. refrain from retaliation in any form. Reasons for the decision or outcome.
Fact-Finding	A range of activities that may be used to gain understanding of a concern or conflict. A review of the situation occurs to determine the most appropriate policy and process application. The range of activities may include but is not limited to; a fact-finding inquiry, a more detailed investigation or a blend of resolution options, such as information gathering and mediation. The College determines the extent of the fact-finding process upon assessment of the concern.
Harassment/Personal Harassment	Abusive, unfair, or demeaning treatment, consisting of words or actions that disparage or cause humiliation, offense or embarrassment to a person or group of persons that is known or ought reasonably to be known to be unwelcome. Harassment may consist of a repeated or persistent pattern of behaviours, direct or indirect, that when taken together constitute harassment; or a single act of sufficient severity to constitute harassment in its own right. Harassment can include, but is not limited to, comments or conduct based upon any of the characteristics protected under the Nova Scotia Human Rights Act.
Incivility	Behaviours that are rude, discourteous, or insensitive, where there may be no clear intention to harm. Uncivil behaviours may create an environment in which offensive behaviour may occur, particularly when it forms a pattern of behaviour.
Offensive Behaviour	Refers to bullying, harassment and discrimination.

Resolution Options	Refers to a wide range of options to enable and support community members to resolve concerns or conflict. Please refer to the Respectful Community Guidelines for more information.
Respectful Behaviour	Showing thoughtfulness, consideration, and care toward others in all interactions, recognizing the value in each person, and treating others with fairness and dignity. Includes an absence of offensive behaviour(s).
Restorative Practice	Restorative practices are used to foster a respectful learning and working environment by strengthening relationships between people and the community they share. Restorative practices include processes to proactively build relationships and a sense of community to help prevent conflict and concerns. Restorative practices are also used to respond to conflict and concerns by seeking to repair harm and restore the relationships and community affected.

3.0 PROCEDURE

3.1 Assessing Concern(s)

a) The College encourages the resolution of concerns at the earliest opportunity and as collaboratively as possible. There are a number of ways a concern may be addressed and resolved.

b) Any time a concern occurs, those involved take the time to consider how to proceed. This happens when a concern is raised or witnessed; by the individual(s) involved, by faculty managing situations in the classroom, by managers in work settings or by senior leaders of the College.

c) Fact-finding may be part of assessing a concern to ensure that the information used to inform approaches is complete. In most cases this involves a brief fact-finding inquiry, and in some cases, it may be more complex. The College determines the scope and nature of fact-finding required supported by documented information supplied by the individual raising the concern. Fact finding may include, but is not limited to:

  i. Information gathering;
  ii. Investigative approaches appropriate to the situation and/or allegation;
  iii. A blend of resolution options, such as information gathering and mediation.

3.2 Choosing an Approach

a) The choice in approach depends upon a number of factors which may include:

  i. needs and wishes of those involved;

  ii. the nature and impact of the behaviour, and desired outcome;

  iii. individual capacity to manage the concern, etc.

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b) Approaches

    i. Independent Approach
    When a student or employee who has a concern about a behaviour of another person chooses to raise it directly with that person. In this approach, the student or employee takes the lead in reaching resolution and, if need be, can reach out to resources for guidance and/or support in order to do so. (See section 3.4).

    ii. Managing Concerning Behaviours in a Class or Work Setting
    When a Faculty, Academic Chair or Manager observes concerning behaviour or, a student or employee brings forward a concern about the behaviour of another person who is part of the learning or working environment. In this approach, the Faculty, Academic Chair (students) or Manager (employees) manage the concerning behaviour directly in the class or work setting. Resources are available for guidance and/or support in order to do so. (See section 3.5).

    iii. Supported Approach
    When there has been no success with the other approaches and/or someone wishes to resolve a concern and needs third party support to do so. (See section 3.6).

3.3 Supports Available

    a) The Respectful Community Guidelines are a tool to help assess concerns and determine ways to resolve them.

    b) Faculty, Academic Chairs, Student Services or a Respectful Communities Consultant in the Office of Diversity & Inclusion or using the service Good2Talk can provide additional support for students.

    c) Managers, a Respectful Communities Consultant in the Office of Diversity & Inclusion, Human Resources or the Employee and Family Assistance Program (EFAP) can provide additional support for employees.

    d) Other members of the College community may raise concerns through any College manager or the Office of Diversity and Inclusion.

3.4 Independent Approach

Led by a student or employee.

The Independent approach occurs when:
A student or employee who has a concern about the behaviour of another person chooses to raise it directly with that person.

Resources
Guidelines are available for additional support. Also available for guidance and support are:

- **For Students:** Faculty, Academic Chairs (AC), Student Services or Respectful Communities Consultants in the Office of Diversity & Inclusion (ODI)
- **For Employees**: Managers, Human Resources (HR) or Respectful Communities Consultants in the Office of Diversity & Inclusion (ODI)

When this approach is used	Approach	Things to consider
When it feels safe to do so. As soon as possible after the concern arises or concerning behaviour occurs. When the concerning behavior is not high risk. Use the Guidelines to review the situation in terms of risk factors. When individuals have the skill, ability and comfort level to have a conversation to resolve the concern themselves.	Have a constructive conversation: • Initiate the conversation with the desire for a positive outcome • Describe the concerning behaviour and its impact. • Focus on the concerning behavior, not on the person • Draft a script • Consider a private, mutually agreeable location and time. • Actively listen to understand the other person's perspective • Agree upon resolution If the concern cannot be resolved or the concerning behaviour continues, other ways of addressing the concern can be explored through Supported Resolution with support of the individuals referenced in Resources above.	Think about: • The emotional readiness to engage in constructive conversation. • Maintaining confidentiality • Making notes or journaling after the conversation. • Other supports such as counsellors, Good2Talk, EFAP and union, as applicable.

3.5 Managing Concerning Behaviours in a Class or Work Setting

Concerning behaviour in the learning or working environment can often be handled immediately by Faculty, the Academic Chair or Manager as part of day-to-day classroom or work setting management.

Led by the Faculty, Academic Chair (students) or Manager (employees).

Managing concerning behaviour(s) in a class or work setting occurs when:
A Faculty, Academic Chair or Manager observes concerning behaviour **or** a student or employee brings forward a concern about the behaviour of another person who is part of the learning or working environment.

Resources
Guidelines are available for additional support. Also available for guidance and support are:
- **For Students:** Faculty, Academic Chairs (AC), Student Services or Respectful Communities Consultants in the Office of Diversity & Inclusion (ODI)
- **For Employees**: Managers, Human Resources (HR) or Respectful Communities Consultants in the Office of Diversity & Inclusion (ODI)

When this approach is used	Approach	Things to consider
As soon as possible after the concern arises or concerning behaviour occurs.	Have a constructive conversation: • Initiate the conversation with the desire for a positive outcome	Think about: • Assessing the skill, ability and comfort level required to have a

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| When the concerning behavior is harmful to the learning and/or working environment and is not high risk. Guidelines to review the situation in terms of risk factors.

When the behavior is not high risk/complex and can be managed in the classroom or department. | • Describe the concerning behaviour and its impact.
• Focus on the concerning behavior and not the person
• Consider a private, mutually agreeable location and time.
• Actively listen to understand the other person's perspective
• Clarify behavioural expectations that set the tone for a safe and respectful environment.
• Person managing the concern should confirm and document the conversation, referencing any related policies.

If the concern cannot be resolved, becomes high risk, represents a serious breach of a Code of Conduct or a College policy or the behaviour continues; other ways of addressing the concern should be explored through Supported Resolution by contacting Student Services, Office of Diversity and Inclusion or Human Resources. | conversation to resolve the concern and what additional support may be needed.
• Maintaining confidentiality
• Making notes after the conversation
• Considering the wellbeing of the persons involved and accommodations as appropriate.
• Other supports such as counsellors, Good2Talk, EFAP, union as applicable. |

3.6 Supported Approach

a) When a concern raised under this policy may be high risk and/or require more significant support or fact-finding, the individual raising the concern or, in the case of concerning behaviour(s) in a class or work setting, the Faculty, Academic Chair or Manager must contact:

   i. Student Services (for concerns involving *only* students);

   ii. Human Resources (for concerns involving *any* employee) or;

   iii. Office of Diversity & Inclusion (for concerns involving *either* students or employees) for additional guidance.

b) In these circumstances, Managers, Student Services (for students), Human Resources (for employees) or Respectful Communities Consultants (students and employees) can provide support in documenting information required to ensure the College has all the information needed to review the concern.

c) Considerations may include a number of factors including but not limited to:

   i. Does the concern fall under other related College policies or codes of conduct?

   ii. Is the concern unlawful, a violation of human rights or have other legal considerations?

   iii.   Is there a risk to safety, health and/or wellness?

   iv.   What social dynamics and relationships need to be considered?

   v.   Is the concern complex and/or multifaceted?

   vi.   What is the impact on individuals and community?

   vii.   What are the privacy and confidentiality considerations?

d) Supported approaches include options that range from more relational (e.g. conflict coaching, mediation) to more administrative (e.g. shuttle diplomacy, fact-finding) in nature. Relational options focus on connection, participation, and developing, maintaining and restoring positive relationships. The more administrative options are less flexible and may have less emphasis placed on relationships as part of the process. Some (e.g. fact-finding) are very structured with little input from those involved, with potential outcomes determined by the College.

Led by Student Services (students), Human Resources (employees) and/or the Office of Diversity and Inclusion (students and employees)

Supported approaches occur when:
A student or employee has tried Independent approach with no success and/or wishes to resolve a concern and needs third party support to do so. Or a Faculty, Academic Chair or Manager has been unsuccessful in addressing concerning behaviour and needs additional support to do so. Or the College has determined that a concern requires a fact-finding approach.

Resources
Guidelines are available for additional information on supported resolution options. Also available for support are:
- **Students:** Student Services or Respectful Communities Consultants in the Office of Diversity & Inclusion (ODI)
- **Employees**: Human Resources (HR) or Respectful Communities Consultants in the Office of Diversity & Inclusion (ODI)

When these approaches are used	Approaches	Things to consider
When individuals want to address a concern but do not feel comfortable approaching the other person directly. When individuals need support to discuss the experience, clarify the concern and maintain or restore a relationship. When Independent approach or addressing concerning behaviour in the class or work setting has not been successful.	Resources available to individuals include support, advice and coaching and: • guidance to help overcome communication barriers and engage in constructive conversation; • support in clarifying the concern and potential options available in working towards resolution.	Think about: In third party facilitated options: • the opportunity exists to discuss perspectives, identities and experiences and enhance learning; • the opportunity exists to use an approach that focuses on understanding and accountability.

When the concern is high risk or complex and more support is required.		
	Impartial third-party- facilitated options including; • Consultation • Needs Assessments • Conflict Coaching • Facilitated Dialogue • Mediation • Group Work • Restorative Conference See Guidelines for the full range of options and a description of each.	• being accountable in this process means engaging in problem solving, promoting understanding and the impact of actions, taking steps to prevent harm and establish or restore respectful relationships. • this is more relational in nature
When the concerning behaviour has been assessed as serious, unlawful, a violation of human rights, constitutes a risk to the health, physical or psychological safety of any person, is part of a more extensive issue or is a repeated course of behaviour.	Fact finding may include, but is not limited to: • information gathering; • investigative approaches appropriate to the situation and/or allegation; • referral to another policy as appropriate to the situation. **Or**, A blend of approaches	This approach involves: • being accountable in this process means cooperating fully; providing an honest recounting of facts and information; and keeping knowledge of the issue and involvement in the process confidential; • the outcome is determined by the College; • there is a possibility of disciplinary actions or sanctions (*see Potential Outcomes below);* • this is more administrative in nature.
With all approaches and options consider: • Maintaining confidentiality. • Other supports such as counsellors, Good2Talk, EFAP, union as applicable.		

3.7 General Provisions for the Supported Approach

a) Determining Appropriate Policy

Where it appears that the concern is outside the scope of this policy or is one that should be more appropriately dealt with under another policy, Act or procedure, the College reserves the right to determine the approach to deal with the concern or refer it to the appropriate forum. For example, concerning behavior that meets the definition of sexual

violence as outlined in the *Sexual Violence Policy* (Section 1.2), refer to procedures *Sexual Violence – Disclosure and Reporting* found in Policies & Procedures.

b) Time Limits for Raising a Concern

Concerns should be raised as soon as possible and normally no later than one (1) calendar year following the last incident forming the basis of the concern. The College may extend the time in extenuating circumstances.

c) Confidentiality

NSCC will take reasonable precautions to maintain confidentiality, to the greatest extent possible, in the resolution of concerns raised through the Respectful Community Policy. All persons involved in any of the outlined approaches will be required to maintain confidentiality to ensure the integrity of the process.

In some cases, NSCC cannot guarantee complete confidentiality, for example:

i. where confidentiality would prevent effective fact finding, resolution or referral of concerns, or outcomes;

ii. in cases involving imminent danger and/or suspected abuse; or

iii. where otherwise required by law or any other College policy.

The College recognizes that students and employees may seek support during the process through various counselling and support contacts such as Student Services Counselling, Employee & Family Assistance, or their union representatives.

d) Communication

Communication regarding a specific concern is dependent upon the nature of the concern, who was involved, personal privacy and safety considerations. The College will make the decision regarding communications on a case by case basis. Information will be shared on a need to know basis, in accordance with this Policy and by law.

e) Procedural Fairness

The principles of procedural fairness shall be followed by any decision makers and finders of fact under the Respectful Community Policy. In particular, to the extent possible and consistent with confidentiality obligations, individuals involved in concerns that require fact finding shall be apprised of the fact finding and the concern raised. All parties will be given the opportunity to fully explain what happened from their perspective and to have their information and concerns fully considered. For more information on procedural fairness, refer to Section 2.0 Definitions.

f) Support Persons

Community members may elect to be accompanied by an observer or representative of their choosing during any interview, meeting or mediation under these procedures. For bargaining unit positions, an employee may elect to have their union present. For Managerial/Confidential employees, the College may provide a support resource upon

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request. The role is to provide emotional support, reassurance and to observe that the process is fair. The wish to be supported should be indicated in advance, and a full description of the role the support person plays in the process will be provided.

g) **Retaliation**
Retaliation against any individual participating in any of the resolution approaches shall be considered to be a serious violation of the Respectful Community Policy and procedures. The College may take action, including disciplinary measures, should retaliation against any individual participating in a resolution approach occur.

h) **Interim or other Safety Measures**
In some circumstances, considering the parties involved and the impact to the class/work dynamic, it may be appropriate to implement measures pending resolution. The College may consider measures including, but not limited to: separation of the parties, alternate work/study/evaluation arrangements or non-disciplinary administrative leave and/or non-disciplinary student leave (in accordance with the Student Code of Conduct).

i) **Abuse of Process**
Allegations determined to be frivolous, vexatious or made in bad faith, shall be considered to be a violation of this Policy and procedures and grounds for disciplinary action by the College.

j) **Withdrawal**
An individual raising a concern shall not be obliged to proceed and shall have the right to withdraw the concern at any point. The College may, however, proceed where it believes that circumstances warrant it and the individual who raised the concern may be required to participate in the fact-finding process.

k) **No Appeal**
Outcomes under an administrative approach are final. An individual who is dissatisfied with the outcome may proceed through any other channels available through policy or law.

l) **Records**
Any records created through the use of a Supported Approach (including administrative options) shall be securely and confidentially stored in a location separate from student or employee files.

m) **Student/Employee Records**
If a breach of policy or Code of Conduct occurred, and if disciplinary action was taken, a letter indicating that disciplinary action is taken is the only documentation that will appear on an individual's official student or employment file as applicable.

3.8 Potential Outcomes

A substantiated allegation of behaviour in breach of policy or a Code of Conduct could have one or more outcomes dependent upon the seriousness of the behaviour. Examples of outcomes include, but are not limited to:

a) providing an apology;

b) mediation;

c) coaching and/or training;

d) disciplinary action up to, and including dismissal (employee) or expulsion (student);

e) reporting to external authorities (in case of unlawful behaviour).