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**PART I GENERAL PROCEDURES**

**Part I - General Procedures (applicable to all Complaints)**

The College is committed to fostering and promoting a respectful workplace and learning environment as expressed in the Respectful Workplace and Learning Environment (Discrimination & Harassment) Policy (the “Policy”). The College will use reasonable efforts to resolve complaints or violations of the Policy of which it is aware and to restore the working or learning environment. These General Procedures apply to all Complaints. Specific Procedures governing Informal and Formal Proceedings are set out below.

**1. Complaints**

- a. **Initiating a Complaint:** Any member of the College community may raise an issue or make a complaint regarding behavior which is contrary to the Policy. Such a complaint may be made verbally or in writing to the Conflict Resolution Consultant (Conflict Resolution Consultant), or to any NSCC manager (includes, but not limited to department managers, Academic Chairs and Managers of Student Services).
- b. The College reserves the right to determine the best approach to dealing with the matters at issue and may refer them to be dealt with under another Policy or in another more appropriate forum.
- c. **Resolution Options:** Complaints falling under the Policy may be resolved informally or formally. Both informal and formal processes are designed to resolve complaints in a timely and responsive manner.
- d. **Informal Resolution:** Most conflict, even complaints of discrimination and harassment, can be resolved informally using supportive interventions and/or informal Alternative Dispute Resolution (ADR). These resolution options often lead to more satisfying outcomes. Therefore, Complainants are encouraged to attempt to resolve a situation as early as possible, at the lowest, most appropriate level possible, and consider working with the Conflict Resolution Consultant and/or utilizing ADR. Informal Resolution is addressed in Part II.

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- e. **Formal Resolution:** Formal Resolution is an investigation process leading to a finding of fact as to whether the Policy has been violated. Issues that do not involve any of the grounds of prohibited discrimination do not qualify for formal investigation under the Respectful Workplace and Learning Environment policy. Behaviors such as bullying and / or other forms of interpersonal or organizational conflict should be addressed with the Conflict Resolution Consultant, manager or appropriate advisor, or Human Resources. Although these concerns do not fall under the policy in a formal capacity, assistance can be provided to address the concern through a variety of informal resolution processes. Formal Resolution is addressed in Part III.
- f. **Representation:** The Parties may be accompanied by an observer or representative (including a Union representative, where applicable) during any meeting, interview, Mediation or hearing under these Procedures.

**2. Time Limits for Initiating Complaint**

Complaints should be made as soon as possible, and no later than one calendar year following the last incident forming the basis for the complaint. Upon written request the College may extend the time for filing a complaint, if extenuating circumstances prevented it from being made sooner.

**3. Confidentiality**

- a. NSCC will take reasonable precautions to maintain confidentiality, to the greatest extent possible, in the reporting of alleged breaches of this Policy. All persons involved in procedures under the RWLE Policy, including parties, College representatives, witnesses, observers, representatives and agents, will be required to maintain confidentiality to ensure the integrity of this process at work, in class and in all shared professional, learning or social circles, electronic or otherwise. In some cases, NSCC cannot guarantee complete confidentiality, for example:
  - i. where confidentiality would prevent the effective investigation, processing, resolution or referral of complaints or the imposition of corrective action;
  - ii. in cases involving imminent danger and/or suspected abuse; or
  - iii. where otherwise required by law or any other College policy.
- b. Confidentiality notwithstanding, the College recognizes that employees and students may seek support during the process through various counselling and support contacts such as Employee & Family Assistance, Student Services Counselling, or their union representatives. Anyone doing so should endeavor to refrain from disclosure of information related to the complaint as much as possible.
- c. Any breach of the confidentiality provisions of the Policy shall be treated seriously and action may be taken in accordance with the relevant provisions of NSCC policies or applicable collective agreements

**4. Retaliation**

Retaliation against any individual participating in a complaint or investigation process, whether or not the complaint is substantiated, shall be considered to be a serious violation of this Policy and action, including disciplinary action or measures under other NSCC policies may be taken by the College.

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## 5. Temporary Measures

- a. In some circumstances, taking into consideration the nature of the complaint, the operation of the business, and the parties involved, it may be appropriate to impose temporary measures pending completion of the formal process or resolution of the complaint. The College may impose temporary measures, including, but not limited to:
  - i. Separation of the parties;
  - ii. Alternate work/study/evaluation arrangements;
  - iii. Non-disciplinary administrative leave or non-disciplinary student leave.
- b. Any measures taken are not an indication that an adverse finding has been made against any of the parties.

## 6. Abuse of Process

Complaints under the Policy, which are determined to be frivolous, vexatious or mischievous, shall be considered to be violations of this Policy and grounds for disciplinary action by the College.

## 7. Withdrawal of Complaint

The Complainant shall not be compelled to proceed with a Complaint and shall have the right to withdraw a Complaint at any point. The College may, however, proceed with an investigation where the College deems that circumstances warrant such action and the former Complainant may be required to provide evidence as a witness in such a case.

## 8. No Appeal

Decisions made under this Policy are final and there is no right of appeal. A Complainant who is dissatisfied with the outcome reached under this Policy may seek options through any applicable provisions of the Collective Agreement, the Nova Scotia Human Rights Act or in any other proceedings available in law.

## 9. Workplace and Learning Environment Restoration

The College may engage the Conflict Resolution Consultant to assess and support an effective Workplace and Learning Environment Restoration Process.

## 10. Reporting

Data, not including any personal or identifying information, regarding patterns and trends in complaints under this policy may be aggregated, analysed and shared within the College for the purpose of improving our working and learning environment.

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**11. Records Storage**

- a. Through the course of the Informal or Mediation process, all records shall be securely and confidentially stored in the office of the Conflict Resolution Consultant.
- b. At the conclusion of the Formal process, all records shall be securely and confidentially stored in Human Resources. These records shall be securely stored in a location separate from the employee files and shall be treated with the strictest confidence.
- c. No documentation of Harassment, Discrimination, or Bullying, including any materials resulting from an informal or formal resolution process will be placed on the Complainant's or Respondent's official employment file or student record. In the event that the conclusion of an investigation is that Harassment, Discrimination or Bullying did occur and where disciplinary action was taken, the letter of discipline is the only documentation that will appear on the respondent's official employment file or student record.

**PART II INFORMAL PROCEDURES**

Any person who believes they are experiencing conflict, harassment, discrimination or bullying is encouraged to seek assistance. Informal procedures are available to assist with problem-solving and settling differences fairly at an early stage, in an open manner, without retaliation for students and/or employees. These informal methods are not aimed at fact-finding and do not involve determinations as to whether there has been a violation of Policy or other wrongdoing. Often, earlier informal resolutions are more successful, as the conflict is less entrenched and the situation less escalated.

**1. Informal Resolution Options**

- a. **Start the discussion:** Whenever possible, individuals are encouraged to talk directly with one another about their concerns with the goal of understanding perspectives and resolving differences in the immediate workplace or learning environment. Many issues can be resolved in this way. Timely discussion can clarify the parties' perspectives, so it becomes possible to set aside any dispute or difficulty and find a way forward. If an individual is not comfortable with this approach, they may seek support and advice.
- b. **Seek Advice:** There are a variety of people available to assist with concerns under this policy, including, but not limited to, Academic Chairs, Principals, Managers or other appropriate advisors (i.e. Student Services Counselors, Human Resources, Union). A Manager, or appropriate advisor, will provide support which may involve a range of options including speaking directly to those involved, coaching and supporting the parties in dialogue, and referring the parties to other resources for assistance (i.e. counselling support). They may also consult with the Conflict Resolution Consultant, particularly when repeated attempts to resolve a conflict seem to be unproductive.
  - i. **Consult Human Resources:** Employees may seek support from Human Resources. HR can provide coaching and support or refer the parties to internal or external resources for assistance.

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- ii. Consult Student Services: Students may seek support from Student Services. Student Services can provide coaching and support or refer the parties to internal or external resources for assistance.
- iii. Contact the Conflict Resolution Consultant. Any College member, employee or student, may consult with or make a complaint to the Conflict Resolution Consultant at any time to discuss concerns. This can be done verbally or in writing. At this stage, such consultation is confidential unless (a) you choose to pursue your concerns, or (b) there are reasonable grounds to believe that there is an overriding health or safety risk. The Conflict Resolution Consultant can provide support in various ways, such as: offering neutral analysis; explaining the Policy and procedures; contacting the Respondent; encouraging and supporting dialogue between parties; encouraging parties to seek assistance from supports (i.e. union, Student Services Counselors) to make an informed decision and/or exploring whether a manager or appropriate advisor can help in the resolution process and facilitating ADR processes.

**c. Consider Alternative Dispute Resolution (ADR):** A range of flexible ADR options can be pursued at any time. The first step to initiate ADR is to consult with the Conflict Resolution Consultant to explain the concerns and explore available ADR options. Participating in ADR does not affect the right to pursue other options for resolution. ADR remains confidential (subject to any law or overriding policy considerations) and voluntary.

**d. Mediation, an effective ADR option, may be requested during the resolution process, Informal or Formal, by any party in the process, including the Conflict Resolution Consultant. Mediation relies on the willing participation of all parties. A decision not to participate in mediation or to discontinue mediation will not be held against a party**

If Mediation is requested or recommended, the Conflict Resolution Consultant is responsible for the process and will inform all parties that the Mediation process is “without prejudice”, confidential and voluntary. The Conflict Resolution Consultant may act as mediator or, in consultation with the parties, appoint another person to act as mediator.

The Mediation process/approach will be determined by the mediator and communicated to the parties. Each party will have a preliminary meeting(s) with the Conflict Resolution Consultant to discuss the issue (s) and their point of view.

## 2. Resolution

- a.** If the parties are unable to arrive at a resolution through any of the informal procedures, the Conflict Resolution Consultant may refer the matter to the Director of Diversity and Inclusion who may:
  - i. Work in partnership with appropriate resources to support all parties with the means to continue to work in a safe and courteous manner;
  - ii. Refer the matter to be dealt with under another College policy; or
  - iii. In cases involving allegations falling under the Nova Scotia Human Rights Act, refer the matter to

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the Director of Human Resources and/or Director of Student Services depending on the parties involved, as a complaint to be resolved utilizing the Formal Process.

- b.** Resolution through a Mediation may result in a Mediated Resolution Agreement, which sets out the basis upon which the matter has been resolved, including any agreements as to future conduct.
- c.** An Informal Resolution Summary may be used to document any resolution arrived at by informal means other than Mediation and/or to sum up points related to termination of the Informal Process without resolution.
- d.** A copy of the Mediated Resolution Agreement and/or Informal Resolution Summary will be provided to each party to be kept in confidence and will be kept in the confidential files of the Conflict Resolution Consultant, to assist the parties should any further assistance be required.

**3. Termination of Informal Process Without Resolution**

- a.** Parties may withdraw from the Informal Resolution Process at any time.
- b.** The Conflict Resolution Consultant may recommend terminating the Informal Resolution Process if informal resolution no longer remains an appropriate option.
- c.** A recommendation to terminate will be communicated to the participating parties and the Director of Diversity & Inclusion within seven (7) working days of the decision to terminate. Depending upon the circumstances, the College may decide to conduct an investigation of the issue under the formal resolution process.

**4. Timelines**

- a.** Every effort should be made to achieve resolution within thirty (30) working days. However, due to the nature of the informal processes, a more extended period of time may be required to reach a mutually agreeable resolution.
- b.** Where resolution cannot be achieved within 30 days, the Conflict Resolution Consultant will notify the parties of the reasons for the delay and may extend the time period of resolution up to an additional fifteen (15) working days or such other reasonable period of time as is, in the opinion of the Conflict Resolution Consultant, appropriate.

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**PART III PROCEDURES FOR FORMAL RESOLUTION**

**1. Making a Formal Complaint**

- a. A student or employee of the College can initiate the Formal Process when allegations fall under the *Nova Scotia Human Rights Act* and efforts at Informal Resolution have failed, or are not appropriate in the informal forum. Complainants complete a RWLE (Discrimination & Harassment) Complaint Form (available online or from Campus Employee Services Advisors) and submit it to the Director of Human Resources.

Behaviors such as bullying and / or other forms of interpersonal or organizational conflict should be addressed with the Conflict Resolution Consultant, manager or appropriate advisor, or Human Resources. Although these concerns do not fall under the policy in a formal capacity, assistance can be provided to address the concern through a variety of informal resolution processes.

- b. Should the Conflict Resolution Consultant receive a formal complaint, Office of Diversity and Inclusion, or any manager of the College, the Complaint Form will be delivered, in a sealed envelope, to the Director of Human Resources, as soon as possible.

**2. Multiple Complaints**

- a. If more than one Complaint has been lodged against the Respondent, the Complaints may be investigated concurrently, or, if the Complainants agree, as one Complaint. Concurrent investigations must be conducted in such a manner as to preserve confidentiality.
- b. Multiple Complaints surrounding a single incident or a related series of incidents may result in a single report, so long as such single report can be prepared in such a way as to preserve confidentiality.

**3. Investigation**

- a. The Director of Human Resources or their designate (hereafter referred to as the “Investigator”) is responsible for conducting an investigation in a fair, efficient and transparent manner, in accordance with the following:
  - i. The Investigator shall contact the Complainant and the Respondent within five (5) working days of receiving the Complaint. The Respondent shall be provided with a letter outlining the nature of the complaint (or copy of the complaint) and both parties shall be provided with a copy of or a link to the Policy and Procedures. The Investigator shall emphasize with each party those provisions of the Policy and Procedures relating to confidentiality, abuse of process, timelines, the investigation process, and the rights and obligations of the parties.
  - ii. The Respondent may submit a response in writing within five (5) working days of receiving a copy of the complaint.

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- iii. The Investigator shall, within a further ten (10) working days, conduct a preliminary investigation by:
  - a. Reviewing the complaint and response;
  - b. Interviewing each of the Complainant and Respondent;
  - c. Interviewing any other witnesses;
  - d. Preparing a written record of the information gathered in the interviews;
  - e. A draft Summary of Findings to be shared with the complainant and respondent.
- iv. The Complainant and Respondent may present any rebuttal within five (5) working days of receipt of the Summary of Findings.
- v. The Investigator shall review the Rebuttal and complete a final Investigation Report within ten (10) days of the deadline for submission of Rebuttal. The Final Investigation Report shall include a finding as to whether there is a reasonable basis for believing that it is more likely than not that the alleged violations of the Policy have occurred. The Final Investigation Report shall not include any recommendations as to potential disciplinary action.

**4. Timelines**

In the event that the Investigation cannot be completed in accordance with the timelines outlined in section (3), the Investigator shall proceed as expeditiously as possible and shall advise the Complainant and Respondent of the reason for the delay and the expected time frame for completion.

**5. Final Report**

- a. The Final Investigation Report shall be provided to the Director of Human Resources or their designate. Should the Report conclude that there is a reasonable basis for believing that a violation of the Policy has occurred, the Director of Human Resources or their designate shall, within ten (10) working days of receipt of the Final Report:
  - i. consult with the appropriate senior leader and Executive Team member; and
  - ii. determine whether further action, including any disciplinary action, is required.
- b. Sanctions for Policy violations are within the discretion of the College and may range from a written warning to dismissal.
- c. Both the Complainant and the Respondent will be informed as to the finding of the Investigator.

Note:

- i. At any time throughout the Formal process, the Investigator may assess and discuss with the parties the feasibility of arriving at resolution through ADR or Mediation.
- ii. Should the parties agree to attempt such a resolution, the formal process and all associated time-lines may be put on hold.
- iii. In the event that an Informal resolution is achieved, a Mediated Resolution Agreement, which sets out the basis upon which the matter has been resolved will be provided to the parties.

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**6. Time Limits for Initiating Complaint**

Complaints should be made as soon as possible, and no later than one calendar year following the last incident forming the basis for the complaint. Upon written request the College may extend the time for filing a complaint, if extenuating circumstances prevented it from being made sooner.

**PART IV PROCEDURES FOR COMPLAINTS AGAINST SENIOR LEADERSHIP**

1. Complaints against a Senior Leader (member of Executive, Principals, Deans, Directors and Executive Directors) can be initiated verbally or in writing to the Director of Human Resources.
2. If a complaint against a Senior Leader is made to the Conflict Resolution Consultant, or to any College manager, it will be reported to the Director of Human Resources who will coordinate and supervise the investigation.
3. If a complaint is filed against the President of the College, the Director of Human Resources will report it to the Chair of the NSCC Board of Governors who will appoint an appropriate person or persons to coordinate and supervise the investigation. The person(s) appointed will keep the Chair of the Board of Governors informed as the matter progresses.
4. If a complaint is filed against another member of the Executive Team, the Director of Human Resources will report it to the President. The Director of Human Resources will coordinate and supervise the investigation.
5. If a complaint is filed against the Director of Human Resources, their designate or member of Human Resources, the investigation will be coordinated and supervised by the Director of Internal Audit or their designate.
6. Complaints against Senior Leaders shall be investigated and resolved following the procedures set out in Appendix IV.

**PART V RESPONSIBILITIES**

**1. All Employees and Students**

- a. It is the responsibility of all employees and students of NSCC to:
  - i. adhere to College policies;
  - ii. neither engage in, nor condone or ignore behaviour which breaches the Policy;

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- iii. report breaches of the Policy which occur within the workplace and learning environment;
  - iv. consider an ADR approach to resolving complaints under this policy;
  - v. participate in procedures under this Policy in good faith and in a timely, professional and respectful manner;
  - vi. maintain confidentiality at work, in class and in all shared professional, learning or social circles, electronic or otherwise.
- b.** Any employee who receives a report about a potential breach of the Policy is also responsible to direct the individual who made the report to discuss the matter with their Manager, the Conflict Resolution Consultant or Human Resources.

**2. All Complainants, Respondents, Witnesses and/ or other Parties**

All Complainants, Respondents and witnesses or others who may be aware of, or involved in, an issue or Complaint, are expected to provide information, cooperate in an investigation and keep their knowledge of the issue or Complaint and involvement in any resolution or investigative process confidential.

**3. President and Executive**

The President and all members of the Executive Team are responsible for fostering a culture of inclusion and diversity that provides a safe working and learning environment in keeping with NSCC values. The President is responsible for ensuring that any complaints under this Policy against a member of the Executive Team are processed in accordance with this Policy and procedure.

**4. Principals, Deans, Academic Chairs, Directors, Department Managers & Managers of Student Services**

Principals, Deans, Academic Chairs, Directors, Department Managers and Managers of Student Services have primary responsibility for maintaining a working and learning environment free from Discrimination, Harassment and Bullying.

**5. Director of Diversity & Inclusion**

The Director of Diversity & Inclusion is responsible for the oversight, application and review of the Policy. Particular responsibilities include:

- a.** working with the College Community to remove barriers in employment or student policies and practices that may have the effect of discriminating against groups or individuals;
- b.** monitoring the Informal Resolution Process under this Procedure;
- c.** participating in any discussion with the Conflict Resolution Consultant, the Director of Human Resources, Dean of Student Services and/or other relevant College members as to whether a Complaint ought to be referred to be dealt with through the discipline process, in another forum, or under a different policy or procedure.

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## 6. Conflict Resolution Consultant

The Conflict Resolution Consultant is responsible for the administration of the Policy and procedures. Specific responsibilities include:

- a. liaising with campuses and departments to build awareness through education on the Policy and procedures;
- b. developing NSCC policy and implementing strategies to facilitate the prevention and elimination of organizational conflicts, Discrimination, Harassment and Bullying;
- c. taking a leadership role in providing advice on Policy provisions;
- d. providing assistance to resolve concerns and Complaints;
- e. acting as or appointing appropriate ADR resources to act as mediator under the Policy and procedures;
- f. ensuring informal Complaints are processed in a fair, efficient and transparent manner;
- g. referring Complaints to the Director of Diversity & Inclusion, the Director of Human Resources and/or the AVP, Enrolment & Student Services for formal resolution if appropriate;
- h. participating in any discussion with the Director of Human Resources and/or other relevant College members as to whether a Complaint ought to be referred to be dealt with in another forum or under a different policy or procedure;
- i. maintaining confidential records of informal Complaints lodged in accordance with the Policy;
- j. monitoring compliance and evaluating the effectiveness of the Policy and these procedures; and
- k. storing and maintaining all records related to the informal process in a secure and confidential manner.

## 7. Director of Human Resources

The Director of Human Resources is responsible for:

- a. appointing an investigator and ensuring that formal Complaints are investigated in a fair, efficient and transparent manner;
- b. redirecting Complaints for resolution under the established discipline process as appropriate;
- c. ensuring Complaints against Senior Leaders are investigated in accordance with these Procedures;
- d. participating in any discussion with the appropriate College leaders as to whether a Complaint ought to be dealt with through the discipline process, in another forum or under a different policy or procedure;
- e. monitoring compliance and evaluating the effectiveness of the Policy and procedures; and
- f. storing and maintaining all records related to the formal process in a secure and confidential manner.

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**8. Director of Student Services**

The Director of Services is responsible for:

- a. ensuring Complaints involving students are resolved in a fair, efficient and transparent manner,
- b. referring Complaints involving employees, or student complaints requiring formal resolution, to the Director of Human Resources as appropriate,
- c. participating in any discussion with the appropriate College leaders as to whether a Complaint ought to be dealt with through the discipline process, in another forum or under a different policy or procedure;
- d. monitoring compliance and evaluating the effectiveness of the Policy and procedures related to the student population;
- e. storing and maintaining all records related to the formal process in a secure and confidential manner.

**9. Director of Internal Audit**

The Director of Internal Audit has responsibility for:

- a. overseeing and applying the Policy ensuring formal Complaints are investigated in a fair, efficient and transparent manner in cases where a Complaint is filed against the Director of Human Resources or a member of Human Resources,
- b. partnering with Human Resources to, when appropriate, appoint an investigator from Internal Audit, or investigate Complaints requiring formal resolution in a fair, efficient and transparent manner.

**PART VI | DEFINITIONS**

- 1. **Alternative Dispute Resolution (“ADR”):** Alternative Dispute Resolution (“ADR”) refers to the flexible range of options for informal resolution, including: Conflict Coaching, Group Work, Facilitated Discussion, and Mediation. ADR is voluntary and confidential.
- 2. **Bullying:** Bullying is also referred to as psychological/personal harassment. Workplace 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 the recipient’s feelings of self-esteem and self-worth. Bullying refers to any behaviour that is known, or ought reasonably to be known, to be unwelcome and that:
  - a. adversely affects an employee’s dignity, or psychological or physical integrity, and/or
  - b. takes the form of repeated conduct which could reasonably be regarded as intending to intimidate, offend, degrade or humiliate, and/or
  - c. results in a harmful working environment.

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3. **College Community:** Includes all current NSCC employees (regardless of status); current students (full-time, part-time, online and apprenticeship, etc.); any individual or stakeholder in a contractual relationship with NSCC; and College committees, councils, or associations.
  
4. **Complainant:** Complainant refers to a person who advises the College that he/she has been subjected to Harassment, Discrimination, Bullying, or other behaviour contrary to the Policy, or a person who has observed it, or a third party who initiates a Complaint on another person's behalf, with that person's consent. Depending on the nature of the Complaint, the College may notify external agencies. The College may also launch an investigation where there is no Complainant but where the College deems circumstances warrant such action.
  
5. **Complaint:** Complaints include any concerns that are raised about possible breaches of the Policy by members of NSCC community, whether or not resolution is ultimately sought under any of the Procedures herein.
  
6. **Conflict Coaching:** Conflict Coaching combines the areas of coaching and dispute resolution and is intended to deepen an individual's understanding of conflict and increase their skills and confidence in managing interpersonal disputes. It is a one-on-one process designed to assist individuals to reach specific conflict management goals. For example:
  - a. To consider the most appropriate strategies, choices, and solutions regarding a conflict that is currently in progress.
  - b. To consider how to proactively approach a situation to prevent an unnecessary dispute.
  - a. To better manage conflict on your team as a leader.
  - b. To talk out thoughts and feelings about a difficult situation.
  
7. **Consultation:** A Consultation is typically the initial meeting with the Conflict Resolution Consultant. It provides a sounding board, an opportunity for an individual to explain their concerns to the Conflict Resolution Consultant and be heard in a confidential setting. The Consultation can be in person or by telephone. The Consultation also provides the individual an opportunity to explore all options and make an informed decision about the use of informal and formal dispute resolution mechanisms.
  
8. **Discrimination:** Discrimination means making a distinction, whether intentional or not, based on a characteristic or perceived characteristic protected under the Human Rights Act. Discrimination includes actions, behaviour or attitudes, which could or ought reasonably to be known to offend or deny fair treatment. Under the Human Rights Act discrimination is prohibited in the areas of services, facilities, accommodation, employment or volunteer positions, purchase on sale of property, membership on committees and in associations and in any advertising, publication or broadcast. The protected grounds in the Human Rights Act are: age; race; colour; religion; creed; sex, including sexual harassment; sexual orientation; physical disability or mental disability; an irrational fear of contracting an illness or disease; ethnic, national or aboriginal origin; family status; marital status; source of income; political belief, affiliation or activity.

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Differential treatment against person or persons because of their inclusion in any of the above categories, which results in the imposition of a restriction against or the exhibition of negative behaviour toward that person or persons constitutes an act of Discrimination as defined in this Policy.

9. **Employee:** An employee is an individual who is currently employed with NSCC to perform work for the College. This includes all employees, regardless of status, as well as current employees who are on a leave of absence (paid/unpaid).
  
10. **Facilitated Discussion:** A Facilitated Discussion is an informal meeting where willing participants are assisted by a neutral third person in a discussion to explore an issue that has come between them. Conflict addressed in facilitated conversations is not yet entrenched and there is often a focus on maintaining or repairing the relationship. Having better understood the views of the other party, participants make more informed choices about how to proceed to resolve the issue.
  
11. **Group Work:** Group Work offers a team the opportunity to identify barriers to attaining productive relationships and to commit to specific actions that will ensure their success. Group Work can help to prevent conflict, build a sense of community, and support people to work collaboratively toward their common goals.
  
12. **Harassment:** Harassment means unwelcome comments or conduct consisting of words or actions that disparage or cause humiliation, offense or embarrassment to an individual or class of individuals, including but not limited to, comments or conduct based upon any of the grounds protected against discriminatory action under the Human Rights Act. Harassment includes both Personal Harassment and Bullying. In this context, harassment is a form of Discrimination.
  
13. **Informal Resolution Summary:** This a summary of the efforts involved in the informal resolution process and/or to sum up points related to termination of the Informal Process without resolution.
  
14. **Mediated Resolution Agreement:** The Mediated Resolution Agreement sets out the basis upon which the matter has been resolved following Mediation, including any agreements as to future conduct.
  
15. **Mediation:** Mediation is an informal process where willing participants are assisted by a neutral third person to examine different points of view about a dispute that has developed between them. Conflict addressed in Mediations is often larger or more deep-rooted. The process can help to clarify the nature of the problem from the perspective of both parties, share specific interests, and develop a mutually acceptable range of options for dealing with the situation. Mediation is oriented to the future, and is not designed to lay blame, investigate facts, or determine guilt. It is a well-established and structured ADR process.
  
16. **Organizational Conflict:** Organizational conflict is a state of discord caused by the actual or perceived opposition of needs, values and interests between people working together. Conflict

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may take many different forms within an organizational setting. Although these concerns do not fall under the policy in a formal capacity, the Conflict Resolution Consultant can provide assistance and appropriate alternative dispute resolution processes.

- 17. Personal Harassment:** “Personal Harassment” is abusive, unfair, or demeaning treatment of a person or group of persons that is known or ought reasonably to be known to be unwelcome and unwanted when:
- a. such treatment abuses the power one person holds over another by virtue of their working or learning relationship or misuses authority associated with their position and/or;
  - b. such treatment has the effect of seriously threatening or intimidating a person, and such treatment has the effect of unreasonably interfering with a person’s or a group of persons’ employment or performance, or learning, or academic success and/or;
  - c. such treatment has the effect of creating an intimidating, hostile or offensive working or learning environment.

Personal Harassment may consist of repeated or persistent patterns of behaviour, direct or indirect, that when taken together constitute Personal Harassment; or a single act of sufficient severity to constitute personal harassment in its own right. Such conduct may occur within or outside of the working or learning environment.

Examples of Personal Harassment include, but are not limited to, name calling, insults, inappropriate jokes, threats, shouting, derogatory remarks (including messages that are threatening, derisive, or defamatory), spreading malicious rumours, persistent criticism and exclusion.

Personal Harassment does not include appropriate managerial direction, delegation, performance management, discipline, attendance management or classroom management.

- 18. Poisoned Work Environment:** A poisoned work/learning environment is characterized by an activity or behaviour, not necessarily directed at anyone in particular, that creates a hostile or offensive work and/or learning place. Examples of a poisoned work/learning environment include but are not limited to: graffiti, sexual, racial or religious insults or jokes, abusive treatment of an employee or student and the display of pornographic or other offensive material.
- 19. Policy:** Policy refers to the Respectful Workplace and Learning Environment Policy under which these procedures are made.
- 20. Respondent:** Respondent refers to a person against whom a Complaint of Harassment, Discrimination, Bullying or other behaviour contrary to the Policy has been made.
- 21. Student:** A student is a person who is registered and attending or undertaking a course of study at NSCC. This includes students who are full-time, part-time, online and apprenticeship, etc.

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**22. Workplace and Learning Environment Restoration Process:** Workplace Restoration is a methodology used to approach workplace and learning environment experiences that have, or may impact individuals, teams, culture and morale. Its goal is to restore and/or build harmonious working relationships, repair/reduce emotional harm and develop a forward looking plan between the individuals or groups affected.

Each situation is evaluated individually as the restorative approach taken varies depending upon specific circumstances and impact. Workplace Restoration uses strategies including: Mediation, Facilitation, Coaching, training, and counselling. Restoration often involves developing a plan, including support tools and resources, to re-establish balance, respect and civility within the working and learning environment.

<b>PART VII</b>	<b>POLICY SUPPORTS</b>
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**41.01** Respectful Workplace and Learning Environment (Discrimination & Harassment) Policy  
 Respectful Workplace and Learning Environment (Discrimination & Harassment) Complaint form

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