

Respectful & Inclusive Workplace Policy

1. Preamble

1.1 This Policy builds upon Saint Mary's University Declaration of Respect, making a commitment to providing a respectful and inclusive environment that is free of discrimination, harassment, bullying and other disrespectful and oppressive behaviour.

1.2 Saint Mary's University values diversity and inclusion of members and acknowledges that diversity is strength. It is committed to addressing problematic structures created through colonialism that perpetuate systemic racism, discrimination, power imbalances, and oppression.

1.3 Saint Mary's University recognizes the importance of shared responsibility of all members to maintain a positive, respectful, and inclusive environment; demonstrating respect towards others is an expectation of all University Community Members.

1.4 Saint Mary's University affirms its commitment to fostering a culture that promotes civil discourse and action to challenge societal inequities and power imbalances that perpetuate harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour.

1.5 Saint Mary's University recognizes the benefits of a preventative approach to harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour and is committed to providing capacity building support rooted in human rights and equality.

2. Purpose

2.1 Promote standards of conduct for University Community Members that are aligned with establishing and maintaining a respectful and inclusive community.

2.2 Prohibit all forms of disrespect, harassment, bullying, discrimination, retaliation, and other oppressive behaviour, including online conduct, at Saint Mary's University.

2.3 Establish the shared responsibility of University Community Members to contribute to and maintain a respectful and inclusive community environment at Saint Mary's University.

3. Jurisdiction/Scope

3.1 The Respectful & Inclusive Workplace Policy applies to:

- 3.1.1 employees (faculty and staff); this includes all persons who perform work and receive pay from the University (permanent/casual, part-time/full-time, student employees and independent contractors).
- 3.1.2 all people who teach and conduct research at Saint Mary's University, and
- 3.1.3 volunteers who do work on behalf of the University (including members of Senate, the Board of Governors and Alumni Council).
- 3.2 Student conduct is addressed in the Code of Student Conduct (non-academic) and the University's undergraduate and graduate calendars (academic).
- 3.3 This Policy applies to all University activities regardless of location.
- 3.4 This Policy excludes any reasonable action taken by an individual in an assigned supervisory role related to performance management.
- 3.5 This Policy works in collaboration with and does not replace or supersede other University policies, collective agreements, or applicable legislation.

4. Definitions

Bullying: is a form of harassment; a single significant occurrence or a repeated, targeted pattern of behaviour that is intended to, or *ought to reasonably be known* to cause fear, intimidation, humiliation, distress, or other forms of harm. It occurs in a context where there is a real or perceived power imbalance; the impact may be physical or mental, damaging a person's body, feelings, reputation, or property. Bullying may be obvious or subtle, direct, or indirect, and can occur in any modality e.g., in person, in writing, using technology.

Discrimination: occurs when an individual and/or group of people make distinction, whether intentional or not, based on a protected characteristic as defined in the Nova Scotia *Human Rights Act* that has the effect of imposing burdens, obligations or disadvantages on an individual(s) not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other individuals. Discrimination also includes the failure to make reasonable accommodation for unique needs based on protected characteristics of any individual or group.

Disrespectful Behaviour: conduct or comment that lacks civility, is rude, inconsiderate and/or insensitive and may reasonably be expected to cause offence to an individual(s) and others who witness the behaviour. It may result from interpersonal or inter-departmental conflict; it includes a range of behaviours that could escalate if not addressed e.g. rude gestures, yelling, slamming doors, vulgar language, humiliating practices, spreading malicious rumours, and loudly having private discussions in public spaces.

Diversity: characteristics, experiences, and other distinctions, both visible and nonvisible that make individuals unique e.g., race, ethnicity, gender identity, socioeconomic background, religion, marital status, education, sexual orientation, neurodiversity, disability, and life experience.

Employee: every person who performs work and receives pay from the University, including all staff, faculty (including full-time, part-time, contract, adjunct, and visiting) librarians, whether permanent or casual, part-time or full-time, tenured or associate, students or independent contractors.

Equity: fairness and justice in process and results by recognizing and addressing barriers through a differential approach to create a level playing field among all individuals and communities, e.g. giving extra opportunity to those who would historically be at a disadvantage.

Harassment: derogatory (e.g. condescending, insulting, belittling) or vexatious (e.g. aggressive, angry, antagonistic) conduct that is known or *ought reasonably to be known* to be offensive or unwelcome and causes adverse consequences and harm through a loss of personal respect and dignity, and negatively affects the work or learning environment. It may occur as a serious one-time single incident but usually it is a course of conduct or pattern of behaviour.

Inclusive: describes an environment or practice where all are welcomed and valued, does not discriminate against an individual or group of people, makes space for and values diversity.

Oppressive Behaviour: the exercise of authority or power in a burdensome, cruel, or unjust manner; includes power differential resulting in unfair treatment of someone or a group of people by an individual(s) in a position of power.

“Ought reasonably to be known”: an objective assessment of how a specific behaviour might generally be received. The objectively reasonable person would understand the behaviour to be inconsistent with the definition of respectful behaviour.

Procedural Fairness: the act of being fair, unbiased, and timely in administrative decision-making and following a consistent process that maintains confidentiality and allows for participants to be heard and treated respectfully.

Respectful Behaviour: behaviour which recognizes the value in each person and treats others with fairness and dignity. Inherent in the Declaration of Respect, this includes acting and communicating with personal integrity, responsibility and accountability, stewardship, honesty, compassion and empathy, civility, and regard for the safety and well-being of others.

Restorative: actions taken to resolve conflict in such a way that involves working with those most impacted by the issue to address the issue and repair harm; promotes personal accountability for behaviour and focuses on building, maintaining, and restoring relationships.

Retaliation: taking or threatening to take unjustified action against an individual(s) for reporting a concern or participating in a process under this Policy, this may include changes

to work- related duties and schedules, exclusion and/or disrespectful behaviours.

Trauma Informed: an approach to processes, procedures, and service provision that understands and responds to the profound and complex physical, psychological, and social impacts of trauma on an individual and actively works to mitigate harms.

University Community: inclusive of all Saint Mary's University employees, students, individuals who do work on behalf of the University (volunteers) and contracted services on campus.

University Community Member: an individual within the University Community.

5. Policy

5.1 Saint Mary's University is committed to fostering a safe, respectful, and inclusive culture of working, learning and living where:

- 5.1.1 attitudes that perpetuate discrimination, harassment, bullying and other disrespectful and oppressive behaviour are respectfully challenged, discouraged and rejected;
- 5.1.2 those who experience discrimination, harassment, bullying and other disrespectful and oppressive behaviour are supported;
- 5.1.3 complaints of discrimination, harassment, bullying and other disrespectful and oppressive behaviour are responded to in a timely manner that is civil and procedurally fair; and
- 5.1.4 retaliation is not tolerated.

5.2 University Community Members will uphold standards of conduct as described in the Code of Conduct section 5.

5.3 Respect & Inclusivity - It is the right of every University Community Member to be treated with dignity and respect; the University does not condone, ignore, or tolerate harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour that negatively impact University Community Members.

5.4 Equity-mindedness - Saint Mary's University acknowledges that not all individuals and groups of people are afforded the same opportunities and have been disadvantaged by such; the University is committed to acting in an informed manner to promote and achieve equity.

5.5 Good Faith - Saint Mary's University expects that University Community Members act in a manner that is open, honest, sincere and without hidden motives.

5.6 Trust & Safety - Saint Mary's is committed to fostering trust and safety within the University community by creating awareness of conduct expectations, providing support, and holding individuals accountable as needed. Responsive practices and procedural fairness will be employed when addressing conflict, and restorative approaches will be adopted, when possible, to promote development of a respectful and inclusive community culture.

5.7 Personal Responsibility - All University Community Members are responsible for

ensuring their behaviour contributes to a respectful and inclusive community culture and addressing disrespectful behaviour in a respectful and responsive manner.

6. Reporting

6.1 The Associate Vice President People & Culture, with the support of the University Secretary, shall annually provide a report to the Human Resources Committee of the Board of Governors. The report will include a summary of the number, nature and disposition of all complaints and investigations made under this Policy. but will exclude personal information. This report, together with any recommendations, will be provided to the Board of Governors by the Human Resources Committee.

7. Relevant Legislation

7.1 Human Rights Act, R.S., c. 214, s.1, as amended

7.2 Freedom of Information and Protection of Privacy Act, S.N.S., 1993, c. 5, s.1, as amended

7.3 Accessibility Act, S.N.S., 2017 c. 2, as amended

7.4 Occupational Health and Safety Act, S.N.S., 1996, c. 7, s. 1, as amended

8. Related Policies, Procedures & Documents

8.1 [Respectful & Inclusive Workplace Policy Procedures \(Appendix A\)](#)

8.2 [Saint Mary's University Declaration of Respect:](#)

8.3 [Code of Conduct](#)

8.4 [Sexual Violence and Harassment Policy](#)

8.5 [Violence in the Workplace: Prevention and Response](#)

8.6 Saint Mary's University [Safety Policy](#):

8.7 [Accommodations Policy](#)

8.8 [Safe Disclosure Policy](#)

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Approving Authority: Board of Governors

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Responsible Office: President and Vice-Chancellor

Responsibility: Associate Vice President, People & Culture

Revision Date(s):

Supersedes: Policy on Conflict Resolution and the Prevention and Resolution of Harassment and Discrimination (6-2013)

Next Required Review: January 2028

Appendix A **Respectful & Inclusive Workplace Policy Procedures**

1. Purpose

- 1.2 Create awareness of the impact of behaviours and how they contribute to the community culture at Saint Mary's University.
- 1.3 Establish expectations for respectful and inclusive behaviour for all Saint Mary's University Community Members.
- 1.4 Define responsibilities for all University Community Members in establishing and maintaining a respectful and inclusive community environment.
- 1.5 Outline options, supports and resolution processes for complaints of harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour that may constitute a violation of the Respectful & Inclusive Workplace Policy.

2 Definitions

Capacity Building: Strategic initiatives and activities that strengthen the overall University Community by providing opportunity for members to develop and improve skills and knowledge and heighten performance by working collectively to increase potential for growth and innovation.

Complainant: Member of the University Community who has initiated a complaint of harassment, bullying, discrimination, retaliation, or other disrespectful and oppressive behaviour under this Policy and/or the identified person to whom the alleged offense has been committed.

Conflict: ongoing dispute or communication breakdown between two or more individuals that impacts the ability to work productively and cooperatively.

Conflict of Interest: a situation in which an employee's personal interest(s) conflicts, or can be perceived to conflict, with their responsibility to the University and/or with the interests of the University. This includes, but is not limited to, acting in self-interest to influence decisions, hiring practices, reporting and management, directly or indirectly, of relatives and individuals with whom an intimate or personal relationship exists, and use of non-public University information for personal benefit.

Formal Resolution: attempt(s) to resolve issue(s) of harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour whereby complaints are not

informally resolved and/or are serious to warrant investigation; remedial, restorative and/or disciplinary actions may result.

Informal Resolution: attempt(s) to resolve issue(s) of harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour through remedial and/or restorative processes.

Interim Measures: non-disciplinary and temporary adjustments put in place to maintain a respectful and inclusive working and learning environment pending the resolution of a complaint of harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour. Interim measures do not imply assumption of responsibility for involved parties.

Respondent: Member of the University Community against whom a complaint(s) of harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour is alleged.

Responsible Authority: The Responsible Authority is the Associate Vice President, People & Culture or designate in consultation with the President and Vice Chancellor, and General Counsel as required.

3. Responsibilities

3.1 The President and Vice Chancellor has the overarching responsibility for maintaining and supporting a respectful and inclusive University Community free from all forms of harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour.

3.2 Saint Mary's University Community Members have a shared responsibility to create a respectful and inclusive community culture that is free from discrimination, harassment, bullying and other disrespectful and oppressive behaviour and are accountable for the impact of their words, actions, and inactions, regardless of the intent.

3.3 Saint Mary's University Community Members have a responsibility to inform themselves about expectations for their conduct within the University Community.

3.4 University Community Members in a leadership, management and/or supervisory role are responsible for:

3.4.1 modelling respectful and inclusive behaviour,

3.4.2 engaging in respectful interactions to support a University Community Member who reports a potential violation of this Policy,

- 3.4.3 collaborating with People and Culture to address the matter as appropriate,
 - 3.4.4 supporting capacity building initiatives rooted in human rights and equality, and
 - 3.4.5 ensuring University Community Members are aware and informed on this Policy.
- 3.5 The University has established the role of the Respectful Workplace Advisor with a mandate to provide leadership and support in championing a respectful and inclusive community environment, including provision of harassment prevention professional development.
- 3.6 In the event a conflict of interest exists, the Respectful Workplace Advisor must convey the conflict of interest to the Associate Vice President of People and Culture.
- 3.6.1 If conflict of interest exists with Respectful Workplace Advisor a designate will be determined by Associate Vice President People & Culture,
 - 3.6.2 If conflict of interest exists with Associate Vice President People and Culture authority will be assumed by Vice President Finance and Administration,
 - 3.6.3 If conflict of interest exists with Vice President Finance and Administration the President will assume responsibilities,
 - 3.6.4 If conflict of interest exists with President, authority will be assumed by Associate Vice President People & Culture and Chair of HR Committee of the Board.
- 3.7 The interpretation of this Policy rests with the Associate Vice President People & Culture, with support of the University Secretary and General Counsel.

4. Confidentiality

- 4.1 Complaints of harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour will be kept confidential to the extent possible to protect involved individuals and ensure integrity of processes.
- 4.2 At times it is necessary to share information. Limitations on confidentiality include:
- 4.2.1 disclosure to address risk of harm, safety, or legal obligation and,
 - 4.2.2 fulfilling responsibilities within the Respectful and Inclusive Workplace Policy, such as but not limited to interim measures, accommodations, investigating, decision- making processes and disciplinary measures.
- 4.3 Reports and documentation related to this Policy will be securely maintained by the Respectful Workplace Advisor in compliance with university policies applicable to privacy, record keeping, and data governance.
- 4.4 If the Respectful Workplace Advisor is unavailable or the position is vacant a designate, determined by the Associate Vice President People and Culture, can access records and documentation if needed to support conflict resolution and workplace

restoration.

5. Complaint Processes

5.1 There are multiple pathways to support individuals to address disrespectful behaviour. University Community Members are encouraged to speak with the individual(s) directly involved if they feel comfortable to address the disrespectful behaviour; if this is not feasible, they can seek support from their manager/supervisor if they feel comfortable to do so. If this is not feasible, they can seek support from the Respectful Workplace Advisor.

5.2 Allegations of harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour are to be taken seriously. Managers/supervisors have an obligation to address the issue as aligned with the Respectful and Inclusive Workplace Policy in a timely manner and can consult with the Respectful Workplace Advisor as needed.

5.3 University Community Members can seek support from the Respectful Workplace Advisor at any time if they have questions and/or need to consult about issues of harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour.

5.4 University Community Members can file a complaint about harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour as per Safe Disclosure Policy if it is not feasible to address the situation or speak with a supervisor or the Respectful Workplace Advisor.

5.5 Anonymous complaints of harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour will be assessed; procedurally fair follow-up will be done to the extent possible with the information provided.

5.6 If complaint of harassment, bullying, discrimination, retaliation and other disrespectful or oppressive behaviour is received, the Respectful Workplace Advisor will:

5.6.1 work collaboratively with the Complainant in a timely, trauma-informed, procedurally fair, and restorative manner,

5.6.2 assess if the complaint is a violation of the Respectful and Inclusive Workplace Policy,

5.6.3 engage other supports, internal and external to the University, if needed to determine best options for resolution, and

5.6.4 inform the Complainant of options and provide support as needed.

5.7 University Community Members have the right to concurrently seek assistance from other support services when actions are being taken under this Policy.

5.8 The Complainant, at any time, can choose to discontinue participation in the resolution process.

5.9 The University may commence or continue a process under this Policy, with or without

a Complainant, if:

5.9.1 it is in the best interest of the health and safety of University Community Members,

5.9.2 there have been other complaints of harassment, bullying, discrimination, retaliation and/or other disrespectful and oppressive behaviour about the same Respondent and resolution outcomes have not been successful, and

5.9.3 it is consistent with obligations and responsibilities of the University to act.

5.10 Making a known false, frivolous, or vexatious complaint is a violation of this Policy. Should it be determined that a Complainant has knowingly made a false complaint, or that a complaint is frivolous, vindictive, vexatious or was made in bad faith, such actions may result in disciplinary measures, up to and including termination of employment.

5.11 Retaliation, taking or threatening to take unjustified action against an individual(s) for reporting a concern or participating in a process under this Policy is prohibited. Retaliatory actions may result in disciplinary measures, up to and including termination of employment.

6. Informal Resolution Processes

6.1 The University encourages a proactive, non-adversarial, and restorative approach to addressing harassment, bullying, discrimination, retaliation, and other disrespectful and oppressive behaviour if possible.

6.2 Initial attempt(s) at resolution should be with the individual(s) directly involved. If this is not feasible or successful, the issue should be discussed with assigned manager/supervisor. The University Member can consult with the Respectful Workplace Advisor at any time for support.

6.3 Informal Resolution efforts include, but are not limited to coaching, consultation, mediation, facilitation, assessment, and capacity building.

6.4 Interaction between Complainant and Respondent may occur but is not required during Informal Resolution.

6.5 Where Informal Resolution processes require voluntary participation of the Respondent and/or will impact the Respondent, the Respectful Workplace Advisor will:

6.5.1 email Respondent and meet within ten (10) business days to discuss the complaint,

6.5.2 engage other supports as needed to determine best options for next steps,

6.5.4 provide copy of the Respectful and Inclusive Workplace Policy and a reminder that retaliation is prohibited, and

6.5.5 inform Respondent of next steps and options.

6.6 Should Respondent refuse to participate in Informal Resolution the Respectful Workplace Advisor will confer with the Respondent's manager/supervisor to determine next

steps.

6.7 Information shared by Complainant and Respondent during Informal Resolution processes can be used if the issue subsequently proceeds to Formal Resolution.

6.8 When possible, Informal Resolution will occur in a timely manner not exceeding thirty (30) business days.

7. Formal Resolution Processes

7.1 Formal Resolution Process may be required if:

7.1.1 complaint(s) of alleged behaviour is serious in nature such as health and safety of University Community Members is jeopardized, significant breach of this Policy e.g. retaliation, and/or breach of legislative authority e.g. Human Rights Act

7.1.2 the Respondent is not agreeable to participating in Informal Resolution,

7.1.3 reasonable efforts have been made but desired outcomes have not been achieved to resolve complaint(s).

7.2 In cases as outlined in 7.1, the Respectful Workplace Advisor will consult with:

7.2.1 the Complainant and Respondent's assigned manager/supervisor, and

7.2.2 other support services as required.

7.3 Request for Formal Resolution must be submitted in writing by the Respectful Workplace Advisor to the Responsible Authority detailing rationale why Formal Resolution is necessary.

7.4 If Formal Resolution is not approved, the Responsible Authority will provide written notification to the Respectful Workplace Advisor and recommended action.

7.5 If Formal Resolution is approved efforts will be made, when possible, to secure professional expertise relevant to the case and external to the University.

7.6 Complainant and Respondent have the right to seek support, internal and external to the university, throughout the process; provisions within collective agreement if applicable must be adhered as well as confidentiality as per section 4 Policy Procedures.

7.7 During Formal Resolution the Respectful Workplace Advisor will:

7.7.1 forward copy of Respectful and Inclusive Workplace Policy to Complainant and Respondent and a reminder that retaliation is prohibited,

7.7.2 provide written notice to Complainant and Respondent outlining the rights and responsibilities of involved parties, including shared responsibility for establishing and maintaining a respectful and inclusive environment at Saint Mary's,

7.7.3 support involved parties as aligned with procedural fairness and restorative efforts,

7.7.4 define details of interim measures and/or accommodations if any,

7.7.5 provide information about available support services, and

7.7.6 convey details about how the Formal Resolution will proceed.

7.8 Nondisclosure Agreements will not be required to obtain resolution or post-resolution for incidents involving sexual harassment, violence, and discrimination.

7.9 Formal Resolution will adhere to procedural fairness. Where possible, resolution will be completed within sixty (60) business days of the formal complaint.

7.10 The Responsible Authority will decide, if necessary, to suspend Formal Resolution pending completion of external investigation and/or legal proceedings to avoid potential procedural unfairness, conflicting and prejudicial outcomes for involved parties, or where circumstances warrant otherwise.

7.11 The Responsible Authority or designate will:

7.11.1 convey summary results of the Formal Resolution Process to Complainant and Respondent,

7.11.2 convey written notification about disciplinary measures if required.

7.12 If disciplinary measures are imposed, individuals who are directly impacted will be informed.

8. Appeals

8.1 Appeal of Formal Resolution may be requested only if there was a fundamental procedural error that substantially affected the outcome.

8.2 Appeal of Formal Resolution must be conveyed in writing to the Responsible Authority within ten (10) business days of receiving written notification of the disciplinary measures.

8.3 Disciplinary measures as directed by the Responsible Authority will remain in effect until the appeal process is complete.

8.4 The Responsible Authority will review appeals based on fundamental procedural error and make a determination aligned with the Respectful and Inclusive Workplace Policy, collective agreements, and other University policies about how to proceed.

8.5 The decision of the Responsible Authority on appeal is final.