



## **Policy on the Prevention and Resolution of Harassment and Discrimination**

Adapted, with permission, from Saint Mary's University Policy on the Prevention and Resolution of Harassment and Discrimination.

Dated: June 22, 2010

## Table of Contents

1. Introduction	3
2. The Policy	3
3. Overview	4
4. Education and Prevention Program	5
5. Definitions	5
6. Informal Resolution of a Complaint	7
7. Formal Resolution of a Complaint	10
8. Appeal Process	13
9. Malicious Complaints	13
10. Confidentiality	14
11. Rights and Responsibilities	14
12. Consensual Relations	16
13. Time lines, documents, files and records	17
14. Policy Review	18
Appendices	
A. Conflict Resolution/Alternative Dispute Resolution (ADR)	19
B. Harassment and Discrimination Hearing Committee	20
C. Conflict Resolution Advisor	22
D. Agreement of Resolution	23
E. Definitions in Alternative Dispute Resolution	24
F. Child and Family Service Act, S.N.S., 1990	28
G. AST Administrative Officers	31
H. Links to relevant web pages	32

## **1. INTRODUCTION**

The School's Mission Statement states:

*Atlantic School of Theology, an ecumenical university serving Christ's mission, cultivates excellence in graduate-level theological education and research, creative and faithful formation for lay and ordained ministries, and understanding among communities of faith.*

The School, together with its residential facilities, tries to provide a safe environment which values women and men as persons created in the image of God. The institutional conditions under which people live and the relationships they form should encourage and express dignity, courtesy, compassion, fairness, responsibility and respect while offering freedom to engage in learning without fear.

As an expression of these Christian values and ethics, Atlantic School of Theology is committed to promoting an environment free from discrimination and harassment, including sexual harassment, based on the protected characteristics set out in the Nova Scotia Human Rights Act (<http://www.gov.ns.ca/humanrights/humanrightsact.htm>). Harassment in any form devalues both those who harass and those who are harassed, and robs persons of the capacity for mutual relations.

Such discrimination and harassment undermine the mission of the School by discouraging individuals from participating fully in academic and professional work and will not be condoned at Atlantic School of Theology. Atlantic School of Theology will strive to be a transformative presence and will work diligently to promote healthy relationships within its midst. It is the responsibility of all members of the School community to contribute to a respectful environment for work and study.

## **2. THE POLICY**

Atlantic School of Theology's Policy on the Prevention and Resolution of Harassment and Discrimination has three objectives:

1. To prevent, through an education and prevention program, discrimination and harassment, including sexual harassment, on grounds protected by the Nova Scotia Human Rights Act;
2. To provide procedures for handling complaints, remedying situations, and imposing discipline when such discrimination and harassment do occur;
3. To use best practices in Conflict Resolution or Alternative Dispute Resolution (ADR).

This policy applies to all members of the School community, including students, administrators, faculty, staff and residents, as well as field education supervisors, permanent sub-contractors, consultants, volunteers and others who are acting in a recognized or sanctioned capacity. The Policy applies to incidents that occur in the course of work or study or participation in School-sponsored events held on or off-campus. Examples of off-campus settings include, but are not limited to, supervised field placements, retreats, field trips, conferences or training events, and School-sponsored social functions.

The Conflict Resolution Advisor is available to students who are engaged in activities outside of the Atlantic School of Theology campus as a part of their academic program. As the churches also have their own denominational harassment policies, students should consider whether they wish to pursue any harassment which occurs as part of their work in churches under Atlantic School of Theology's or the denomination's Policy. The Conflict Resolution Advisor is available to assist students to make this determination. The Conflict Resolution Advisor will have access to recent copies of all denomination policies.

Issues and complaints arising from this policy will ideally be dealt with through an informal process before moving, if necessary, to a formal process.

This policy is designed to guide the resolution of conflicts within Atlantic School of Theology with dignity and respect through the introduction of ADR skills, education and interventions in order to support the leadership, enhance the morale of students, faculty, staff and residents and provide a supportive environment for work and study. The School intends to promote collaborative interest-based outcomes through the use of conflict resolution skills and the increased use of facilitated discussions, workshops and mediations. The School will increase awareness of issues regarding discrimination and harassment through education and training and will respond to complaints and concerns in a cooperative, timely and fair manner.

Ultimately, Atlantic School of Theology has a vision to build an effective internal conflict resolution program that, in turn, will foster a workplace and educational institution where people resolve their differences through dialogue, cooperation, respect and understanding. Notwithstanding this Policy, individuals have the right to seek the advice and services of the Nova Scotia Human Rights Commission or legal recourse, as appropriate.

As Atlantic School of Theology has family residences and members of the AST community come into contact with children in the course of their work, particular attention should be focused on the obligations imposed by the Children and Family Services Act of Nova Scotia. Appendix E contains sections 22-25 in their entirety.

### **3. OVERVIEW**

This policy allows two stages for resolution of complaints:

**1) Informal Resolution of a Complaint (Section 6)**, which is voluntary for both the complainant and the respondent. Exclusions from an informal resolution are listed on page 8. See also Appendix A for an explanation of Conflict Resolution and Alternative Dispute Resolution (ADR).

**2) Formal Resolution of a Complaint (Section 7)**, which is not voluntary, but may proceed in the absence of the cooperation of the respondent. However, if a complaint is to go to a formal hearing stage this will only be after the Conflict Resolution Advisor (CRA) has judged the first stage has failed. There is no automatic right of the complainant to invoke a formal hearing stage.

A complainant or respondent has the right to an Appeal as outlined in the Appeal Process in Section 8 of the policy.

#### **4. EDUCATION AND PREVENTION PROGRAM**

Atlantic School of Theology recognizes that awareness, education, prevention and early intervention are the best means of achieving the objectives of this Policy. Therefore, the School will actively undertake ongoing educational initiatives involving all members of the School community. The initiatives will include, but not be limited to, the following:

- a. Informing members, at least annually, of the School community of the key elements of the Policy via posters and brochures.
- b. Providing a copy of the Policy to every employee, student, resident, field supervisor and permanent sub-contractor, consultants, volunteers and others who are acting in a recognized or sanctioned capacity.
- c. Organizing and facilitating training sessions, workshops, information sessions, or other activities on the topics of harassment, discrimination and conflict resolution.
- d. Making administrators and others in authority aware of their responsibilities and accountability under the Policy on the Prevention and Resolution of Harassment and Discrimination, in order to create and maintain an environment free from discrimination and harassment. As such, they will receive training and support in ADR processes and procedures. They will also be made aware of complaint procedures and internal and external conflict resolution resources available.

For educational purposes, the Conflict Resolution Advisor reserves the right to use examples of previous conflict situations without identifying the parties involved.

#### **5. DEFINITIONS**

##### ***Harassment***

Harassment within the AST context is defined as an incident or series of incidents of vexatious or disrespectful comments, displays or behaviours designed to demean, belittle, humiliate, embarrass, degrade or attempt to exclude; that is known or ought reasonably to be known to be unwelcome or offensive and which adversely affects the employment or academic status of an individual. Harassment may be either deliberate or unintentional.

##### ***Discrimination/Harassment***

In this policy, the words discrimination and harassment refer to any action or behaviour, which is known, or reasonably ought to be known, to be offensive or inappropriate, that denies equality and fair treatment. The Nova Scotia Human Rights Act states that discrimination "has the effect of imposing burdens, obligations, or disadvantages on an individual or class of individuals not imposed on others or which withholds or limits access to opportunities, benefits or advantages available to other individuals or classes of individuals in society."

Discrimination can take the form of harassment. The grounds protected against discrimination by the Nova Scotia Human Rights Act include age, race, colour, religion, creed, sex, sexual orientation, physical 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.

### ***Personal Harassment/Poisoned Work or Learning Environment***

Personal harassment is behaviour directed toward a specific person or persons that would be considered, by a reasonable person, as creating an intimidating, humiliating, or hostile work or learning environment. Personal harassment may include, but is not limited to:

- (a) Physical assault;
- (b) Communication that is abusive or offensive, including threatening, yelling, bullying, ridiculing, and/or derogatory comment, that negatively impacts AST work, studies, or participation in the AST community;
- (c) Behaviour that denies an individual or individuals their dignity and respect and that adversely affects the working or learning environment. This includes inappropriate behaviour that is directed toward an individual or individuals based on a prohibited ground of discrimination under the Nova Scotia *Human Rights Act*

### ***Sexual Harassment***

- a. Vexatious sexual conduct or a course of comment that is known, or ought reasonably to be known, as unwelcome;
- b. A sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows, or ought reasonably to know, that it is unwelcome; or
- c. A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.

For further clarity, examples of sexual harassment may include:

- (a) verbal: crude, offensive or suggestive remarks of a sexual nature; sexual innuendo; taunts, insults, humour or jokes based on sex, gender or sexual orientation; sexual propositions or invitations or threats; reciting literature for sexually-oriented purposes.
- (b) non-verbal, non-contact: suggestive or insulting sounds such as whistling; leering; sexually-offensive gestures; drawing attention to literature or pictures for sexually-oriented purposes; stalking.
- (c) physical contact: unwanted touching, pinching, patting or brushing the body for sexually-oriented purposes.

This policy is not intended to replace or displace the application of criminal or other legal procedures

### ***Bullying***

Bullying is the act of intentionally or unintentionally causing harm to others, through verbal or written harassment, intimidation, abusive behaviour, physical assault, or other forms of coercion, including through the use of the Internet.

### ***Systemic Discrimination***

Refers to policies or practices that appear neutral, but which contain unjustifiable or unreasonable barriers that lead to adverse job or study-related consequences for members of groups protected by the Nova Scotia Human Rights Act.

### ***Retaliation***

For the purpose of the policy, retaliation will be considered harassment. Retaliation includes vengeful actions against an individual:

- a. For having invoked this policy (on behalf of themselves or another individual)
- b. For having been associated with the persons invoking this policy or participating in these procedures

### ***Reasonable Person***

Refers to an assessment of responsibility that takes into account not only what the Complainant and Respondent actually experienced, knew, or understood about one another or the situation, but also what a reasonable person in each of their circumstances would or ought to have experienced, known, or understood.

### ***Alternative Dispute Resolution***

Conflict Resolution and/or Alternative Dispute Resolution processes are defined by the use of interest-based options such as: a) direct negotiation; b) conciliation; c) facilitation; and d) mediation. Interest-based processes enable and encourage parties who want to resolve their own conflict. Please see Appendix D for a detailed description of the most salient features and specific terms that apply to the practice of conflict resolution.

## **6. INFORMAL RESOLUTION OF A COMPLAINT**

### **Who can seek assistance or file a complaint?**

All members of the School community who believe they have been harassed or subjected to discrimination or believe they may become the subject of a harassment and/or discrimination complaint are encouraged to seek advice and assistance.

### **Are there time limits on filing a complaint?**

In the absence of exceptional circumstances, a complaint shall be made within one calendar year of the alleged incident, or in the case of a series of incidents, one year since the last alleged incident in the series.

### **Do I have to file a written complaint?**

No written complaint is required to begin an informal resolution. However, if the case is complex, the complainant may be asked to provide details in writing. In a formal process, the Complainant will be informed that a copy of their written statement will be conveyed to the Respondent so that the individual may tender a written reply.

At any time, the individual may choose to withdraw from the complaint proceedings. However, the School's commitment to provide an environment free from harassment and discrimination may oblige the School to proceed in the absence of a complaint from the person directly affected.

### **What is the role of the Conflict Resolution Advisor in the initial stage of addressing a complaint?**

The primary role of the Conflict Resolution Advisor is to assist individuals and groups in making informed decisions about the most appropriate method of resolving a concern or complaint. The Advisor shall be impartial and shall protect the confidentiality of all parties who the Advisor has been requested to assist. (See limits to confidentiality Section 10).

The Conflict Resolution Advisor shall provide individuals seeking advice with a copy of this policy, explain the procedures and make them aware of other available, appropriate support services (i.e., counseling, Employee Assistance Program, external Sexual Assault Centre, etc).

In order to determine whether the complaint can be handled under this Policy, the Conflict Resolution Advisor shall determine whether the complaint:

- a. Falls within the jurisdiction of this policy.
- b. Is being heard or has already been heard by another School officer, or through another procedure
- c. Does not meet the criteria for an informal resolution
- d. Does not appear to be supported by sufficient evidence for a determination to be made.

Given any of the above, the Conflict Resolution Advisor may refuse to assist in an informal resolution and may suggest alternative resources for the resolution of the complaint.

The Conflict Resolution Advisor shall facilitate and monitor the processing of each concern and/or complaint and make the participants aware of their options throughout the procedure.

The Conflict Resolution Advisor may request and receive support from internal and external conflict resolution sources.

### **What is the rationale for using the Informal Resolution process?**

It is anticipated that most complaints of harassment and discrimination can be resolved informally through the use of conflict resolution strategies and supportive interventions. It is the aim of the policy, and those charged with carrying out its procedures, to assist individuals in reaching voluntary settlement of disputes through mutually agreeable solutions where possible, so that formal and more adversarial processes may remain a last resort. Every effort will be made to stop the offending behavior and to resolve complaints as quickly as possible.

### **How is the Informal Resolution process started?**

Individuals may complain initially to an administrative officer or to a staff or faculty member or a campus chaplain. The School representative has the responsibility to maintain confidentiality and strongly encourage the individual to seek advice from the Conflict Resolution Advisor. The School representative may seek advice from the Conflict Resolution Advisor as to further action without identifying the individual(s) in question.

**What is the role of the Conflict Resolution Advisor or other individual receiving the complaint in the Informal Resolution process?**

In the Informal Resolution process, the Conflict Resolution Advisor or other individual receiving the complaint shall not reveal the identity of the individual making the complaint without that individual's knowledge, unless not acting would pose a threat to the School community. Disclosure of identity may or may not be required, depending on the action pursued. Where another individual, other than the Conflict Resolution Advisor, receives a complaint, that individual may advise the Complainant to use a neutral third party, such as the Conflict Resolution Advisor, to negotiate with the individuals involved in the dispute.

Options available to the Conflict Resolution Advisor but are not limited to:

- a. Confidential "conflict coaching" to the individual raising a concern or complaint.
- b. Use of non-accusatory mechanisms such as: raising the awareness of a supervisor, staff, or faculty of harassment issues generally.
- c. Encouraging an apology from one or more of the individuals involved in the dispute.
- d. Suggesting counseling to one or more of the parties.
- e. Providing a letter to one or more of the parties to the dispute.
- f. Voluntary relocation of one or both of the parties to the dispute.
- g. Using collaborative, solution-focused discussions within the unit of the School.

**What is the process for Informal Resolution through conflict resolution?**

Should individuals opt to proceed with an informal approach through conflict resolution, they shall permit the Conflict Resolution Advisor to take steps to attempt to resolve the complaint in this capacity.

**How long is this process?**

This attempt to resolve the complaint shall not exceed sixty (60) working days, unless in the opinion of the Conflict Resolution Advisor, there is a compelling reason to extend the period of resolution.

**What are the possible outcomes?**

Informal procedures are "without prejudice" to either party. No record of complaint or informal resolution will be entered into the official file of a staff member, faculty member or a student. Informal procedures do not include making a formal determination as to whether harassment and/or discrimination have occurred.

If the conflict resolution process is unsuccessful and a formal procedure is initiated, the Conflict Resolution Advisor who facilitated the conflict resolution process will not reveal the details of the intervention(s) without the permission of the participants who were involved. An informal agreement is voluntary and the advisor has no authority to impose conditions or sanctions on either party.

Either of the participants or the Conflict Resolution Advisor may withdraw at any time during the informal process if one determines no useful purpose will be achieved by continuing to attempt an informal resolution.

A successful outcome in the conflict resolution process may result in the parties signing an Agreement of Resolution, which sets out a course of action agreed upon, by the parties, intended to eliminate harassment/discrimination and restore harmony, collegiality and cooperation. This Agreement of Resolution will be retained in the confidential records of the Conflict Resolution Office.

**What happens if an Agreement of Resolution is violated?**

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

**What if the informal resolution process is unsuccessful?**

If the informal process does not achieve an acceptable outcome, the participant may decide to use the formal process. As well, an individual may choose not to proceed to the formal complaint process even if the informal resolution has proven to be unsuccessful. No record of an informal resolution will be entered into an employee or student file. A record will be kept in the confidential files of the Conflict Resolution Advisor (see Section 11 - Time Lines, Documents, Files and Records).

**What are the exclusions from the Informal Resolution Procedures?**

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

- a. Events which might constitute a criminal code violation: physical assault, sexual assault, sexual abuse and misconduct, including coercive sexual exploitation, stalking, intimate partner violence (in such cases, persons involved should be apprised of their right to invoke the criminal code process, but there is a recognition that this is not compellable).
- b. The School recognizes its responsibility to adjudicate situations where the School considers a response is warranted to ensure the health, safety and security of individuals during the course of School business whether this occurs on or off-campus.
- c. Repeated instances of harassment and/or discrimination where previous interventions have not been successful in persuading Respondent(s) to refrain from offending behaviours.

**7. FORMAL RESOLUTION OF A COMPLAINT**

**When is a formal complaint appropriate?**

- a. When sixty (60) working days of informal negotiation have failed to result in a resolution.
- b. When the substance of a complaint concerns events excluded from the informal procedures (see above) and the Complainant wishes to immediately and directly initiate a formal procedure by the submission of a formal written complaint.
- c. When the School, through designated officers, files a formal complaint on its own behalf.

### **How is the formal process initiated?**

A formal process may be initiated, directly, by the submission by the Complainant of a formal written complaint signed by the Complainant and submitted to the Conflict Resolution Advisor.

- a. The Conflict Resolution Advisor shall meet with and advise the Complainant and Respondent of the process and resources for support that are available to them until the resolution or termination of the formal complaint.

The Conflict Resolution Advisor will provide the Harassment and Discrimination Hearing Committee with the relevant information including: the signed complaint; the Respondent's reply; the summary of proceedings including the Advisor's efforts in conflict resolution, if applicable, the outcome of the informal process, signed statements from witnesses, if applicable, and basic background information for identification purposes, about the Complainant and Respondent.

- b. The statement of complaint should include the names of the parties involved, a detailed description of the harassing behaviour or comment (nature of the complaint, events, time and dates, location of incidents, witnesses).
- c. A written complaint may include a statement explaining how the incident(s) affected the Complainant, and if appropriate, a statement of the remedy being sought.

### **What are the elements of the formal process?**

The Conflict Resolution Advisor will provide to the Respondent a copy of the written complaint within five (5) working days of its receipt. The Respondent is then required to respond to the complaint, in writing, to the Conflict Resolution Advisor within ten (10) working days. A copy of the response is provided to the Complainant.

In circumstances where the allegations could also potentially give rise to criminal charges against the Respondent(s), the Respondent(s) will be advised by the Conflict Resolution Advisor that they may seek legal counsel before participating in any meetings about and/or investigations of the complaint. The Respondent(s) should also be advised that their lack of participation will not impede the School's investigation and that a ruling will be based on available evidence or information.

The School may undertake interim measures to ensure the orderly function of the academic/work environment before the investigation is complete. Such measures are not an indication that a decision has been made about the merits of the complaint.

When the Complainant has received the Respondent's reply, and is not satisfied that a resolution is achievable, the Complainant will notify the Conflict Resolution Advisor in writing within 10 working days to proceed with the formal complaint. The Conflict Resolution Advisor will notify the Chair of the Harassment and Discrimination Hearing Committee that a Hearing will be required. When a Hearing is required, the Conflict Resolution Advisor shall draw by lot three (3) names of the five (5) member Harassment and Discrimination Hearing Committee. If all three

names are of the same gender, the Conflict Resolution Advisor will discard the third name and draw another name, to provide a gender mix on the Panel. These three (3) persons will constitute a Hearing Panel. The Hearing Panel will convene within twenty (20) working days of a request to do so. When it convenes, the Panel will select its own Chair.

The Conflict Resolution Advisor will advise the Complainant and Respondent of the procedure to be followed in a formal hearing.

Ten (10) days in advance of the Panel hearing, the Complainant and Respondent will receive copies of all documents or other information to be reviewed by the Panel during the Hearing and in rendering its decision. Such Hearings are based on the principle that both parties will be given equal opportunity to be heard by the Hearing Panel. Both parties may be accompanied by a representative, or other support person for the purposes of guidance and support. (Any expense incurred is the responsibility of the individual being supported.) The Complainant and Respondent will be asked to give the Hearing Panel forty-eight (48) hours notice of the name of the support person who will be attending the Hearing. At no time will the support person participate in the proceedings.

The Hearing Panel shall submit a decision, along with recommended sanctions, if any, to the President within ten (10) working days of the Hearing. If the President is the Respondent, the Panel shall submit its decision and recommended sanctions to the Chair of the Board of Governors. Any reference to the Board Chair in the following paragraphs is made to reflect this circumstance. The decision of the majority of the Hearing Panel will be the decision of the Panel.

The Hearing Panel shall determine:

- a. Whether enough evidence has been presented to substantiate the complaint.
- b. Whether the complaint has been brought with malicious intent; and
- c. If there is found sufficient evidence to substantiate the complaint, what, if any, recommendation the Hearing Panel may make to the President (or Board Chair) regarding discipline, sanction, remediation or compensation which might be applied or administered to secure a respectful environment where all individuals can work or study without harassment or discrimination. Disciplinary action recommended by the Hearing Panel will be in accordance with School policies, the appropriate employment contract or the student disciplinary system. This may include:
  - (a) an apology; and/or
  - (b) an oral or written reprimand; and/or
  - (c) inclusion of the Committee's finding in the Respondent's employment or student file and release of it to the appropriate denominational body; and/or
  - (d) re-evaluation of promotion; and/or
  - (e) suspension; and/or
  - (f) dismissal or expulsion; and/or
  - (g) such other or additional disposition as may be deemed appropriate.
  - (h) in cases of violation of computer privileges, such as the transmission of abusive E-mail or display of pornographic material, suspension of the Respondent's computer privileges

This recommendation will be sent to the President (or Board Chair) for ratification and a copy of it will also go to the Complainant, the Respondent and the Conflict Resolution Advisor. No record of the complaint will appear in the Complainant's official file unless the complaint is found to have been brought with malicious intent.

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

Any reprisals or retaliation shall be subject to disciplinary action. Anyone found to have made a complaint with malicious intent will be subject to disciplinary action (this is not the same as a complaint made in good faith for which there is insufficient evidence to sustain a finding of harassment and/or discrimination).

## **8. Appeal Process**

1. A complainant or respondent who disagrees with the President's decision or the investigative process has the right to an appeal.
2. In the case of unionized employees with collective agreements providing express grievance and arbitration procedures for disciplinary decisions made under this Policy, the right of grievance and arbitration of discipline shall serve as the appeal process.
3. In all situations other than those identified in Article 2, the appeal process under Article 4 shall apply.
4. All appeals must be submitted in writing to the President specifying the grounds and nature of the appeal within ten (10) working days of receipt of the final decision provided under item 7 Formal Resolution of a Complaint, last paragraph, page 13.
5. The President shall delegate to an individual(s), determined by the AST Governance Committee, to determine if there are grounds for an appeal. This individual(s) shall conduct any investigation necessary to determine if there appear to be legitimate concerns with the original finding.
6. If there are grounds for an appeal, the AST Governance Committee will select an Appeals Committee, composed of three (3) persons.
7. The Appeals Committee shall hear the appeal within ten (10) working days of the appointment, and its decision shall be binding.

## **9. MALICIOUS COMPLAINTS**

Complaints that are deliberately and maliciously filed in order to damage the reputation of an individual or group, or otherwise filed in bad faith, or which are known to the complainant to have no reasonable basis in fact may be considered harassment. Such complaints are not to be confused with complaints made in good faith that are ultimately found to be without merit. A malicious complaint may be found to be harassment under this Policy, or may be grounds for discipline under other relevant policies, collective agreements, or contracts, up to and including termination.

## **10. CONFIDENTIALITY**

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

- a. Cases where disclosure is necessary to carry out the procedures outlined in this Policy, including the School's obligation to investigate allegations of misconduct and to take corrective action. It does not preclude the discreet disclosure of information in order to elicit the facts of the case or to implement and monitor the terms of any resolution. Confidentiality must be distinguished from anonymity. A Complainant who wishes to seek a remedy must be prepared to be identified to the Respondent.
- b. Cases where disclosure is required by a legal subpoena. Normally, documentation in conflict resolution is exempt from being subpoenaed.
- c. Cases where, in the School's opinion, disclosure is necessary to ensure health, safety and security of individuals; i.e., in cases that involve imminent danger or where an institutional response is warranted.
- d. Cases where the President (or Board Chair), on the recommendation of the Advisor, believe it necessary to advise the appropriate denominational body.

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

## **11. RIGHTS AND RESPONSIBILITIES**

### **General Responsibilities**

Each member of the School community is responsible for helping to create an environment that is free of harassment and discrimination. Any individual who believes they have been subjected to harassment and/or discrimination should take direct action. Where appropriate, this can mean telling the person initiating the harassment that it is inappropriate and unwelcome. The Conflict Resolution Advisor and/or appropriate faculty or administrative officer should be consulted as soon as possible.

In order to facilitate the implementation of this policy, every School employee, student, resident, permanent sub-contractor, field education supervisor, consultant, volunteer and others who are acting in a recognized or sanctioned capacity, is obliged to cooperate with the Conflict Resolution office.

### **Responsibility of Administrative Officers**

Administrative Officers bear a primary responsibility for maintaining a learning and work environment free from discrimination and harassment. (See list in Appendix F for AST Administrative Officers). This responsibility includes an awareness of what constitutes harassment, knowledge of the procedures that are in place for dealing with such allegations and

cooperation in the processing of complaints made under this Policy. Administrative Officers have a responsibility to make those for whom they are responsible aware of the School's Policy on the Prevention and Resolution of Harassment and Discrimination.

Members of the School community who have supervisory responsibilities bear a responsibility to act in a timely and effective manner. When they become aware of any violation of this Policy, they must inform those who bring such concerns of the existence of the School's Policy on the Prevention and Resolution of Harassment and Discrimination and of the office of the Conflict Resolution Advisor. They must keep a written record of the date, time and nature of the incident(s), the names of any witnesses, and the steps taken to deal with the situation.

They are also obliged to contact the Conflict Resolution Advisor if they receive a complaint, or are aware of allegations, whether or not there has been a complaint. They should not wait until complaints are brought forward. Administrative Officers should be aware that they might be held responsible/liable for actions or inactions, which obstruct the application of this Policy and could be interpreted as condoning the prohibited behavior. This, in itself, may be construed as a human rights violation.

It is a violation of this policy for anyone who is authorized to recommend or take action regarding complaints of harassment/discrimination of students or employees to disregard or fail to cooperate with a formal investigation of allegations or, in the event that harassment/discrimination has occurred, to fail to take timely corrective action.

### **Management Rights**

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

### **Rights of Complainant**

- a. To lodge a complaint and have it responded to without fear of retaliation or harassment, in accordance with the procedures put in place under this policy;
- b. To be informed about all measures taken in resolving the case
- c. To determine, without compulsion, one's own level of participation in the resolution of the case
- d. To bring the complaint forward to authorities outside of the School
- e. To be accompanied by a support person of choice at any proceeding relating to the complaint (the costs incurred are the responsibility of the Complainant). Complainants are required to give the Hearing Panel Chair forty-eight (48) hours notice of who is attending
- f. To have the complaint or any reference to the complaint excluded from their official file, unless the complaint was found to have been brought with malicious intent
- g. To have the complaint dealt with in a confidential manner (see section 10)
- h. To be kept informed of the status of any proceedings under this policy
- i. To receive, in writing, a copy of the decision of the Hearing Panel
- j. To be advised that the complaint will be handled within a reasonable length of time
- k. To be treated fairly and equitably.

### **Rights of the Respondent**

- a. In the event a complaint is formalized, the Respondent has the right to receive a copy of the written complaint within five (5) working days of its receipt by the Conflict Resolution Advisor and the right to respond within ten (10) working days of its receipt by the Respondent.
- b. To be informed about all measures taken in resolving the case
- c. To be accompanied by a support person of choice at any proceeding relating to the complaint (the costs incurred are the responsibility of the Respondent). Respondents are required to give the Hearing Panel Chair forty-eight (48) hours notice of who is attending
- d. To have the complaint, or any reference to the complaint, excluded from their official file unless the individual is found to have committed an offense under the policy
- e. To have the complaint dealt with in a confidential manner (see section 10)
- f. To be kept informed of the status of any proceedings under this policy
- g. To receive, in writing, a copy of the decision of the Hearing Panel
- h. To be advised that the complaint will be handled within a reasonable length of time (see section 13)
- i. To be treated fairly and equitably

### **Protection of Freedom of Speech**

This policy is not to be applied in such a way as to detract from the right of faculty, staff, students and residents and others, as appropriate, to engage in the frank discussion of potentially controversial matters. This policy is not intended to limit or prohibit debate, instructional techniques, or the assignment of readings that advocate controversial positions, provided that discussion and instruction are conducted in a mutually respectful and non-coercive manner. This policy also recognizes the right to teach according to one's best judgment, within the bounds of the course calendar description and requirements of competency.

### **Other Recourse**

Nothing in this Policy shall be construed as removing any rights which members of the School community have independent of the Policy, including the right of Complainants to seek recourse at law. For example, they may seek assistance from the Nova Scotia Human Rights Commission, or where a criminal act is involved, the police. They may also pursue recourse through the policies of the founding denominations. In situations where the School is unable to proceed with a complete investigation, the School may undertake interim measures to ensure the orderly function of the academic/work environment. Such measures are not an indication that a decision has been made on the merits of any complaint.

## **12. CONSENSUAL RELATIONSHIPS**

Atlantic School of Theology's Policy does not contain a specific prohibition against consensual relations. However, members of the community need to be advised that some relationships may be problematic if there is an imbalance of power, and the potential for breach of trust and authority.

Complaints arising from them may be considered as sexual harassment. Moreover, the School and its employees (faculty and staff) have a fiduciary responsibility to students.

A faculty member or other instructor who enters into a romantic/sexual relationship with a student must declare a conflict of interest to the Academic Dean who shall refer teaching and grading responsibilities for that student and/or involvement in decisions affecting the student to an appropriate individual. A staff member must likewise declare such a relationship to the President. Disciplinary procedures may also be enacted by AST.

(Adapted from: The Educator's Guide to Controlling Sexual Harassment. Thompson Publishing Group, Inc. 1993.) For further information see Ethical Principles in School Teaching - The Society for Teaching and Learning in Higher Education, 1996.

Even if a person submits to unwanted sexual behaviour, it may be sexual harassment. A person feeling coerced, who unwillingly submits to sexual activity, does not lose the right to file a complaint of sexual harassment.

### **13. TIME LINES, DOCUMENTS, FILES AND RECORDS**

#### **Time Limits for Bringing a Complaint**

In the absence of exceptional circumstances, complaints shall be initiated within one (1) calendar year of the alleged incident, or in the case of a series of incidents, within one (1) calendar year of the most recent incident.

#### **Time Limits for Effecting an Informal Remediation of a Complaint**

Efforts to effect an informal resolution of a complaint should usually be concluded within sixty (60) working days (twelve (12) weeks of term time or twelve (12) consecutive weeks, in the case of non-student complaints). An extension of time may be granted by the Conflict Resolution Advisor at the request of either party if the Conflict Resolution Advisor determines there is a compelling reason.

#### **Time Limits for Concluding a Formal Investigation**

The Conflict Resolution Advisor's investigation final report should be concluded within a fifty (50) working days time frame. The need to extend this time limit shall be documented in writing.

#### **Time Limit for Convening the Hearing Panel**

The Conflict Resolution Advisor will notify the Chair of the Hearing Panel when the investigation report is ready and the Chair will have twenty (20) working days to convene the Hearing Panel.

#### **Time Limit for the Hearing Panel to Report its Decision**

The Hearing Panel report its decisions and recommended sanctions to the President (or Board Chair), the Complainant, the Respondent and the Conflict Resolution Advisor within ten (10) working days following the conclusion of the Hearing.

#### **Time Limit for Ratification**

The President (or Board Chair) will have ten (10) working days to review the decision and recommendations of the Hearing Panel. Recommendations will be ratified solely upon the discretion of the President (or Board Chair).

### **Documents, Files and Records**

The Conflict Resolution Advisor shall retain all records relating to a case, resolved and unresolved, for up to six (6) years after which they will be destroyed, unless a subsequent complaint arises involving the Complainant(s) or Respondent(s). Before the records are destroyed, the Conflict Resolution Advisor shall make and retain a record of the Complaint, the Complainant, the Respondent, and a summary of the findings and outcome of the complaint. If during an investigation or an informal resolution procedure, the Advisor detects a repeated pattern of harassment by the Respondent(s) from past resolved and unresolved cases, or repeated pattern of unfounded, malicious complaints by the Complainant(s), the record of complaints will be amended by the Advisor with a signed notation indicating the date, reason for retaining the file beyond the six (6) year period, and the length of time the file will be retained beyond that period.

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

### **14. POLICY REVIEW**

The Policy is submitted in recognition that its perspective may be relative to a set of perceived needs in the present; that actual application may point out adjustments and inconsistencies. The Conflict Resolution Advisor and/or others involved in the application of this policy may recommend changes to the Policy. Changes to the Policy shall be subject to the approval of the Board of Governors.

## **Appendix A CONFLICT RESOLUTION/ALTERNATIVE DISPUTE RESOLUTION**

Conflict Resolution or Alternative Dispute Resolution (ADR) is generally viewed as a collection of tools and techniques that can be used to reach resolution on an issue (or issues) in dispute, and functions as an alternative to more traditional adversarial approaches such as formal hearings and litigation. The ADR techniques are a series of options: any of these options may be appropriate, depending on the circumstances of the dispute.

ADR is a set of skills that help to promote collaborative interest-based outcomes rather than decisions based solely on parties' "positions". These listening and speaking skills of the ADR process can help to uncover the parties' underlying concerns, hopes, expectations, and preferences which are not always apparent from parties' initial statements and positions. Identifying and working with the underlying interests provides a basis for finding a "win-win" outcome that better meets the parties' needs. It is understood that ADR is a more progressive, preventative and pro-active approach to resolving disputes.

For these reasons, the School has chosen to act in accordance with "best practices" in Conflict Resolution or Alternative Dispute Resolution in order to highlight the importance of using appropriate techniques in any given situation.

### **Benefits of Conflict Resolution/Alternative Dispute Resolution**

- a. Participation in the conflict resolution process is voluntary.
- b. All aspects of the conflict resolution process are confidential.
- c. The atmosphere in conflict resolution is informal and conducive to constructive, positive communication.
- d. Conflict resolution empowers individuals in managing their own disputes.
- e. In a conflict resolution process, participants retain control over the solutions that will form the settlement of their dispute.
- f. The Conflict Resolution Advisor has no authority to impose his/her decisions in this process, except to instigate the "formal" process.
- g. Conflict resolution is particularly valuable in situations where the parties must continue to work together in the future, as it helps to repair and preserve working relationships.
- h. Settlements reached through conflict resolution have high rates of satisfaction and compliance.
- i. Conflict resolution avoids the "win-lose" approach used in many other approaches to resolve conflict.
- j. The conflict resolution process is non-compulsory but where agreement is achieved it will be binding on the parties.
- k. If an agreement is not reached, the participants are free to pursue any other remedies they may have at their disposal.

## **Appendix B Harassment and Discrimination Hearing Committee**

### **Appointment and Composition**

The President of Atlantic School of Theology in consultation with the Board of Governors and after consultation with the Senate and the various constituencies in the School, i.e. the administration, faculty, staff and students, will establish a Harassment and Discrimination Hearing Committee to hear complaints of harassment. The Committee will consist of five (5) members, at least two (2) of whom will be from each gender. All of the members will be selected from outside the Atlantic School of Theology community and have no direct relationship with the School.

To assure continuity of experience on the Harassment and Discrimination Hearing Committee, members' terms shall be staggered. Initially two (2) of the members will be appointed for a three (3) year term, two (2) for a two (2) year term, and one (1) for a one (1) year term. Thereafter, members shall be appointed for a three (3) year term. Members are eligible to serve more than one (1) term. Vacancies shall be filled for any expired term of a member of the Committee.

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

When a hearing is required, the Conflict Resolution Advisor shall draw three (3) names by lot. If all three (3) names are of the same gender, the Conflict Resolution Advisor will discard the third name and draw another name. These three (3) persons will constitute a Hearing Panel. The Hearing Panel will convene within twenty (20) working days of a request to do so. When it convenes, the Panel will select its own Chair.

### **Duties of the Harassment and Discrimination Hearing Committee:**

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

Committee members must participate in an annual training session(s) facilitated by the Conflict Resolution Advisor and/or other individuals with expertise in the field of harassment and discrimination.

**Duties of the Hearing Panel:**

- a. To hear formal complaints of harassment/discrimination and assess the information provided;
- b. To determine if there is sufficient evidence to substantiate a complaint and render a decision;
- c. To determine if the complaint has been brought with malicious intent; and
- d. To recommend to the President (or Board Chair), discipline or sanctions proportionate to the offense if upheld, compensation or remediation as well as other measures necessary to secure a respectful environment.

## **Appendix C Conflict Resolution Advisor**

### **Appointment, Role and Responsibilities**

The Conflict Resolution Advisor (the Advisor) is appointed by the President. The Advisor shall be experienced and skilled in organizational conflict management as well as issues arising from harassment and discrimination.

### **The Role of the Advisor**

- a. To create public awareness and education about, issues of discrimination, harassment including sexual harassment, conflict resolution and provide consultation and information to all constituencies of the School concerning matters related to conflict resolution and harassment/discrimination, including the School's policies and procedures.
- b. To provide advice and recommendations to senior representatives within Atlantic School of Theology on dispute resolution policies, standards, practices and guidelines and on strategies to prevent or manage critical existing or potential conflicts.
- c. To coordinate the conflict resolution process from initial contact through all stages to resolution or termination.
- d. To submit an annual report to the President no later than July 15th. This annual report shall cover the period from April 1st to March 31st.

## **Appendix D Agreement of Resolution**

An Agreement of Resolution is a statement, prepared by the Conflict Resolution Advisor, of the terms by which both parties to a mediated settlement agree to abide. It may also include any remedies that are mutually agreed upon. All parties shall sign and retain copies. It shall be understood that if either party subsequently does not abide by the agreement, that the settlement may be nullified and the case may be re-opened. The agreement of resolution is confidential and will not be disclosed, unless required by law.

## **Appendix E Definitions in Alternative Dispute Resolution (ADR)**

### ***Active Listening***

Using the techniques of clarifying, paraphrasing, reflecting, and summarizing to better understand a person's meaning and to ensure that information obtained is accurate.

### ***Adjudication***

A dispute resolution method where those involved present evidence and arguments to a neutral person who is given the power to arrive at a binding decision. Arbitration and litigation are both types of adjudication.

### ***Alternative Dispute Resolution***

Also, known as ADR, is a widely used term referring to the entire range of dispute resolution options outside the traditional administrative, judicial or legislative decision making process.

### ***Arbitration***

An alternative dispute resolution process in which a third party decision-maker, selected by the other parties involved, gathers information, holds a mini-hearing, and makes a decision.

### ***Arbitrator***

The neutral decision maker in arbitration.

### ***Bad Conflict***

A conflict that is not addressed positively and ultimately creates group division and more conflict; a conflict with no good outcomes.

### ***Binding***

A decision that must, by law, be accepted by the disputants involved in a decision.

### ***Brainstorm***

Coming up with as many ideas as possible.

### ***Caucus***

Private session between a mediator and a party involved in dispute resolution in which the mediator considers issues involved in the case and the available options. If the mediator meets separately with one party, the mediator will almost always then meet separately with the other parties to the mediation.

### ***Conciliation***

A process that facilitates dispute resolution. In conciliation, the parties do not meet together. Rather, a neutral third party, or conciliator, acts like a go-between, communicating each side's position to the other, relaying settlement options, and sometimes offering non-binding advice in an effort to bring the sides closer to settlement.

***Conciliator***

Neutral party serving in the process of conciliation.

***Conflict***

A disagreement, usually based on a difference over goals, objectives, or expectations between individuals or groups. Conflict also occurs when two or more people, or groups, compete over limited resources and/or perceived, or actual, incompatible goals.

***Conflict Management***

The practice of identifying and handling conflict in a sensible, fair, and efficient manner.

***Conflict Resolution***

The process by which the parties involved in a conflict agree to discuss the problem and negotiate a solution. Conflict resolution can be done with the help of a neutral person.

***Consensus***

Solution to a problem which is arrived at by and agreed upon by all parties. An agreement reached through consensus may not satisfy each participant's interests equally or receive a similar level of support from all participants.

***Dispute***

A dispute reflects a specific issue in conflict, whereas the definition of conflict is more broad-based and can include more than one dispute.

***Early Neutral Evaluation (ENE)***

A form of dispute resolution in which the legal and factual positions of the parties are presented to a neutral third party who is a subject matter expert. This third party evaluates the position of each party and advises each side of the weaknesses and strengths in its position, and may offer an opinion regarding the trial's outcome.

***Facilitation***

A collaborative process used to help parties discuss issues, identify and achieve goals and complete tasks in a mutually satisfactory manner. This process uses an impartial third party, the facilitator, who focuses on the processes and procedures of dispute resolution and decision-making. The facilitator is impartial to the issues being discussed and has no decision-making authority.

***Facilitator***

A neutral party who conducts facilitation.

***Fact-finder***

A neutral party who carries out the process of fact-finding to help encourage the resolution of a dispute.

***Fairness***

Decided-upon rules are understood by all, are consistently applied, and are unbiased.

***Good Conflict***

Conflict that is approached creatively and constructively with the goal of using the conflict as a learning opportunity; a conflict with positive outcomes.

***Group Problem-solving***

Working out problems together as a group.

***Impartiality***

Freedom from favouritism or bias.

***Interest***

The needs, desires, hopes and fears of the parties that lead them to take a particular position. The parties' interests serve as the motive for their positions. They are the reasons, or underlying needs and concerns that motivate people to ask for certain outcomes.

***Issue***

The matter being disputed. A conflict may have one or more issues.

***Litigation***

The process through which a case is tried and resolved in a court of law, an administrative agency, or another decision making tribunal.

***Lose-lose Solution***

An idea or suggestion in which no one benefits.

***Mediation***

The intervention into a disagreement by a third party, who has no decision-making authority, is impartial, and helps the parties communicate so they can reach a solution. Mediation is voluntary and confidential. Mediation can be used when the parties want to keep an ongoing relationship or end a relationship in a positive and cooperative way.

***Mediator***

Another name for an impartial third party who helps the disputing parties discuss and negotiate a solution.

***Neutral Evaluation***

A process in which a neutral party gathers information and then submits an evaluation to the parties involved. This evaluation can be used in future negotiations.

***Neutral Fact-finding***

A process in which the parties to a dispute, and/or their representatives, ask an impartial third person to decide disputed factual issues between them. Unless the parties otherwise agree in writing, the findings are not binding.

***Neutral Person***

The impartial third party who helps the disputing parties discuss and negotiate a solution.

***Non-binding***

Not mandatory; a non-binding dispute resolution procedure is one from which any disputant is free to walk away at any time; a non-binding decision in a case is one that any party may reject, opting instead to negotiate another settlement or to proceed to another type of dispute resolution procedure.

***Partnering***

A technique designed to prevent business disputes from occurring by establishing working relationships between business partners that are based on open communication, joint problem solving, teamwork, and shared risks and rewards. By entering into, and agreeing to uphold, a partnering relationship, business associates also agree to employ innovative, business-oriented methods to resolve disputes.

***Peer Review***

An alternative dispute resolution process in which a workplace dispute is presented to a panel of employees who make a decision. These panel members are skilled in handling sensitive issues.

***Position***

A disputant's ideal, unilateral solution to a dispute. Positions describe possible outcomes or solutions.

***Settlement***

The agreement reached at the conclusion of any dispute resolution procedure.

***Trial***

A dispute resolution process in which a judge or jury renders a decision after hearing the evidence and oral arguments in a case. A trial is often conducted as a public hearing and is subject to formal rules.

***Volunteers***

A person who works or undertakes a task on behalf of the organization voluntarily and without pay. This includes members of the Board of Governors, Senate and committees of each, and all other volunteers.

***Win-lose Solution***

An idea or suggestion in which only one side benefits.

***Win-win Solution***

An idea or suggestion in which both sides can benefit.

***Working Days***

Monday through Friday of a week; does not include Saturday, Sunday, statutory holidays or days the School is closed.

## **APPENDIX F**

### **Children and Family Services Act, S.N.S., 1990, c.5, s. 22-25.**

#### *Child is in need of protective services*

22 (1) In this Section, "substantial risk" means a real chance of danger that is apparent on the evidence.

(2) A child is in need of protective services where

(a) the child has suffered physical harm, inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child adequately;

(b) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (a);

(c) the child has been sexually abused by a parent or guardian of the child, or by another person where a parent or guardian of the child knows or should know of the possibility of sexual abuse and fails to protect the child;

(d) there is a substantial risk that the child will be sexually abused as described in clause (c);

(e) a child requires medical treatment to cure, prevent or alleviate physical harm or suffering, and the child's parent or guardian does not provide, or refuses or is unavailable or is unable to consent to, the treatment;

(f) the child has suffered emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour and the child's parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(g) there is a substantial risk that the child will suffer emotional harm of the kind described in clause (f), and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(h) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the condition;

(i) the child has suffered physical or emotional harm caused by being exposed to repeated domestic violence by or towards a parent or guardian of the child, and the child's parent or guardian fails or refuses to obtain services or treatment to remedy or alleviate the violence;

(j) the child has suffered physical harm caused by chronic and serious neglect by a parent or guardian of the child, and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(ja) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (j);

(k) the child has been abandoned, the child's only parent or guardian has died or is unavailable to exercise custodial rights over the child and has not made adequate provisions for the child's care and custody, or the child is in the care of an agency or another person and the parent or guardian of the child refuses or is unable or unwilling to resume the child's care and custody;

(l) the child is under twelve years of age and has killed or seriously injured another person or caused serious damage to another persons property, and services or treatment are necessary to prevent a recurrence and a parent or guardian of the child does not provide, or refuses or is unavailable or unable to consent to, the necessary services or treatment;

(m) the child is under twelve years of age and has on more than one occasion injured another person or caused loss or damage to another persons property, with the encouragement of a parent or guardian of the child or because of the parent or guardians failure or inability to supervise the child adequately. 1990, c. 5, s. 22; 1996, c. 10, s. 1.

### ***Duty to report***

23 (1) Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall forthwith report that information to an agency.

(2) No action lies against a person by reason of that person reporting information pursuant to subsection (1), unless the reporting of that information is done falsely and maliciously.

(3) Every person who contravenes subsection (1) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

(4) No proceedings shall be instituted pursuant to subsection (3) more than two years after the contravention occurred.

(5) Every person who falsely and maliciously reports information to an agency indicating that a child is in need of protective services is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both. 1990, c. 5, s. 23; 1996, c. 10, s. 2.

### ***Duty of professionals and officials to report***

24 (1) In this Section, "suffer abuse", when used in reference to a child, means be in need of protective services within the meaning of clause (a), (c), (e), (f), (h), (i) or (j) of subsection (2) of Section 22.

(2) Notwithstanding any other Act, every person who performs professional or official duties with respect to a child, including

(a) a health care professional, including a physician, nurse, dentist, pharmacist or psychologist;

(b) a teacher, school principal, social worker, family counsellor, member of the clergy, operator or employee of a day care facility;

(c) a peace officer or a medical examiner;

(d) an operator or employee of a child-caring facility or child-care service;

(e) a youth or recreation worker, who, in the course of that person's professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information upon which it is based to an agency.

- (3) This section applies whether or not the information reported is confidential or privileged.
- (4) Nothing in this Section affects the obligation of a person referred to in subsection (2) to report information pursuant to section 23.
- (5) No action lies against a person by reason of that person reporting information pursuant to subsection (2), unless the reporting is done falsely or maliciously.
- (6) Every person who contravenes subsection (2) is guilty of an offence and upon summary conviction is liable to a fine of not more than five thousand dollars or to imprisonment for a period not exceeding one year or to both.
- (7) No proceedings shall be instituted pursuant to subsection (6) more than two years after the contravention occurred.
- (8) Every person who falsely and maliciously reports information to an agency indicating that a child is or may be suffering or may have suffered abuse is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both. 1990, c.5,s.24; 1996, c.10,s.3.

***Duty to report third-party abuse***

- 25(1) In this section, "abuse by a person other than a parent or guardian" means that a child
- (a) has suffered physical harm, inflicted by a person other than a parent or guardian of the child or caused by the failure of a person other than a parent or child to supervise and protect the child adequately;
  - (b) has been sexually abused by a person other than a parent or guardian or by another person where the person, not being a parent or guardian, with the care of the child knows or should know of the possibility of sexual abuse and fails to protect the child;
  - (c) has suffered serious emotional; harm, demonstrated by severe anxiety, depression, withdrawal of self-destructive or aggressive behaviour, caused by the intentional conduct of a person other than a parent or guardian.
- (2) Every person who has information, whether or not it is confidential or privileged, indicating that a child is or may be suffering or may have suffered abuse by a person other than a parent or guardian shall forthwith report the information to an agency.
- (3) Every one who contravenes subsection (2) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.
- (4) No proceedings shall be instituted pursuant to subsection (3) more than two years after the contravention occurred.
- (5) No action lies against any person by reason of that person reporting information pursuant to subsection (2) unless the reporting of that information is done falsely and maliciously.
- (6) Every person who falsely and maliciously reports information to an agency indicating that a child is or may be suffering or may have suffered abuse by a person other than a parent or guardian is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both. 1990, c.5, s.25; 1996, c. 10, s. 4.

## **APPENDIX G**

### **AST Administrative Officers (as of May 18, 2010)**

#### **President**

The Rev. Canon Eric Beresford  
eberesford@astheology.ns.ca  
(902) 423-6801

#### **Academic Dean**

The Rev. Dr. David MacLachlan  
dmaclachlen@astheology.ns.ca  
(902) 496-7941

#### **Chief Administrative Officer**

David Myatt  
dmyatt@astheology.ns.ca  
(902) 496-7946

#### **Director of Advancement**

Mauritz (Moe) Erhard  
merhard@astheology.ns.ca  
(902) 496-7940

#### **Library Director**

Joyce Thomson  
jthomson@astheology.ns.ca  
(902) 496-7948

#### **Registrar**

Cynthia Thomson  
cthomson@astheology.ns.ca  
(902) 425-3691

## **Appendix H**

### **Links to Relevant Web Pages**

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

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

A partnership between The School of Industrial and Labor Relations at Cornell School and The Foundation for Prevention and Early Intervention of Conflict

***ADR Atlantic*** - <http://www.adratlantic.ca/>

A Regional Professional Association which provides information to those interested in how conflict resolution is being addressed within Atlantic Canada

***Association for Conflict Resolution (ACR)*** - <http://www.acresolution.org/>

This association is widely regarded as the pre-eminent association for dispute resolution practitioners.

***Nova Scotia Human Rights Commission*** -

<http://www.gov.ns.ca/humanrights/humanrightsact.htm>