

## Nova Scotia Agricultural College

### Policy Against Discrimination and Harassment

#### General Provisions

The Nova Scotia Agricultural College is committed to maintaining an environment characterized by mutual respect among all of its members in order to facilitate an atmosphere conducive to academic achievement. Each member of the NSAC community has both an individual and a collective responsibility to guarantee the fundamental dignity and basic human rights of each and every other person regardless of perceived differences. Although NSAC values and promotes both academic and personal freedoms, the exercise of those freedoms shall not infringe upon the rights and freedoms of others.

NSAC, in accordance with the Nova Scotia *Human Rights Act*, prohibits discrimination and harassment based upon:

- 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;
- or association with an individual or a class of individuals in the categories listed.

This policy applies to all members of the NSAC community: students, staff, faculty, administration, visitors and contractors. In addition, employees of NSAC are subject to the respectful workplace and sexual harassment policies of the Province of Nova Scotia. This policy is not intended to supersede provisions of the Public Service Act or any collective agreement. Additional information may be found on the Public Service Commission website: <http://www.gov.ns.ca/psc/v2/>

#### Definitions

*Discrimination* is defined in the Human Rights Act as “a distinction, whether intentional or not, based on a characteristic, or perceived characteristic . . . that has the effect of imposing burdens, obligations or disadvantages on an individual or class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society.”

*Harassment* is any act which is intended to insult, demean, debase or intimidate another, and includes physical, verbal, and written acts of abuse.

*Sexual harassment* is unwanted behaviour of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly as a condition of an individual's employment, academic status or accreditation, or
- submission to or rejection of such conduct by an individual is used as a basis for employment or for academic performance, status or accreditation decisions affecting such individual, or
- such conduct interferes with an individual's work or academic performance or the right to a university life free of all forms of harassment, or
- such conduct creates an intimidating, hostile or offensive environment.

## **Education and Prevention**

NSAC is committed to creating an environment where everyone feels welcome and safe. To help achieve that goal, the university provides education and training opportunities for all campus community members through a variety of offices. The Province of Nova Scotia provides training on maintaining a respectful workplace for all employees and support for employees through the Employee Assistance Program (EAP). Students have opportunities to learn about multiculturalism and respect for all through residence programs, leadership training, Student Union events, RESPECT peer educator events, and other educational programs.

## **Initiating a Complaint**

*Student Conduct:* Anyone who believes a student has violated this policy should report the incident to the office of the Associate VP for Students.

*Employee Conduct:* Anyone who believes an employee of NSAC (staff, faculty or administrator) has violated this policy should report the incident to the person's supervisor or the Human Resources office. For complaints regarding employee conduct, NSAC will follow all procedures required by the Public Service Commission.

*Visitor/Contractor Conduct:* Anyone who believes a visitor or contractor has violated this policy should report the incident to the head of the Department that is hosting the visitor or is supervising the contractor. If it is unknown who is hosting or supervising the person, the incident should be reported to the Vice President, Administration.

## **Informal Complaint Resolution**

Whenever possible, the relevant person noted above who receives a complaint of discrimination or harassment may attempt to resolve the problem informally. Strategies for informal resolution may include one or more of the following:

- speaking to the person accused of discrimination or harassment;
- helping the person making the complaint develop strategies for addressing unwelcome behaviour;
- facilitating a meeting between the individuals involved to discuss and resolve the situation;

- helping the person making the complaint understand his/her rights and options for proceeding, including filing a formal written complaint, seeking assistance from the Human Rights Commission, or reporting an incident to the police, where appropriate.

When informal resolution is not appropriate or successful, the person making the complaint will be notified of their rights under this policy and the Human Rights Act.

### **Formal Complaint Resolution**

If the complaint involves student conduct, the complainant may file a Judicial Report and the complaint will be addressed through the Student Judicial Processes. The Judicial Report form may be obtained from the Associate VP for Students office. A full description of the student judicial process, including the appeal process, may be found at <http://www.nsac.ca/communitystandards/studentjudicial.asp>

If the complaint involves the behavior of a visitor or contractor, the formal written complaint should be submitted to Vice President, Administration, who will initiate an investigation and take appropriate actions based on the results.

If a student or other non-employee member of the campus community is making a complaint about an employee, the formal written complaint should be submitted to the employee's supervisor. The supervisor will initiate an investigation of the complaint through Human Resources, following Public Service Commission procedures, and take appropriate actions based on the results of the investigation.

If an employee is making a complaint about another employee, a Respectful Workplace Complaint form should be completed and submitted pursuant to the Province of Nova Scotia's Respectful Workplace Policy. The form and policy are available on the Public Services Commission website at <http://www.gov.ns.ca/psc/v2/about/overview/publicationsPolicies/respectfulWorkplace.asp> Once a complaint is filed, the investigation and appeal procedures established by the Public Services Commission will be followed.

### **Investigation and Appeal Process**

The investigator will interview both the person making the complaint and the person the complaint has been filed against. The investigation may also include witness interviews and review of relevant documents, including electronic documents. Both the person filing the complaint and the person the complaint is filed against will be notified of the results of the investigation. If either party is dissatisfied with the results of the investigation, he or she may appeal the decision to the appropriate Vice President over the area involved, and then to the President. All decisions by the President will be final. Investigations involving employee conduct will follow the Public Service Commission procedures.

If the complainant is not satisfied with the way his or her complaint has been addressed by the university, he or she can utilize the complaint procedures of the Nova Scotia Human Rights Commission.

### **Confidentiality**

All complaints and files will be treated confidentially. Information will only be shared if necessary to facilitate the investigation of the complaint or if required by law.

### **Retaliation Prohibited**

NSAC is committed to maintaining an environment where members of our community feel free to raise issues of discrimination or harassment. Retaliation against a person making a complaint is strictly prohibited. Any person engaging in retaliatory behaviour will be disciplined through the appropriate process (student judicial process, collective agreement, or employee discipline procedures). Retaliatory behaviour should be reported immediately to the person's supervisor, the Associate Vice President for Students, or Human Resources.