



SAINT MARY'S UNIVERSITY STUDENTS' ASSOCIATION

Conflict Resolution Policy

Created April 2020

Policy:	Conflict Resolution Policy
Created/ Last Amended:	April 2020
Responsibility:	Board of Directors, President
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1. INTRODUCTION

- A. The Saint Mary's University Students' Association (SMUSA) is committed to the appropriate, respectful, and informal resolution of all conflicts where possible.
- B. The Association promotes an environment, free from discrimination and harassment, including sexual harassment based on the protective characteristics set out in the Nova Scotia Human Rights act.

2. THE POLICY

The policy reflects SMUSA's commitment to the "Saint Mary's University Policy on Conflict Resolution and the Prevention and Resolution of Harassment and Discrimination".

<https://smu.ca/webfiles/6-2013ConflictResolutionHarassmentDiscrimination.pdf>

This policy has four key objectives:

1. To prevent all forms of discrimination and harassment.
2. To provide informal and formal procedures for effectively managing all disputes, including those related to discrimination and harassment.
3. To use best practices in Conflict Resolution/ Appropriate Dispute Resolution (ADR).

4. To provide relevant education and awareness on issues pertaining to conflict resolution, human rights legislation, and equity and diversity.

This policy applies to all members of the university community, including students, administrators, faculty and staff as well as permanent sub-contractors, consultants, volunteers, and others who are acting in a recognized or sanctioned capacity. It applies to incidents that occur in the course of work or study or participation in SMUSA/ university sponsored events held on campus, at a satellite campus or learning centre, or off-campus. Examples of off-campus settings include, but are not limited to field trips, athletic team road trips, conferences or training events, and university sponsored social functions.

Informal resolution is a more progressive, preventative, and pro-active approach to resolving disputes and managing the resolution of cases of discrimination and harassment. SMUSA will act in accordance with the university's existing policy which includes "best practices" in Conflict Resolution and/or Appropriate Dispute Resolution (ADR).

SMUSA also recognizes and commits to the following Saint Mary's University policies:

- A. Policy on Conflict Resolution and the Prevention and Resolution of Harassment and Discrimination. <https://smu.ca/webfiles/6-2013ConflictResolutionHarassmentDiscrimination.pdf>
- B. Violence in the Workplace: Prevention and Response. <https://smu.ca/webfiles/6-2001ViolenceintheWorkplacePreventionandResponse.pdf>
- C. Sexual Violence Policy and Procedures. <https://www.smu.ca/webfiles/6-2019SexualViolencePolicy.pdf>

3. INFORMAL RESOLUTION PROCESS

- A. All students, faculty, employees, and full-time staff are encouraged to raise any concerns or complaints without fear of reprisal.
- B. Options for informal resolution may be discussed as a first step with the Saint Mary's University Conflict Resolution Advisor.
- C. The Conflict Resolution Advisor will provide appropriate direction and support including referrals to other relevant resources as deemed necessary.
- D. The complainant should record the details of the issue and of the attempts to resolve the issue.
- E. The President and the General Manager has a duty to inform the Board of Directors of any conflicts that threaten the organization's ability to function or may damage its reputation.
- F. Conflict resolution efforts should not exceed sixty (60) days.

Exclusions to the informal resolution process include unlawful behaviours including, but not limited to sexual assault, physical assault, sexual abuse, and criminal misconduct.

4. BENEFITS OF CONFLICT RESOLUTION/ APPROPRIATE DISPUTE RESOLUTION (ADR)

- A. Participation in the conflict resolution process is voluntary.
- B. Most 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 always retain full control over the solutions that will form the settlement of their dispute.
- F. The Conflict Resolution Advisor has no authority to make decisions in this 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-binding, as opposed to other interventions.
- K. If an agreement is not reached, the participants are free to pursue any other remedies they may have at their disposal.

5. EDUCATION AND PREVENTION PROGRAM

SMUSA recognizes that prevention, awareness, education, and early intervention are the best means of achieving the objectives of this Policy; therefore, the Board will actively undertake ongoing educational initiatives involving all members of the governing student body including paid employees of the Association.

6. ALLEGATIONS OF CONFLICTS AGAINST BOARD MEMBERS

If the Board as a whole and/or individual members of the Board are involved in a conflict and/or matter pertaining to allegations of discrimination or harassment, they will adhere to the following:

- 1. Respect confidentiality and communicate discreetly with the Chair and not with the entire Board.
- 2. The Chair is then responsible for informing the Board of the existence of a conflict if there are reasonable grounds to deem this appropriate and necessary.

3. The Board may appoint an impartial third-party to resolve the conflict if the Conflict Resolution Advisor is unavailable and/or not the most appropriate facilitator for any given case.

Board Involvement in the Conflict Resolution Process:

- a. Communication should be made directly with the Chair and not with the entire Board.
- b. The Chair is responsible for informing the Board of the existence of a conflict.
- c. The Board may appoint an impartial party to resolve the conflict.

7. FORMAL RESOLUTION PROCESS

Please see the terms of reference for the "Formal Resolution Process" under the Saint Mary's University Policy of "Conflict Resolution and the Prevention and Resolution of Harassment and Discrimination". (pp.10-12).

8. CONFIDENTIALITY

- A. All conflicts will be managed in a confidential manner except in matters where an individual(s) may be risk to themselves or others. Please see the terms of reference for "Confidentiality" under the Saint Mary's University Policy of "Conflict Resolution and the Prevention and Resolution of Harassment and Discrimination". (pp. 12).
- B. Meetings to resolve a complaint is only open to the parties and those attempting to resolve the complaints.
 - i. Parties to the conflict may be accompanied by an advocate.
 - ii. Students may choose an advocate of their choice to support them through the conflict resolution process.
 - iii. Advocates may include, but are not limited to the Indigenous Student Advisor, African Nova Scotian/ Black Student Community Liaison, SMUSA representatives, Counsellors.
 - iv. Complaints are asked to give 48-hour notice to the Chair of the advocate supporting the student.

9. SUMMARY

This policy provides for a voluntary informal and formal suite of conflict management options to address all forms of conflict, discrimination, and harassment in an appropriate, sensitive, and timely manner. The policy is consistent with the existing Saint Mary's University policies. Individuals may contact the university's Conflict Resolution Office directly and in confidence to discuss concerns and/or the policy and its administration within the university community.

10. DEFINITIONS

- A. Informal Resolution Process/ Appropriate Dispute Resolution (ADR): Appropriate Dispute Resolution provides a wide range of informal options which encourages parties to find mutually agreeable solutions with the support of a range of conflict resolution options such as mediation, conciliation, facilitation, conflict coaching, and negotiated settlements.
- B. Formal Resolution Process: The formal process of resolution is used when a complaint cannot be resolved through the informal process. The formal resolution is initiated when the complainant submits a formal written complaint.
- C. Discrimination/ Harassment: Based on the protective characteristics set out in the Nova Scotia Human Rights Act.
 - i. 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.
 - ii. 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.
 - iii. The grounds protected against discrimination by the Nova Scotia Human Rights Act include age, race, color, religion, creed, sex, sexual orientation, physical or mental disability, 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.
- D. Sexual Harassment: Defined in the Nova Scotia Human Rights Act as:
 - i. Vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome.
 - ii. 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
 - iii. A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.
- E. Systemic Discrimination:
 - i. Refers to policies or practices that appear neutral, but which contain unjustifiable or unreasonable barriers that lead to an adverse job – or study-related consequences for members of groups protected by the Nova Scotia Human Rights Act.