



Procedure

Procedure Name	<i>Alternative Resolution Procedure</i>		
Procedure #	SR 1.2	Parent Policy	SR 1.0 Student Rights and Responsibilities
Policy Owner	Vice President – Students and Campus Life	Effective Date	February 1, 2021
Procedure Owner	Director, Campus Life Administration	Review Date	February 1, 2026
Approved by	Executive Management Committee	Approval Date	January 20, 2021

1.0 Purpose/ Background

This procedure outlines the available Alternative Resolutions that the Student Resolutions Office may employ in a conflict case, as well as the eligibility criteria for using an Alternative Resolution.

The Student Rights and Responsibilities Policy is grounded in principles of fairness and natural justice with a focus on reintegrating students into the community after their actions have harmed others, and where possible, repairing that harm. NAIT recognizes that while formal adjudicated processes are sometimes necessary, alternate dispute resolutions offer a preferable method of dealing with conflict and conduct issues. These pathways ensure accountability, encourage students to respect each other and collaborate with one another towards just resolutions, and support students in the completion of their credential after a challenging conflict or conduct issue.

2.0 Definitions

Term	Definition
Alternative Dispute Resolution	Pathways to resolve a dispute that typically have some level of collaboration or cooperation between both a complainant and a respondent. Resolutions are recorded on a student's conduct file, which is a record housed with the Student Resolution Office. Failure to abide by the terms of an Alternative Resolution, or repeated behaviour requiring alternative resolutions, may result in a Formal Adjudication Procedure taking place.
Complainant	The person who brings forward information that a violation of this Policy may have occurred OR who was primarily impacted by the violation.
Complaint	A formal allegation of a policy violation submitted to NAIT by a complainant seeking recourse in accordance with NAIT policy and/or procedure.

Formal Adjudication	The process used when an alleged violation has taken place that cannot be resolved via Alternative Dispute Resolutions, or where an Alternative Dispute Resolution has tried and failed. The violation is investigated, and a decision of responsibility is rendered along with sanctions as appropriate.
Violation	Behaviour that is contrary to one or more of the rights, or negligent of one or more of the responsibilities, listed in this Policy.

3.0 Procedures

3.1 Engaging in an Alternate Resolution

- 3.1.1 Any member of the NAIT community who believes there has been a violation of the Student Rights and Responsibilities may contact the Student Resolution Office.
- 3.1.2 Some disputes may be resolved through coaching and support following a disclosure; these resolution pathways do not require a formal complaint. Other disputes require more complex resolutions and require an allegation of a violation of the Student Rights and Responsibilities Policy.
- 3.1.3 Upon receipt of a complaint or a disclosure, information will be collected and will be assessed for eligibility for Alternative Dispute Resolutions. The complainant(s) will have the opportunity to review and identify their preferred available pathway, detailed in 3.2, that would best resolve the issue for them.
- 3.1.4 The Student Resolution Office reserves the right to determine eligibility for Alternative Dispute Resolutions.
- 3.1.5 Participation in Alternative Dispute Resolutions is voluntary for complainant(s) and respondent(s).
- 3.1.6 If other required parties are unwilling to participate, or a case is ineligible for specific Alternative Dispute Resolutions for any other reason, the complainant may choose to drop the complaint, explore additional Alternative Dispute Resolutions, or move forward with a Formal Adjudicated process.
- 3.1.7 All complaints are assessed for risk to the health and safety of the NAIT community. If appropriate, the Student Resolution Office will forward the case to the Threat Assessment Team or other NAIT authority as appropriate.
- 3.1.8 The Student Resolution Office reserves the right to engage in a Formal Adjudication Process if the complaint or disclosure alleges behaviour that is deemed to be significantly disruptive to the NAIT community, or a potential risk to the health and safety of the community.

3.2 Student Resolution Pathways

3.2.1 Conflict Coaching

- Persons who have a conflict with another individual on campus, are welcome to disclose to the Student Resolution Office to receive guidance and support on how to approach the conflict in a constructive way.
- Conflict Coaching sessions can be requested of the Student Resolution Office by any student or staff member by disclosing a conflict or a possible violation of the Rights and Responsibilities. A formal complaint is not required to access Conflict Coaching.

- Participating in Conflict Coaching does not create a formal discipline record of any kind.

3.2.2 **Facilitated Dialogue**

- Facilitated Dialogue is a supported conversation between two or more individuals or groups who have encountered some sort of barrier to effective communication. Upon receipt of a disclosure of conflict or a violation, the Student Resolution Office will provide a multi-partial facilitator to assist the groups or individuals with overcoming these barriers. The focus of this process is effective communication so that involved parties can reach a resolution on their own.
- Facilitated Dialogue can be requested provided that all parties involved are voluntarily willing to participate. A formal complaint is not required for Facilitated Dialogue. The Student Resolution Office reserves the right to limit access to this option if the alleged behaviour is too serious to be resolved with Facilitated Dialogue.
- Participation in Facilitated Dialogue does not create a formal discipline record of any kind, and resolutions are driven by participants.

3.2.3 **Mediation**

- During a mediation process, the Student Resolution Office provides a Mediator who will act as a neutral party between two or more individuals or groups. Unlike facilitated dialogue, the Mediator will focus on the outcomes that are desired by each person or group and will facilitate fair negotiation to reach agreement. The Mediator will ensure a fair and reasonable resolution based on a balance of those desired outcomes. The Mediator has the ability to assign binding requirements for both parties, however the preference is that these requirements are agreed upon by both parties.
- Mediation is available provided both parties are willing to participate. This process must be triggered by a formal complaint.
- Mediated resolutions are documented with the Student Resolution Office. Failure for either party to abide by resolution may result in additional processes (either further Alternative Resolutions or Formal Adjudication)

3.2.4 **Shuttle Diplomacy**

- Shuttle Diplomacy is used in a situation where a conflict's specific context prohibits individuals from coming together for a Mediation. The Student Resolution Office mediator will meet with both parties to identify needs separately and continue to go between the individuals to discuss concessions or areas of agreement with the goal of finding a fair resolution that meets the desired outcomes of both parties.
- Shuttle Diplomacy may be used as an Alternative Resolution provided there is a reason to not participate in mediation. Reasons for not participating in mediation would include geographic barriers, scheduling concerns, or general agreement by both parties that an in-person mediation is unnecessary. This process is triggered via a formal complaint.
- Resolutions attained by Shuttle Diplomacy are binding and documented with the Student Resolution Office. Failure for either party to abide by resolution may result in additional processes (either additional Alternative Resolutions or Formal Adjudication)

3.2.5 Restorative Conference

- In a Restorative Conference, participants are encouraged to share their experiences to help each other understand the impact their actions had on others, and to take responsibility for those behaviours. The goal is to reach a Restorative Agreement, generated by the participants, that repairs the harms caused and reintegrates the responsible party back into the community. The Student Resolution Office will provide a multi-partial facilitator to engage all harmed parties, responsible parties, and support persons as appropriate, and to facilitate and monitor the Restorative Agreement.
- Restorative Conferences are available, *except* in such cases where the alleged Responsible Parties are staff members of NAIT. A Restorative Conference requires a formal complaint with the Student Resolution Office. Respondents must be willing to take responsibility for their actions.
- The Restorative Agreement is binding and documented with the Student Resolution Office. Failure by either party to abide by the resolution may result in additional processes (either Alternative Resolutions or Formal Adjudication).

3.2.6 Restorative Coaching

- Like Restorative Conferences, Restorative Coaching is focused on the harms caused to individuals and seeks to find ways to repair those harms and rebuild trust. Restorative Coaching is used when the harmed party does not have the practical capacity to engage in a full Restorative Conference and trusts the Student Resolution Office to coach a responsible party in the identification and repair of harms caused.
- Restorative Coaching can be utilized by instructors with a complaint against a student at NAIT. This must be a formal complaint, and the respondent must be willing to take responsibility for the behaviour in question.
- Resolutions obtained via Restorative Coaching are binding and documented with the Student Resolution Office. Failure by the responsible party to abide by the resolution may result in additional processes (either Alternative Resolutions or Formal Adjudication).

3.3 Appeals to Alternative Dispute Resolutions

- 3.3.1 Because Alternate Dispute Resolutions are grounded in agreement between parties on the best way to move forward with a complaint, there is no appeal.

3.4 Failure of Alternative Resolutions

- 3.4.1 If an Alternative Resolution is unsuccessful, the Student Resolution Office will attempt to work with parties to reach a new resolution if possible. Should that fail, the case will be automatically routed through the Formal Adjudication Process.

4.0 Exceptions to the Procedure

- 4.1 The Student Resolution Office may utilize Alternative Dispute Resolutions that are not listed in this procedure provided that all parties are informed in advance and participate voluntarily.

5.0 Related Documentation

HS 3.0: Sexual Violence Prevention and Response Policy

HS 3.1: Sexual Violence Response Procedure

CS 1.1.1: Threat Assessment Team Procedure

HR 6.0: Respectful Workplace Policy

HR 6.1: Respectful Workplace Procedure

Document History

<i>Date</i>	<i>Action/ Change</i>
January 2021	Three-year review complete. Minor revisions.
November 28, 2023	Changed policy owner and procedure owner