

Promising Practice Guidelines when Working with Respondents Going Through a Post-Secondary Complaints Processes



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Land Acknowledgement

This work is taking place on and across the traditional territories of many Indigenous nations. We recognize that gender-based violence is one form of violence caused by colonization that is still used today to marginalize and dispossess Indigenous Peoples from their lands and waters. We must centre this truth in our work to address gender-based violence on campuses and in our communities. We commit to continuing to learn and take an anti-colonial inclusive approach in all our work. One way we are honouring this responsibility is by actively incorporating the [Calls for Justice within Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#).

Dedication

We would like to dedicate this tool to all of the people who have come forward to share their stories and knowledge, allowing us to walk with them during such a difficult time. Thank you for your courage in seeking support and demanding better.

About Possibility Seeds

[Courage to Act](#), is a national initiative to address and prevent gender-based violence at Canadian post-secondary institutions. It is led by Possibility Seeds, a social change consultancy dedicated to gender justice, equity, and inclusion. We believe safe, equitable workplaces, organizations and institutions are possible. Learn more about our work at www.possibilityseeds.ca.

We hope this document will be a valuable resource to those seeking to address and prevent campus gender-based violence. As this is an evolving document, it may not capture the full complexity of the subject matter. The information provided does not constitute legal advice, and is not intended to be prescriptive. It should be considered a supplement to existing expertise, experience, and credentials; not a replacement for them.

We encourage readers to seek out training, education, and professional development opportunities in relevant areas to enhance their knowledge and sustained engagement with this work.

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Setting the Stage and Introduction

Progressing through a student judicial affairs process is a complicated endeavour. Before we can begin the discussion on providing support to respondents, it is imperative to state that the primary goal in your work when supporting respondents is to increase the safety of victims, survivors, and your campus community. Working with respondents is only the means to creating and enhancing safety for all.

Supporting respondents does not mean colluding with, corroborating, or taking the side of respondents. Supporting respondents means facilitating their progress through student judicial affairs processes. In doing so, their potential risk to others can be addressed and managed, which ultimately reduces risks and harm to victims and survivors, and increases the overall safety of the campus community.

Reflection Questions

What feelings come up for you when you think about supporting someone who may have perpetrated gender-based violence (GBV)? How might these feelings influence how you support respondents? How can you ensure that your feelings do not unduly influence your work with respondents in ways that undermine their dignity, and/or ignore the needs of victims, complainants, and survivors?

All campus community members deserve support, which can include respondents to complaints under a post-secondary institution's (PSI's) policy on GBV. Hence, providing access to information, resources, and support to respondents is essential. It helps ensure that they are informed, and are treated fairly and with dignity. Supporting respondents can also provide them with an opportunity for growth and learning, which is consistent with the goals of any higher education institution (Norquest College, 2020). Further, all support must be grounded in consciousness-raising principles and centred on trauma- and violence-informed practices, while adopting an intersectional analysis and approach.

Your PSI may define respondents as individuals engaged in a student judicial affairs process who are awaiting the adjudication of an investigation. If a finding is made under your PSI's GBV policy that those respondents have caused harm, it would be helpful to review the sibling tool to this document, entitled *Promising Practice Principles and Reflection & Self-Audit Tool when Working with People Who Have Caused Harm*.

If a finding is not made under your PSI's GBV policy, one also cannot assume that such individuals have not caused any type of harm. More likely than not, harm may have been committed, but your PSI's student judicial affairs process could not substantiate a finding (Harris & Johnson, 2019). If a respondent has come to your attention and you are charged with providing them with support, it is best to work from the perspective that they are capable of causing harm.

“We live in a society based on disposability. If we want to build a different way of being together, we have to look closely at the feelings and behaviours that generate the desire to throw people away. Humility, compassion for ourselves, and compassion for others are antidotes to disposability culture. We all make mistakes and have a great deal to learn from each other.”

-Dean Spade (2018)

Reflection Questions

How might it disadvantage complainants, victims, and survivors to avoid acknowledging harm when working with respondents? What do you think is the connection between acknowledging harm and taking accountability? What is your own relationship to harm? If you have had a personal relationship with someone who has caused you harm, how could this affect how you work with respondents?

Finally, there is a healthy tension between balancing respondents' rights to procedural fairness; acknowledging that they have, may have, or are capable of causing harm; and upholding the safety of the community and complainants. Balancing these tensions may be tricky, even for a seasoned worker, and not maintaining this balance runs the risk of diminishing or ignoring the allegations brought forward by victims and survivors.

Reflection Questions

When you engage in work that acknowledges harm, what might make it difficult for you to stay grounded? As this work can engender difficult feelings in you, how do you address those feelings? When you engage in this difficult work, how do you take care of yourself?

When providing support to respondents, it is important to be grounded in and constantly reflecting on values such as accountability, responsibility, and community safety. Reflecting on these values can help you stay steady when this work engenders difficult thoughts and feelings. To assist you in staying grounded while providing support to respondents, this tool helps you identify other key values that you can keep in mind.

Reflection Questions

What is your definition of accountability and responsibility? What are the barriers for respondents when they attempt to take accountability and responsibility? When you've committed some harm in the past, what got in the way of you taking accountability and responsibility? How might you help respondents to overcome such barriers?

Who Provides Support and Why a Clarification Tool is Needed

The intended audience for these guidelines are those who are new to providing support to respondents.

Reflection Questions

What kind of training might you need to provide support to respondents? How do you know that you are in the position to provide such support? Where can you go and who can you consult with as you take on this new work? What support do you need to do this work? In addition to the PSI that you work for, who else are you accountable to when you're providing this type of support to respondents?

As respondents move through a student judicial affairs process, they will most likely receive information from different attending offices (e.g., student conduct, human rights offices, security and safety). However, those attending offices may have obligations that lie elsewhere and respondents may not be able to fully rely on them or feel comfortable enough to make inquiries or have their voices be heard.

If an attending office is charged with providing support to respondents, while having other obligations (e.g., the PSI's reputational interest), role confusion is bound to occur. PSIs can reduce that role confusion by having an office dedicated to providing support to respondents and people who have caused harm. If a PSI does not have the resources to do

this, those PSIs ought to think critically on how they will manage role confusion and what ethical considerations they should entertain when they provide support to respondents.

Reflection Questions

If you have multiple institutional obligations to meet, how will you ensure that you can provide proper support to respondents? What systems, processes, or practices can you develop to help you meet your multiple obligations while avoiding or minimizing potential ethical dilemmas?

Key Considerations When Working with Respondents

This set of key considerations was formed in consultation and agreement with communities of practice across the country under rigorous consensus methodology. These considerations should form your foundation when working with respondents. Keeping such considerations in your work will ensure that harm is acknowledged; that allegations made by victims and survivors are not minimized or ignored; and that community, complainant, victim, and survivor safety is always held in high regard and importance. **Above all, the goal of working with respondents is to increase community, victim, and survivor safety. Not keeping these considerations in mind severely compromises this objective.**

Trauma- and Violence-Informed means acknowledging that trauma and violence are connected and being aware of the impacts that trauma has on an individual's emotional, cognitive, physical, psychological, spiritual, and/or sexual wellbeing. Adopting such a lens should prevent re-traumatizing individuals involved in a complaints process. Adopting such a lens also means that caseworkers are trained, on an ongoing basis, in trauma- and violence-informed practices. Not having this training predisposes you to creating and perpetuating further harm on victims and survivors.

Intersectionality is the acknowledgement that an individual can occupy and be impacted by a number of political and social identities. Those identities and social categorizations can be understood under racial, gender, sexual, religious, disabled, class, and religious lines, to name a few. The overlap of any of these identities creates a complex system of discrimination where individuals face multiple oppressions. Any work with respondents should adopt this lens as respondents are not immune to multiple oppressions and discrimination themselves. Such recognition can provide dignity as respondents proceed through a complaints process.

Risk and Wellness Assessment. Risks may increase after respondents are informed of the accusations against them and a no-contact order between complainants and respondents is enacted. In their work with a respondent, caseworkers must assess the risk factors of escalation towards complainants or others. They need to be equipped to respond if escalation or broader safety is a concern and engage in wellness checks/crisis assessment with respondents. Individuals who have had accusations of harm brought against them can

sometimes struggle with their sense of self, shame, depression, anxiety, etc. It is thus important for someone to be able to assess wellness, connect them with mental health resources, and potentially offer accommodations (academic, etc.).

Accessibility of campus and community resources. Progressing through these processes can be inherently stressful, impact respondents' mental health, create a sense of isolation, and interfere with their academics. Such disruptions may mean that respondents will need support, and both on-campus and community referrals may be necessary. Timely referrals are critical because they can help respondents fully participate in their academic and personal lives throughout the course of their involvement in a student judicial affairs process.

Navigational awareness. Participating in a student judicial affairs process may seem like an exercise in completing a number of predetermined steps, when in fact it may be a series of complex decisions that respondents need to make. For respondents, each step in the process may be perceived as a barrier because of the complexity and requirements of the step itself. Thus, those working with respondents can help outline the system, as well as assist respondents in making informed decisions when exercising their choices throughout the student judicial affairs process. Such assistance can help respondents overcome any perceived barriers in the process and hopefully expedite their progress through the proceedings.

Understanding their Rights. When respondents become involved in a student judicial affairs process, the power of those proceedings flows from a policy. Knowledge of one's rights not only protects the respondents under the policy to which they are subject, but also ensures that the policy is applied in a fair and just manner. This minimizes any misuse of the policy and its associated procedures and instruments. It is in everyone's best interest for respondents to know their rights, as it minimizes appeals and prevents relitigation or repeat investigations, thereby avoiding any more potential harm to complainants, which is in keeping with trauma- and violence-informed principles.

For example, if respondents were not given fair notice of the allegations made of them, or given no time to provide a response to the claims made under your PSI's GBV policy, such provisions are procedurally unfair. Both you and the respondents understanding their right to procedural fairness (see below) can motivate respondents and you to seek out

procedural cures, which minimizes the chance of an appeal. Minimizing such appeals not only ensures that respondents are afforded due process, but more importantly prevents survivors and victims from being subjected to any further harm.

Procedural Fairness revolves around decision-makers and the process they use to come to a decision. If processes are done fairly, the decisions that flow from such processes should also be fair and thus correct. Procedural fairness requires that respondents have (Meares, 2016; Ombudsman Western Australia, 2019):

1. The right to fair notice
2. The right to hear the case against them
3. The right to be given a reasonable time to consider their position
4. The right to make a considered reply
5. The right to have the decision-maker fully consider all of their submissions
6. The right to impartial treatment by the decision-maker
7. The right to have a decision be supported by evidence

Much more can be said on this topic; please refer to [A Comprehensive Guide to Campus Gender-Based Violence Complaints: Strategies for Procedurally Fair, Trauma-Informed Processes to Reduce Harm](#).

Right to Appeal involves errors in the application of procedural fairness and if procedural cures have not been provided along the way. Grounds for appeal may also be based on the belief that bias exists with respect to the decision-maker, or if new evidence comes to light that was not available at the initial hearing (Ombudsman Western Australia, 2019).

Representation. Those working with respondents may discover that respondents have experienced a procedural irregularity, an abuse of policy, differential treatment, or a lack of proper application of adjudication principles. It is incumbent upon those providing support to be attuned to possible violations of respondents' rights relative to the GBV policy, to the procedures within the policy, and natural justice/procedural fairness.

Being attuned to possible violations (before the procedure(s) are completed and while advocating for procedural fairness along the way) can ensure that procedures are fairly executed, and, most importantly, minimize the chance for an appeal. As alluded to earlier,

a redo of the proceedings after a successful appeal could harm the complainant further and is thus not in line with trauma- and violence-informed principles.

Progressive Discipline implies that there is an opportunity for change and learning. Progressive discipline is also an opportunity to clarify a PSI's expectations of what it means to act and behave as an academic citizen within an educational/learning community. From a community perspective, if respondents have been found to cause harm under a PSI's GBV policy, they should be given the opportunity to change their behaviour. Discipline should also be appropriate to the individual, applied in a stepwise manner, and meet the needs of the respondent, the community, and especially the complainant. Matching the discipline to the misconduct in a fair manner is crucial, because severely and punitively disciplining people who have caused harm may increase the risk to the community and complainant just as much as not disciplining them at all.

Values Clarification Exercise (adapted from *The CARL Framework of Reflection*, n.d.)

Engaging in work with respondents can be meaningful, but it can also bring up difficult feelings (e.g., dread, anger, fear, anxiety). These feelings can be personally destabilizing and make it difficult for you to be present and effective in providing this important work. This exercise is meant to assist you in identifying and developing a list of five personal and guiding values (in addition to the Key Considerations discussed above) that you can rely upon when providing support to respondents. These values can remind you of what is important and keep you centred when you are engaged in difficult, destabilizing dialogues with respondents, or have critical and difficult decisions to make about the safety of the community, complainants, victims, and survivors.

Step 1

In the appendix, you will find a matrix listing a number of values and their corresponding definitions, which have been mostly copied from the Ethics Resource Centre (Hubbard, n.d.). Circle the values that you believe may assist you in working with respondents. Trust your instincts and try to be selective by asking yourself each time why this particular value is important to you. There is also space at the end for you to add values that do not appear on this matrix. Try to choose no more than 25 values.

Step 2

Transcribe each value you've selected onto separate sticky notes. Then organize all 25 sticky notes into natural groups. For instance, if you chose compassion, kindness, caring, and consideration, you may choose to group them together, as they generally revolve around the concept of care.

Step 3

If you have five groups of values or fewer, proceed to the next step. Otherwise, challenge yourself to reduce the groupings into larger groups of five or fewer. If you still have more than five groups of values, challenge yourself to eliminate groups of values until you have just five groups.

Step 4

For each group of values, find a label to describe the entire group of values. You are free to choose a label from one of the values from that grouping or invent a new label (e.g., compassion, kindness, caring, and consideration may be labelled as "Caring" or "Regard for others"). Whatever label you assign will be considered a core value. You can challenge yourself further by adding a qualifier or verb to each core value (e.g., "Regard for others" can become "Ensuring regard for others").

Step 5

Write down the core values in descending order of their importance in working with respondents.

Step 6

Reflect on your list and how you might uphold it within your work with respondents. For example, if you identified dignity as a core value, what does it look like to centre the dignity of the respondent throughout the process?

Reflect on how you can return to these values as you support the respondent. How can these values help centre what matters most within a process that could be very challenging for you and the person you are working with? How can you tell that you are in alignment with the values you've identified?

Most importantly, reflect on how returning to your values can support you in working with individuals who potentially have caused GBV, but still deserve a fair and unbiased process.

Summary

Working productively with respondents ultimately decreases the risk of further harm against victims and survivors, increases positive participation in the process, enhances campus safety, and decreases the likelihood of mental health crises in respondents. Such work can be challenging and sometimes personally destabilizing; however, keeping in mind the key considerations mentioned above and staying grounded in your personal values can provide you with practical guidelines as you *begin* your work with respondents. More professional development will undoubtedly be needed, but understanding the values at the foundation of your work with respondents is important in guiding your emerging practice.

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Appendix: Matrix of Values to Consider when Working with Respondents

Acceptance Favourable reception or belief in something	Accomplishment Doing or finishing something successfully	Accountability Obligation or willingness to accept responsibility	Adaptability The ability to modify behaviour to fit changing situations	Allegiance Loyalty or the obligation of loyalty
Altruism Unselfish concern for the welfare of others	Ambition An eager or strong desire to achieve something	Appreciation Recognizing the quality, value, or significance of people and things	Aspiration: A strong or persistent desire for high achievement	Authenticity The quality or condition of being trustworthy or genuine
Autonomy The condition or quality of being independent	Benevolence An inclination to perform kind, charitable acts	Caring Feeling and exhibiting concern and empathy for others	Changeability The ability to modify or adapt to differing circumstances	Charity Generosity toward others or toward humanity
Chastity The condition of being of virtuous character	Citizenship Exercising the duties, rights, and privileges of being a citizen	Clear thinking Acting intelligently without mental confusion	Collaboration To work cooperatively, especially in a joint intellectual effort	Commitment Being bound emotionally or intellectually to a course of action or to another person or persons
Community Recognition that one is part of a greater whole, which leads to sharing, participation, and fellowship with others as well as	Compassion Deep awareness of the suffering of others coupled with the wish to relieve it	Competence The state or quality of being adequately or well qualified	Concern Regard for or interest in someone or something	Consideration Process of employing continuous, careful thought and examination

mutual concern for each others' well-being				
Consistency Reliability or uniformity of successive results or events	Constancy Steadfastness in purpose	Cooperation The willing association and interaction of a group of people to accomplish a goal	Courage The state or quality of mind or spirit that enables one to face danger, fear, or challenges with confidence and resolution	Courtesy Civility; consideration for others
Credibility The quality or power to engender trust	Curiosity (VIA Institute on Character, n.d.) Taking an interest in ongoing experience for its own sake; finding subjects and topics fascinating; exploring and discovering	Decency Conformity to prevailing standards of propriety or modesty	Dedication Selfless devotion of energy or time	Democracy The principles of social equality and respect for the individual within a community
Dependability The trait of being reliable	Determination Firmness of will, strength, purpose of character	Diligence Working consistently and dutifully	Diversity A point of respect in which things differ; variety	Easygoing Relaxed or informal in attitude or standards
Education Obtaining or developing knowledge or skill through a learning process	Effort Putting in the time and exertion to do one's best	Efficiency The quality of producing an effect or result with a reasonable degree of effort to energy expended	Empathy Identification with and understanding of another's situation, feelings and motives	Encouragement The act of incitement to action or to practice

<p>Equality The right of different groups of people to receive the same treatment</p>	<p>Equity The state, quality, or ideal of being just, impartial, and fair</p>	<p>Ethics Beliefs about what is right and wrong conduct</p>	<p>Excellence Exceeding expectations, maximizing potential, and demonstrating considerable skill and accomplishments</p>	<p>Fairness Consistent with rules, logic, or ethics</p>
<p>Faith Confident belief in the truth, value, or trustworthiness of a person, idea, or thing</p>	<p>Fidelity Faithfulness; loyalty or devotion</p>	<p>Flexibility Responsive to change</p>	<p>Fortitude The strength or firmness of mind that enables a person to face danger, pain, or despondency with stoic resolve</p>	<p>Generosity Liberality in giving or willingness to give</p>
<p>Gentleness The quality of being mild and docile</p>	<p>Genuine Not deceitful or counterfeit; authentic</p>	<p>Giving Voluntarily transferring knowledge or property without receiving value in return</p>	<p>Goodness Morally right, or admirable because of kind, thoughtful, or honest behaviour</p>	<p>Gratitude A feeling of thankfulness and appreciation</p>
<p>Hardworking Industrious and tireless</p>	<p>Helpfulness The property of providing useful assistance or friendliness evidence by a kindly and helpful disposition</p>	<p>Honesty Fairness and straightforwardness of conduct</p>	<p>Honour Principled uprightness of character; personal integrity</p>	<p>Hope The feeling that something desired can be had or will happen</p>

<p>Humility Feeling that you have no special importance that makes you better than others</p>	<p>Independence Able to act without relying on the assistance of others and the resolve to make decisions without others' undue influence</p>	<p>Industriousness The characteristic of regularly working hard</p>	<p>Ingenuity Inventive skill or imagination</p>	<p>Initiative Ability to begin or to follow through energetically with a plan or task</p>
<p>Integrity Strict adherence to moral values and principles</p>	<p>Justice Conformity to moral rightness in action or attitude</p>	<p>Kindness Caring about the needs of others, concern for their best interests and well-being</p>	<p>Law-abiding Abiding by the encoding rules of society</p>	<p>Leadership Taking charge and being a good example</p>
<p>Liberty The right and power to act, believe, or express oneself in a manner of one's own choosing</p>	<p>Loyalty A feeling or attitude of devotion, attachment, and affection</p>	<p>Moderation Having neither too little nor too much of anything</p>	<p>Morals Individual beliefs about what is right and wrong</p>	<p>Motivation Determination; resolve to put forth one's best effort</p>
<p>Obedience Compliance with that which is required; adherence to the requests of legitimate authority</p>	<p>Opportunity Favourable or advantageous circumstance or combination of circumstances</p>	<p>Optimism A bright, hopeful view and expectation of the best possible outcome</p>	<p>Passion A strong desire and enthusiasm to embody one's values in action</p>	<p>Patience The ability to accept delay, suffering or annoyance without complaint or anger</p>
<p>Perseverance Steady persistence in adhering to a course of action, a belief, or a purpose</p>	<p>Perspective Ability to see the "big picture" and determine the relative importance</p>	<p>Professionalism (McCartney & Parent, 2015) Holding the trust of others because of</p>	<p>Promise-keeping Keeping your word that you will certainly do something</p>	<p>Prudence Doing something right because it is the right thing to do</p>

	of different interests and priorities	one's competent and excellent service		
Reason The ability to think and make good judgements	Recognition An acceptance as true or valid	Reliability Consistent performance upon which you can depend or trust	Resilience The ability to rebound quickly from misfortune or change	Resourcefulness The ability to act effectively or imaginatively, especially in difficult situations
Respect Showing due deference to the innate dignity and value of others	Responsibility That for which someone is responsible or answerable	Self-control Control of personal emotions, desires, or actions by one's own will	Self-discipline Making yourself do things when you should, even if you do not want to do them	Self-respect Confident recognition of one's innate value and dignity
Sensitivity Awareness of the needs and emotions of others	Serenity Calmness of mind and evenness of temper	Service Intentional efforts to understand the needs of others and to be of assistance	Sharing To allow others to participate in, use, enjoy, or experience jointly or in turns	Sincerity Genuineness, honesty, and freedom from deception and/or intentional misrepresentation
Sobriety Possessing the resolve to act and make decisions solely based on logic and merit, rather than succumbing to passion or attachment; calmness; coolness; seriousness	Stamina The physical or mental strength to do something for a long time	Stewardship The careful conducting, supervising, or managing of something	Supportive Furnishing support or assistance	Sustainability Making decisions and acting with regard for the value and finite nature of resources, including the environment

<p>Teamwork Working together towards a common goal</p>	<p>Thoughtfulness The tendency to anticipate needs or wishes</p>	<p>Tranquility A state of calm and peacefulness</p>	<p>Transparency Being forthright and open in one's dealings and in communicating matters of importance</p>	<p>Trustworthiness The trait of deserving confidence</p>
<p>Truthfulness Honesty in words and actions; being forthcoming and avoiding deception</p>	<p>Understanding Knowing how something works or a positive, truthful relationship between people</p>	<p>Virtue Doing something right because it is the good thing to do</p>	<p>Wisdom The ability to make good judgements based on what you have learned from your experience</p>	<p>Work Perform as intended or desired</p>
<p>Work Ethic Dedication and commitment to fulfilling one's responsibilities and successfully completing assignments</p>				