



BULLYING AND HARASSMENT, AND SEXUALIZED VIOLENCE:

POLICY FOR FORMAL REPORTING,
INVESTIGATION, AND DECISIONS



Mission

THE MISSION OF TRINITY WESTERN UNIVERSITY, AS AN ARM OF THE CHURCH, IS TO DEVELOP GODLY CHRISTIAN LEADERS: POSITIVE, GOAL-ORIENTED UNIVERSITY GRADUATES WITH THOROUGHLY CHRISTIAN MINDS; GROWING DISCIPLES OF JESUS CHRIST WHO GLORIFY GOD THROUGH FULFILLING THE GREAT COMMISSION, SERVING GOD AND PEOPLE IN THE VARIOUS MARKETPLACES OF LIFE.

CONTENTS

| | |
|---|-----------|
| 1. General Principles | 5 |
| 2. Options Before Making a Formal Report | 5 |
| 2.1. Bullying and Harassment | 5 |
| 2.2. Sexualized Violence | 6 |
| 3. Formal Reports | 7 |
| 3.1. Timeliness of Formal Reports | 7 |
| 3.2. Process for Complainant Making a Formal Report, Including Steps Before an Investigation | 7 |
| 3.3. Other Types of Formal Reports | 10 |
| 3.4. Special Procedures Prior to Investigation – Executive Leadership Team (ELT) | 12 |
| 4. Investigation Procedures | 12 |
| 4.1. Choice to Participate | 12 |
| 4.2. Support Persons | 13 |
| 4.3. Senior Harassment Officer Appoints Investigative Team | 13 |
| 4.4. Team Investigates Formal Report – Investigative Procedures | 13 |
| 4.5. Investigator’s Summary Provided to SHO, Complainant, and Respondent | 14 |
| 4.6. Complainant and Respondent May Provide Additional Written Submissions to SHO | 14 |
| 4.7. SHO Issues Decision Regarding Formal Report to Complainant and Respondent (and Outcomes, If Applicable) | 15 |
| 4.8. SHO Works in Conjunction With Appropriate Authority for Follow-Up and Issues Appropriate Outcomes (If Applicable) | 15 |
| 5. Withdrawal of Reports | 15 |
| 6. Appeals | 16 |
| 6.1. Complainant or Respondent Submits an Appeal | 16 |
| 6.2. SHO Appoints an Appeal Committee and Forwards the Appeal to the Committee | 17 |
| 6.3. Committee Decides Whether to Hear the Appeal | 17 |
| 6.4. Appeal Hearing | 18 |
| 6.5. Appeal Committee Issues Decision | 18 |
| 6.6. SHO Determines Appropriate Steps for Follow-Up | 19 |
| 6.7. Special Procedures – Executive Leadership Team | 19 |

| | |
|--|-----------|
| 7. Conclusion of Process | 19 |
| 7.1. Bullying and Harassment, and Sexualized Violence..... | 19 |
| 8. Mutual Resolution Process (Bullying and Harassment Only) | 19 |
| 9. General Principles | 20 |
| 9.1. Conflict of Interest..... | 20 |
| 9.2. Confidentiality..... | 20 |
| 9.3. Support During the Process..... | 21 |
| 9.4. Other Processes..... | 21 |
| 9.5. Records..... | 21 |
| APPENDIX A Formal Report Form | 22 |
| APPENDIX B Response to Formal Report Form | 25 |
| APPENDIX C Outcomes | 27 |

1. GENERAL PRINCIPLES

Procedures in this document are intended to clarify the process of addressing reports related to the Bullying and Harassment Policy and the Sexualized Violence Policy at Trinity Western University. These procedures are designed to ensure both types of reports are investigated in a way that ensures due process, meets the objectives and responsibilities of both policies, and utilizes the resources available at the university to help students, employees, and members of the community through the process.

The university recognizes the difference between these two sets of policies, and that reports for each require a different response. These procedures are therefore designed to be flexible where appropriate, recognizing that each situation is unique, especially considering the need for survivor-centred approaches to assisting individuals impacted by sexualized violence.

All distinct differences between the two policies (e.g., reporting timelines) will be clearly outlined in the procedures. Depending on the nature of the report, the Senior Harassment Officer (SHO) may take reasonable steps to vary these procedures to ensure the health and safety of individuals participating in the process.

2. OPTIONS BEFORE MAKING A FORMAL REPORT

2.1. BULLYING AND HARASSMENT

2.1.1. Attempts to resolve concerns related to bullying and harassment

A person who is confronted with behaviour that may constitute harassment should, if possible and reasonable to do so, speak with the alleged harasser to make it known to them that the behaviour is unwelcome, offensive, and violates the Bullying and Harassment Policy. In this Christian community, this action is expected to be sufficient to compel the alleged harasser to understand the seriousness of their actions in light of Scripture (ref. John 13:34, 35; Romans 12:9–21; Ephesians 4:31), to be truly contrite, to seek forgiveness, to immediately stop the conduct, and to act in a Christlike manner moving forward.

2.1.2. Discussions of concerns related to Bullying and Harassment

If confronting the alleged harasser is not possible, or if the alleged harasser continues the behaviour after being asked to stop, Complainants are encouraged to seek advice from a Contact Person to discuss their concerns and options for resolution. Employees may also want to discuss concerns and options for resolution with Human Resources or their Supervisor/Deans. Students may want to discuss concerns and options with a member of Student Life.

Initially, the Complainant may wish to tell their story without naming the alleged Respondent. Any Trinity Western University employee who is helping a Complainant consider options for resolution should make the Complainant aware that once they name the Respondent and share details, the incident will be considered a Formal Report and the University must ensure it is appropriately resolved. Similarly, once the Complainant chooses a resolution process, the Complainant will need to identify the Respondent so the issue can be resolved.

After discussing options, the Complainant may choose to

- A** - discuss concerns directly with the Respondent, with or without the assistance of a Contact Person, their Supervisor/Dean, or Human Resources (for employees), or a member of the Student Life Staff (for students) to determine if the matter can be resolved informally;
- B** - request that a Contact Person meet with the alleged harasser to discuss the complaint and to determine whether the matter can be resolved informally;
- C** - request that the Senior Harassment Officer appoint a mediator to mediate the issue;
- D** - initiate a mutual resolution (see section 8);
- E** - decide to proceed to a Formal Report (see section 3); or
- F** - decide to take no further action.

Although the Informal Resolution Options are encouraged whenever appropriate, Complainants are not required to pursue these options and may instead choose to make a Formal Report immediately.

2.2. SEXUALIZED VIOLENCE

2.2.1. Disclosures related to Sexualized Violence

The university recognizes that survivors and those impacted by sexualized violence may want to make a disclosure to any member of the university community without making a formal report. For these types of disclosures, telling their story and naming the other individual(s) does not automatically start an investigation process. Survivors and those impacted by Sexualized Violence may also immediately proceed to submit a Formal Report if they wish. Please see the Sexualized Violence Policy for more information on the difference between a disclosure and a report related to incidents of sexualized violence.

University employees are not obligated to report any disclosures of sexualized violence that they receive, unless one of the exceptions in section 10.2 of the Sexualized Violence Policy applies. In all other instances, individuals who receive disclosures from a person should first obtain that person's consent before sharing any information about them.

University employees who receive disclosures must make survivors and those impacted by Sexualized Violence aware of their right to connect with a Contact Person to discuss their options and should also encourage them to access appropriate supports.

3. FORMAL REPORTS

3.1. TIMELINESS OF FORMAL REPORTS

3.1.1. Bullying and Harassment

Reports of bullying and harassment are sensitive issues. Therefore, the university needs to have a reporting process that is as timely as possible. To ensure effective follow-up, Formal Reports must be submitted as soon as possible and no later than one year after the date on which the alleged acts identified in the Formal Report took place.

3.1.2. Sexualized Violence

For reports of sexualized violence, the university recognizes that survivors and those impacted by sexualized violence may not be ready to disclose or report immediately after an incident; therefore, there is no time limit for individuals disclosing or reporting their experiences under the Sexualized Violence Policy. However, the university's ability to investigate or take action may be limited depending on when it receives a report.

3.2. PROCESS FOR COMPLAINANT MAKING A FORMAL REPORT, INCLUDING STEPS BEFORE AN INVESTIGATION

3.2.1. Complainant makes Formal Report

Formal Reports must be made in writing and must include the information required as set out in the form (see Appendix A: Formal Report Form). It is recommended that Complainants use the form to ensure they provide all relevant information.

The Complainant may wish to seek assistance from a Contact Person while preparing the Formal Report to understand all the options and to get support. During initial contact to discuss the Formal Report, the Contact Person shall

- A** - meet with the Complainant as soon as possible after the Complainant makes contact and expresses a desire to file a Formal Report (ideally within 48 hours);
- B** - obtain facts about the alleged incident from the Complainant;
- C** - explain to the Complainant that

- I - all reports are treated as confidential to the extent set out in the Bullying and Harassment and Sexualized Violence policies, and
- II - investigative action will be taken only after a Formal Report has been filed;
- D - reiterate that it is the Complainant's right to be accompanied by a support person of their choice, including legal counsel, at any stage of the Formal Report process;
- E - explain to the Complainant the process and potential outcomes of initiating and participating in an investigation so that the Complainant can make informed decisions; and
- F - ask the Complainant to sign a written acknowledgement that the process has been explained to them and that they understand it.

The Complainant does not have to speak to a Contact Person before submitting a Formal Report but must still send the Formal Report to a Contact Person once it is complete.

The Contact Person will confirm receipt of the Formal Report from the Complainant; every effort shall be made to do this within seven (7) calendar days of receipt of a completed Formal Report form. At this time, the Contact Person will determine whether the Complainant has further questions. The Contact Person will also ensure that they have reviewed the process outlined above with the Complainant.

3.2.2. Contact Person notifies Senior Harassment Officer (SHO)

The Contact Person will inform the SHO within 48 hours of receiving a Formal Report, and will make every effort to meet with the SHO within seven (7) calendar days of receipt of a Formal Report to review the case. The Contact Person will also forward all relevant documentation to the SHO.

3.2.3. SHO decides whether to investigate

If the SHO decides to proceed with an investigation, they will notify the Contact Person within five (5) business days of receiving the Complainant's Formal Report. The Contact Person will then confirm with the Complainant that the Formal Report is being investigated and notify the Respondent.

The SHO may decline to initiate an investigation when the SHO reasonably believes that

- A - there is insufficient information to proceed with an investigation;
- B - it would be more appropriate to proceed under another university policy, process, or employment agreement;
- C - the allegation has already been adequately addressed by another process;
- D - the allegation should be put in abeyance pending the resolution of another process (including but not limited to a criminal investigation); or

- E - the allegation is not consistent with the principles and intent of either the Bullying and Harassment Policy or Sexualized Violence Policy.

If the SHO decides not to proceed with an investigation or to hold the matter in abeyance, they will notify the Complainant in writing within five (5) business days of receiving the Formal Report, unless the SHO considers it reasonable to extend that time limit. The SHO will include reasons for making the decision not to investigate or to hold the matter in abeyance.

The Complainant may appeal this decision to the Executive Leadership Team (ELT) within five (5) business days of receiving the decision. If a Complainant chooses to appeal this decision, a member of the ELT will review the appeal and decide whether the case should be investigated under this policy or whether any other action will be taken. Their decision is final.

3.2.4. Interim measures may be implemented

Where the alleged behaviour may result in a detrimental or negative working or educational environment, or may constitute a threat to any other students, faculty, staff, or administrative members, the university reserves the right to take interim actions to protect the campus. When this action—such as, for example, a temporary suspension from class or work responsibilities—is likely to become known or observed more broadly, a public statement may be issued to explain the action.

3.2.5. Contact Person notifies Respondent

The Contact Person will make every effort to notify the Respondent that a formal complaint has been made within five (5) business days of receiving confirmation of the SHO's decision to investigate.

The Contact Person shall

- A - whenever reasonable, provide the Respondent with a copy of the Formal Report and, at the very least, provide enough detail to allow the Respondent to understand the details of the Formal Report (certain details may be withheld if there are valid safety concerns or other legitimate reasons);
- B - provide the Respondent with a copy of either the Bullying and Harassment Policy or the Sexualized Violence Policy depending on the nature of the Formal Report;
- C - inform the Respondent that they have the right to discuss matters with the Contact Person;
- D - inform the Respondent they can be accompanied by a support person of choice, including legal counsel, at any stage of the Formal Complaint;
- E - ask the Respondent to sign a written acknowledgement that the process has been explained to them and that they understand it.

3.2.6. Respondent has an opportunity to respond

Once the Respondent has received the Formal Report (or information provided as per section 3.2.5 of this document, as applicable), the Respondent shall have fourteen (14) calendar days to provide a written response to the Contact Person (see Appendix B: Response to Formal Report). The Respondent may seek the assistance of the Contact Person in preparing the Response.

The Contact Person will provide a copy of the Response to the Complainant as soon as reasonably possible. Complainants may decline a copy of the Response to the complaint if they wish, as long as they make this clear in writing to the Contact Person. If the Respondent fails to provide a response within the fourteen-day period, the SHO may proceed with the complaint without a response.

3.3. OTHER TYPES OF FORMAL REPORTS

3.3.1. Reports by a third party

It is possible that an individual (the “Third Party”) may observe incidents of Bullying and Harassment or Sexualized Violence, despite not being directly involved. In such circumstances, the university encourages the Third Party to report such incidents to a Contact Person.

The Contact Person shall

- A** - meet with the Third Party as soon as possible;
- B** - determine if the Third Party has consent to share the report where such consent may be necessary (please see 10.6 of the Sexualized Violence Policy);
- C** - obtain the facts of the alleged incident from the Third Party;
- D** - determine if the Third Party wishes to remain anonymous;
- E** - advise the Third Party that all reports must be treated confidentially to the extent possible;
- F** - inform the Third Party that the report will be dealt with in accordance with these procedures but that the Third Party, for privacy reasons, will not be able to receive further details or updates.

If a Third Party identifies a person who may have experienced Bullying and Harassment or a person who may have been impacted by Sexualized Violence, a Contact Person may meet with the identified person to discuss the report, review available options, and document any action taken.

3.3.2. Anonymous complaints

3.3.2.1 Bullying and Harassment:

If an anonymous source identifies a person who may have experienced Bullying and Harassment, a Contact Person shall meet with the person identified as the victim of such Bullying and Harassment to discuss the report, review available options, and document any action taken.

Anonymous allegations cannot be investigated or followed up on if they do not identify the alleged harasser. In these cases, no specific action will be taken, but such reports will be recorded to identify needs for training, communication, and compiling statistics.

3.3.2.2 Sexualized Violence

If an anonymous source identifies a person who may have experienced Sexualized Violence, a Contact Person may meet with the person identified as the victim of such Sexualized Violence to discuss the report, review available options, and document any action taken.

Anonymous allegations in which the alleged respondent is not identified usually cannot be investigated. Anonymous reports are recorded to identify needs for training, communication, and compiling statistics. However, in situations where an anonymous report reveals an imminent risk to the safety of the rest of the campus community, the University will carefully review these anonymous statements to determine whether interim measures are required or whether the University needs to investigate.

3.3.3. University-initiated or continued investigations

The SHO may initiate or continue an investigation under either the Bullying and Harassment or the Sexualized Violence Policy with the University acting as the Complainant where

- A -** there is a significant risk to the health or safety of the university community, or
- B -** an investigation is required by law or university policy.

The University may act as the Complainant whether or not a report has been made and even in situations where a Complainant may have attempted Informal Resolution Options for Bullying and Harassment with an unsatisfactory conclusion.

If survivors or those impacted by sexualized violence choose not to participate in a University-initiated investigation related to an incident of Sexualized Violence they experienced, their identity will not be disclosed to the Respondent as part of this investigation process unless required by law.

3.4. SPECIAL PROCEDURES PRIOR TO INVESTIGATION – EXECUTIVE LEADERSHIP TEAM (ELT)

The following special rules will apply to reports concerning members of the ELT:

- A -** Where an individual provides information to either a Contact Person, the Senior Harassment Officer, a member of the Human Resources department, or the ELT that, if true, would make out a prima facie case of discrimination, Bullying and Harassment, or Sexualized Violence committed by a member of the ELT, the University will appoint an independent investigator to investigate the report and make recommendations.
- B -** The SHO must be immediately notified of the report. The SHO shall advise the Chair of the Governance Committee of the Board of Governors that a complaint has been received and shall arrange to engage an investigator.
- C -** The Investigator will be, at the option of the University, one of three external investigators in a list maintained by the SHO. However, should the Complainant and the University mutually agree on an alternative professional skilled in the field of discrimination, Bullying and Harassment, or Sexualized Violence to investigate the matter, then the parties may substitute such an alternate individual in place of one of the investigators.

4. INVESTIGATION PROCEDURES

4.1. CHOICE TO PARTICIPATE

The University anticipates the full cooperation of the Complainant, the Respondent, and any witnesses to the alleged incident(s) during investigations.

However, the University also respects the decisions of survivors of sexualized violence as to whether they wish to engage with any investigations.

Anyone, including the Respondent and the Complainant, may refuse to participate; however, the Investigator may proceed with and complete the investigation without that individual's participation, which may impact interim measures and final resolution. If a Respondent is an employee of the university, a refusal to participate may result in employment consequences and a Respondent will be advised of the likely consequences before making a final decision about whether to participate. The Respondent and Complainant will be advised of this if they decline to participate in the investigation or if they do not provide information as requested. Notwithstanding the foregoing, the University may require a Respondent who is an employee to participate and provide relevant information.

4.2. SUPPORT PERSONS

At any proceeding conducted under the investigation procedures, any individual may bring a support person of their choice, who may be internal or external to the university. A support person's role is to provide emotional support, but they may not act or respond on behalf of the Complainant, Respondent, or witness. They may accompany the Complainant, Respondent, or witness to interviews, meetings, or other proceedings. If an individual intends to be represented by legal counsel, they must notify the Investigator at least three business days in advance of any interview or meeting.

To ensure equitable access to the investigation process, individuals who require additional accommodation in order to fully participate in the investigation may bring a person to meet those specific needs.

4.3. SENIOR HARASSMENT OFFICER APPOINTS INVESTIGATIVE TEAM

The SHO will appoint the designated investigation team or an external investigator ("Investigator") and will be available in a consultative role to them and to support them with gathering evidence as needed.

No individual may serve as a Contact Person and also as a member of the investigation team for the same Formal Report or for any concurrent Formal Report that involves either the same Complainant or Respondent and related allegations or facts.

Wherever possible, investigators should be trained or have experience investigating the type of report they are tasked with investigating. This is especially important for investigations into Formal Reports of sexualized violence so that the investigation process is trauma-informed.

The SHO will forward to the investigators all the relevant documentation relating to the Formal Report.

4.4. TEAM INVESTIGATES FORMAL REPORT - INVESTIGATIVE PROCEDURES

Investigation into the Formal Report will be conducted in a manner ensuring that the Complainant and the Respondent each have a fair opportunity to tell their story and to know each other's claims.

The Investigator will have discretion as to the manner and extent of the investigation and will take all reasonable steps to fully investigate the Formal Report. These steps may include, but are not limited to, interviewing the Complainant, the Respondent, the Contact Person, and any potential witnesses. Investigations may be recorded, provided all parties have been informed. The Investigator may also review other relevant evidence (e.g., documents, photos, and access to buildings). The SHO shall be available to support the Investigator in obtaining relevant evidence. It is at the Investigator's discretion, in consultation with the SHO, to decide at what stages of the interview relevant evidence is disclosed to the interviewee.

At any time during an investigation of Bullying and Harassment, the Complainant and the Respondent may agree to resolve the Formal Report; however, the SHO retains the right to instruct the Investigators to complete the investigation with the University acting as Complainant per section 3.3.3.

4.5. INVESTIGATOR'S SUMMARY PROVIDED TO SHO, COMPLAINANT, AND RESPONDENT

As soon as practicably possible upon completion of the investigation, the Investigator will submit a written document (the "Summary of Information") to the SHO. The SHO will provide a copy to the Contact Person to be disseminated to the Complainant and the Respondent.

The Summary of Information shall contain

- A** - a summary of documentation reviewed and other evidence obtained in the course of the investigation, including information that the SHO may direct; and
- B** - a summary of the relevant facts, along with an opinion of (i) whether there is sufficient evidence to warrant proceeding further for a decision on the matter or (ii) whether there is insufficient evidence to proceed.

4.6. COMPLAINANT AND RESPONDENT MAY PROVIDE ADDITIONAL WRITTEN SUBMISSIONS TO SHO

Within five (5) business days of receiving the Summary of Information, the Complainant and Respondent will have the opportunity to provide any additional information to the SHO that they believe would assist the SHO in making a Decision. This information must be provided in writing directly to the SHO.

Parties are expected to share all relevant evidence and information during the initial investigation, but if for any reason new evidence is shared at this stage, the SHO may ask the investigative team to further investigate this new evidence, if possible, and to amend or add to the Summary of Information if appropriate.

4.7. SHO ISSUES DECISION REGARDING FORMAL REPORT TO COMPLAINANT AND RESPONDENT (AND OUTCOMES, IF APPLICABLE)

After reviewing responses to the Summary of Information and any written response provided by the Complainant and Respondent, the SHO will consider all relevant information and will apply the balance-of-probabilities standard of proof. The SHO will then issue a written Decision stating whether the Bullying and Harassment and/or the Sexualized Violence policies were violated.

The written Decision may include the following:

- A** - There was a violation of the relevant policy.
- B** - There was no violation of the relevant policy.
- C** - There is insufficient evidence and the determination is inconclusive.
- D** - A Formal Report was made by a Complainant knowing it to be false (if there is sufficient evidence).

The SHO will provide the written Decision to the Complainant, the Respondent, and the Contact Person. If the SHO concludes that one or both policies were violated, the written Decision will also include the Outcomes (see section 4.8 below).

If the SHO determines that the Formal Report was made maliciously or by the Complainant knowing it to be false, the SHO can include Outcome(s) on the Complainant in the Decision.

4.8. SHO WORKS IN CONJUNCTION WITH APPROPRIATE AUTHORITY

FOR FOLLOW-UP AND ISSUES APPROPRIATE OUTCOMES (IF APPLICABLE)

If the SHO concludes that one or both of the policies were violated, the SHO—in conjunction with Student Life for students, with Human Resources for employees, or with the appropriate department that has authority over the Respondents’ relationship to the University—shall determine appropriate consequences (the “Outcomes”) arising from the Decision. Outcomes should be determined before the Decision is issued so that both can be issued at the same time (see Appendix C: Outcomes).

5. WITHDRAWAL OF REPORTS

The Complainant may withdraw a Formal Report at any time before an investigation has started by submitting a written withdrawal to the Contact Person outlining the reasons for withdrawing the Formal Report. The SHO will decide whether to accept the withdrawal and retains the right to proceed with an investigation with the University as Complainant as outlined under section 3.3.3.

The Complainant may withdraw a Formal Report after an investigation has started with the consent of the Respondent. The Complainant will submit a written withdrawal to the Contact Person, who will then contact the Respondent to see if they agree to the withdrawal. The SHO retains the right to instruct that the investigation proceed with the University as Complainant as outlined under section 3.3.3.

6. APPEALS

6.1. COMPLAINANT OR RESPONDENT SUBMITS AN APPEAL

The Complainant and Respondent may submit an appeal of a Decision and/or Outcomes in writing to the SHO within five (5) working days of receipt of the Decision (and Outcomes if applicable).

The appeal must include

- A** - a statement of the ground(s) for appeal,
- B** - a statement of facts relevant to the ground(s) for appeal,
- C** - a statement of the remedy or relief sought,
- D** - copies of relevant documents that support the appeal, and
- E** - statements from any witnesses relevant to the appeal.

The information, documents, or witness statements should not generally include new information or evidence. Any information or evidence that was available in any way prior to the issuance of the Decision should have been provided to the Investigator and generally will not be considered in an appeal or provided to the Committee under section 6.2. In very rare and exceptional circumstances, such as the discovery of new evidence that could not have been discovered or provided to the Investigator with due diligence on the part of the Complainant or Respondent (as applicable), the SHO has discretion to remit such information and evidence to the Committee under section 6.2.

The Outcomes will not be implemented until the end of the appeal process; however, any interim measures that were put in place for safety reasons will continue to be in place during the appeal process and the SHO may implement new interim measures during the appeal process if deemed appropriate.

6.2. SHO APPOINTS AN APPEAL COMMITTEE AND FORWARDS THE APPEAL TO THE COMMITTEE

The SHO will appoint a three-member panel (“the Committee”) that includes a member of the Executive Leadership Team and two departmental/school/faculty leaders. In cases involving sexual harassment, sexual violence, or domestic violence, the appeals panel must have female representation.

Individuals who are involved in hearing appeals related to sexualized violence should receive appropriate advice on trauma-informed responses.

The Committee will not include

- A -** leaders of the Complainant's or Respondent's departments (for employees),
- B -** any individual involved in the original decision regarding outcomes (if there were decisions regarding outcomes);
- C -** individuals who have a direct interest or prior involvement in the report, investigation, decision, or conduct under appeal.

6.3. COMMITTEE DECIDES WHETHER TO HEAR THE APPEAL

The Committee will review the written statement of appeal and all other material submitted, and will determine if there are sufficient grounds to hear the appeal. The Appeal Committee may summarily dismiss an appeal that, in their judgment, does not raise a valid ground for an appeal.

If, in exceptional circumstances, the SHO has exercised their discretion under section 6.1 to forward new evidence or information to the Investigator, the Committee may

- A -** remit the matter back to the Investigator for consideration and, possibly, preparation of an amended report to the SHO and, subsequently, an amended Decision and/or Outcomes;
- B -** choose not to remit the matter back to the Investigator if it concludes that such new evidence or information would not likely affect the outcome of an appeal; or
- C -** decide whether it will or will not consider such new evidence or information in the appeal without remitting it back to the Investigator.

The Committee will provide direction accordingly.

6.4. APPEAL HEARING

If the Committee decides there are sufficient grounds for appeal, the Committee will call a meeting and will give all parties at least five (5) business days' notice of the time and date of the meeting.

The Complainant and Respondent may be accompanied by a Support Person during the appeal (please see information on support persons under section 4.2). The Appeal Committee may also retain legal counsel at any stage during the process to provide advice on procedural and evidentiary issues.

The Appeal Committee has wide discretion in the conduct of an appeal and is not bound by strict legal procedures or strict rules of evidence during the meeting. It will proceed to review and consider the appeal, ensuring that all parties are

- A** - aware of the information to be considered,
- B** - provided copies of all relevant documents to be considered by the Appeal Committee, and
- C** - given an opportunity to be heard during the process.

The Appeal Committee will consider all information it determines to be relevant and will apply the balance-of-probabilities standard of proof.

The Appeal Committee will also determine how the meeting will proceed with consideration given to situations that require a trauma-informed response. For example, in a situation related to a report of sexualized violence, the Complainant may wish to participate in the meeting but may wish to not be in the same room with the Respondent.

The meeting is not a rehearing, and the Committee will not hear new information (e.g., new witness statements) other than in very rare and exceptional circumstances as may be permitted in these procedures.

Participation in an appeal hearing is voluntary; however, the choice not to participate may impact the process and the outcome of the appeal.

6.5. APPEAL COMMITTEE ISSUES DECISION

After an appeal hearing concludes, the Appeal Committee will render a decision to the SHO (the “Appeal Decision”). The Appeal Decision will be in writing and will include written reasons setting out the basis for their decision, including any changes to the Decision and/or Outcomes. The Appeal Decision is final and not subject to any further appeals or to judicial review.

The SHO will provide the Appeal Decision in full to both the Complainant and the Respondent.

6.6. SHO DETERMINES APPROPRIATE STEPS FOR FOLLOW-UP

The SHO will review the Appeal Decision and determine appropriate steps for follow-up, which may include reviewing the Decision and Outcomes or in some cases reinvestigating as directed or determined in the Appeal Decision.

6.7. SPECIAL PROCEDURES - EXECUTIVE LEADERSHIP TEAM

Where the allegations or complaints involve members of the ELT, the meeting referred to in section 6.4 will be with the Governance Committee of the Board, and the Appeal Decision referred to in section 6.5 will be prepared by the Governance Committee of the Board. Appeal Decisions of the Governing Committee of the Board of Governors are final.

7. CONCLUSION OF PROCESS

7.1. BULLYING AND HARASSMENT, AND SEXUALIZED VIOLENCE

On or about 30 days after the completion of the process (under section 6.6, or 4.7 if there is no appeal), the Contact Person will follow up with the Complainant and Respondent. The purpose of this contact is to ensure that no further harassment, retaliation, or retribution has occurred, and that the requirements of the Decision or Appeal Decision are met and/or that appropriate support mechanisms are in place. The Contact Person will complete a further report and file it with the other materials. The investigation file will remain open for a reasonable period of time to allow for prescribed actions to be monitored and for subsequent reports to be placed in the file as appropriate.

The Senior Harassment Officer will have similar meetings with the Complainant and Respondent, respectively, six (6) months following the final Decision and/or appeal process.

8. MUTUAL RESOLUTION PROCESS (BULLYING AND HARASSMENT ONLY)

At any time before a Formal Report or during the investigation—at the request of the Complainant and with the agreement of the Respondent—a mutually agreed upon Contact Person selected from the list of trained Contact Persons may assist the individuals in resolving the complaint via the Mutual Resolution Process. If agreement on a mutually acceptable Contact Person cannot be reached, the SHO will provide a list of mediators to the Complainant and Respondent from which they must accept an individual.

The Contact Person's role is to help the Complainant and Respondent come to an agreement. It is not the Contact Person's role to advocate a position or impose a decision, or to investigate a complaint.

A Support Person of their own choosing may accompany both the Complainant and the Respondent (see section 4.2 for information about Support Persons). If resolution does not take place using the Mutual Resolution Process, or is unsuccessful, the Complainant or the Senior Harassment Officer may elect to pursue Formal Resolution Options (see section 3.2).

Notwithstanding the foregoing, the University retains its discretion to continue the process under section 3.3.3.

9. GENERAL PRINCIPLES

9.1. CONFLICT OF INTEREST

The SHO, ELT, department leader, Contact Persons, Investigator, and members of the Appeal Committee must declare any potential conflict of interest if they are asked to make any decision or participate in any way related to a report. The SHO must not appoint investigators who have a conflict of interest in relation to a report.

If the Contact Person, ELT member, or department leader is a Complainant or a Respondent in these procedures, they are deemed to be in a conflict-of-interest position and will be precluded from any involvement in the decision-making process and will be replaced by a person appointed by the SHO. The SHO will determine if there is a conflict of interest in any other situation and will determine whether the individual will be precluded from involvement in the decision-making process.

If the SHO is a Complainant or a Respondent in these procedures, they will be deemed to be in conflict of interest, and a member of the ELT will either serve in their stead or appoint an experienced independent external individual to manage the process of the complaint.

9.2. CONFIDENTIALITY

Complainants should be aware that initiating an investigation may have implications for their privacy and confidentiality. Under these procedures, the University collects personal information for the following purposes:

- A** - Implementing these procedures
- B** - Ensuring the safety of individuals and the university community
- C** - Ensuring the integrity and fairness of the process
- D** - Providing appropriate information to the Complainant and the Respondent
- E** - Conducting a proceeding or investigation that could lead to Outcomes
- F** - Providing information sufficient to allow the Respondent to understand the details of the report. Statements that the Complainant or a witness makes to the Investigator will be disclosed to the Respondent (subject to any redactions made in response to health or safety concerns)

Complainants, Respondents, and witnesses must keep confidential any information they learn during the investigation process. This does not prevent survivors and those impacted by sexualized violence from sharing their stories publicly, but the provisions in section 16 of the Sexualized Violence policy will apply.

9.3. SUPPORT DURING THE PROCESS

Complainants and Respondents will be encouraged and assisted by a Contact Person to access appropriate supports depending on the nature of the situation. The university recognizes that participating in an investigation process may be difficult, and encourages Complainants, Respondents, and others involved in the investigation to work with on- and off-campus supports to address plans for health and safety.

9.4. OTHER PROCESSES

Filing a Formal Report will not prejudice a Complainant's ability to access other remedies (i.e., Human Rights complaint or filing a report with the police) or to transfer back to the Mutual Resolution Process/Community accountability process available under the Bullying and Harassment Policy at any time in the process. The university may suspend its investigation pending the outcome of another process, or based on a participant's health or ability to participate.

The university may proceed with an investigation into a Formal Report while the incident is also being investigated by the police. The investigation process under this policy may occur simultaneously to, prior to, or following any criminal, employment, or other proceeding at the discretion of the SHO.

9.5. RECORDS

A copy of the Report, the Investigator's Summary, and the Final Decision (including any Outcomes, if applicable) and Appeal Decision (if any) shall be retained by Student Life if the Respondent is a student or by Human Resources if the Respondent is an employee.

APPENDIX A:

FORMAL REPORT FORM

BULLYING AND HARASSMENT, AND SEXUALIZED VIOLENCE: PROCEDURES FOR FORMAL REPORTING, INVESTIGATION, AND DECISIONS

I, _____ (name), a _____
 (student / employee / other) at Trinity Western University, have reasonable grounds to believe
 that _____ (name of Respondent), in the position
 of _____ has harassed or otherwise victimized me in the
 course of my studies / employment at Trinity Western University, on or about the _____ day of
 _____, _____ in contravention of Trinity Western University’s Bullying and Harassment
 Policy / Sexualized Violence Policy.

I understand that it is my right to be accompanied by a support person of choice, including legal counsel,
 at any stage of this Complaint.

I am making this Complaint under the
 BULLYING AND HARASSMENT POLICY
 AND/OR
 SEXUALIZED VIOLENCE POLICY

The particulars of this incident are as follows. If extra space is required, please attach supplemental pages.

On the _____ day of _____, _____, the Respondent, _____,
 did the following to me:

FORMAL REPORT FORM

This incident occurred in the following location:

I believe that the following people/documents will corroborate my report of this incident:

These documents are: ATTACHED NOT ATTACHED BUT FORTHCOMING

As a result of the above incident, I experienced the following consequences:

I DID DID NOT advise the Respondent _____, that his/her behaviour/language was unwelcome. Please explain:

FORMAL REPORT FORM

As a resolution to this incident, I request the following:

I have read the confidentiality provisions as set out in the TWU Bullying and Harassment Policy / Sexualized Violence Policy. I agree to abide by these provisions and understand that a breach of confidentiality contravenes the Policy and is subject to disciplinary action.

Signed at _____, British Columbia,
this _____ day of _____, _____.

Complainant's signature

APPENDIX B:

RESPONSE TO FORMAL REPORT FORM

BULLYING AND HARASSMENT, AND SEXUALIZED VIOLENCE: PROCEDURES FOR FORMAL REPORTING, INVESTIGATION, AND DECISIONS

I, _____ (name of Respondent), have read the Complaint of _____ (name of Complainant), dated the _____ day of _____, _____ alleging that I have harassed him/her in contravention of Trinity Western University’s Bullying and Harassment Policy / Sexualized Violence Policy.

I understand that it is my right to be accompanied by a support person of choice, including legal counsel, at any stage of this Complaint.

My response to the allegation against me by _____ (name of Complainant) on the _____ day of _____, _____ is as follows:

(Each allegation should be responded to on a separate Response form. If extra space is required, please attach supplemental pages.)

Large text area with horizontal lines for writing the response.

RESPONSE TO FORMAL REPORT FORM

I believe that the following people/documents will corroborate my response

These documents are: ATTACHED NOT ATTACHED BUT FORTHCOMING

I was / was not advised by the Complainant, _____, that the alleged behaviour/language was unwelcome. Please explain:

I have read the confidentiality provisions as set out in the TWU Bullying and Harassment Policy / Sexualized Violence Policy. I agree to abide by these provisions and understand that a breach of confidentiality contravenes the Policy and is subject to disciplinary action.

Signed at _____, British Columbia,
this _____ day of _____, _____.

Respondent's signature

APPENDIX C:

OUTCOMES

A. RELEVANT FACTORS

In determining Outcomes resulting from a substantiated allegation of Bullying and Harassment or Sexualized Violence, the SHO and the appropriate authority for the Respondent's area will consider all relevant factors, including but not limited to the following:

1. Findings regarding the degree and nature of the harm
2. The Complainant's statement of the impact of the harm upon self and others
3. Whether this was a single or repeated act
4. If applicable, the relationship between the Complainant and the Respondent
5. Whether earlier attempts to correct the behaviour failed
6. History, if any, of substantiated complaints against the Respondent
7. Whether there was retaliation against the Complainant
8. The need to prevent any future actions towards the Complainant or others
9. The interests of the University community
10. The Respondent's willingness to participate in the proceedings and take responsibility for actions
11. Other relevant factors

B. POTENTIAL OUTCOMES

The following or a combination of the following may be recommended or imposed Outcomes if the Formal Report is substantiated. However, it is recognized that some of the below may not be suitable for incidents of sexualized violence:

1. Mediation between the Complainant and the Respondent
2. Sensitivity awareness training
3. Verbal or written warning, with documentation in the Respondent's file
4. Review and modification of policy, procedures, and practices

5. No-contact directive
6. Behavioural contract
7. Written, verbal, and/or public apology
8. Participation in an alternative dispute-resolution process
9. Referral and/or counselling requirement
10. Community service
11. Residence relocation or eviction
12. Continuous monitoring of the situation
13. Reassignment of working arrangements and/or demotion;
14. Transfer from faculty/class or working group
15. Removal of privileges
16. Temporary suspension
17. Termination of employment or expulsion from the University
18. Other actions or strategies designed to eliminate and/or prevent harassment, or to support the well-being and success of persons affected by sexualized violence

If the Formal Report is not substantiated, there still may exist a conflict or problem that needs to be addressed. Upon reviewing the investigation file, the SHO may find it appropriate, considering all the evidence, to make recommendations to the appropriate area authority for corrective or restorative outcomes in order to develop or rebuild a positive work or study environment. Such outcomes could include any one or more of the following:

1. Mediation between the Complainant and Respondent (or other parties)
2. Mandatory education and training for an individual or group
3. Sensitivity awareness training
4. Review and modification of policies and procedures, and/or establishment of other work practices
5. Counselling
6. Other strategies designed to eliminate and/or prevent harassment, or to support the well-being and success of persons affected by sexualized violence

Where, as a result of an investigation, it is determined that a Formal Report was created in bad faith or with the intent to harm another, formal action may be taken against the Complainant. This may include any predetermined consequence established by other University processes and may include Outcomes listed above.

Any student complainants who would like to request academic adjustments can speak with the director of the learning commons. The director of the learning commons, in consultation with the SHO, will consider any requests for concessions and ensure any measures are put in place.

This will negate the need for the Complainant to have to repeat their situation to numerous people and will enhance the ability for the incident to be kept confidential.