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BULLYING & HARASSMENT POLICY PROCEDURES



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1. Roles & Responsibilities

1.1 The University

The University will demonstrate its commitment to maintaining a Christian community in which all students, faculty, staff, and administration are treated with respect and dignity, free from harassment in a positive work/study environment by:

- ♦ having a Policy defining harassment;
- ♦ informing students, faculty, staff, and administration about harassment, their rights and responsibilities, and by providing appropriate information through education and training; and
- ♦ having effective guidelines and procedures for dealing with complaints of harassment.

Note: The University has the authority to make any immediate interim decisions that may be required to protect the campus generally against any threat of internal or external physical violence resulting from matters being handled under these procedures.

1.2 Students, Faculty, Staff, & Administrative Members

Each student, faculty, staff, and administrative member is responsible for conducting herself/himself within the spirit of this Policy and for contributing towards a Christian community free from harassment.

1.3 Supervisors/Administration

This pertains to all supervisors from front line to Senior Management in all administrative roles across the University:

Supervisors have specific responsibilities to create and maintain a community free from harassment. It is their duty to establish a campus environment where harassment is not allowed, condoned, or ignored. They may be considered responsible for the harassment if appropriate corrective action is not exercised. Supervisors are responsible for ensuring that both decision-making practices and the behavior of students, faculty, staff, and administration are such that they give full effect to the intent of this Policy.

Supervisors will be expected, in some cases, to participate in education programs and investigations. Supervisors are expected to intervene with corrective actions (including discipline as necessary), if they observe any behaviours being exhibited which are contrary to this Policy

Supervisors are also responsible for providing a campus atmosphere that does not condone retaliation in cases where a complaint has been made and/or is being investigated. It should also be noted that where a supervisor has knowledge of an incident, which may constitute harassment, due to the potential for liability, she/he is required to take action even apart from a formal complaint being filed. Failure of a supervisor to intervene in a case of harassment may be, in and of itself, grounds for discipline.

1.4 Student Life Staff

Students might initially meet with a member of the Student Life Staff for an informal discussion or to ask to speak directly with a Contact Person (see Section 1.6). Student Life Staff have the following responsibilities:

- a. to advise the Complainant about the availability of counselling and other support services at the University. A Contact Person does *not* provide counselling or legal advice;
- b. to advise the Complainant about his/her right to speak to a Contact Person in confidence, subject to the confidentiality provisions of the Harassment Policy.

It is not the role of a Student Life Staff member to determine whether harassment has occurred.

1.5 Senior Harassment Officer

The University will appoint a Senior Harassment Officer whose role is to guide the operation of Harassment procedures. The Senior Harassment Officer will remain up-to-date on the issues and advancing legal arena of Harassment and on a regular basis will provide informational training, advice and updates to the campus. Specifically, he/she will have the following responsibilities:

- a. to guide and advise the Contact Persons regarding process during any informal discussions or formal complaints about harassment;
- b. to maintain a list of available mediators from which the Complainant and Respondent may select for assistance with informal complaints;
- c. to receive, review and process to completion all duly completed Formal Complaints;
- d. to appoint a non-partisan Investigation Team (see Section 4.1) for Formal Complaints, selected from the list of Contact Persons set out in Appendix A, where required;
- e. to appoint an independent External Investigator where, in his/her sole discretion, it is deemed to be required;
- f. where the complaint involves a member of the Executive Leadership Team, to advise the Chair of the Governance Committee of the Board of Governors that a complaint has been received and arrange to engage an investigator.
- g. to provide copies of the Investigation Report (see Section 4.2) to the Complainant and the Respondent;
- h. to hold a Hearing (see Section 4.3) if requested by either the Complainant or Respondent;
- i. based on the Investigation Report, presentations at the Hearing, to prepare a Decision (see Section 4.4) on the harassment complaint;
- j. to receive Appeals (see Sections 4.5 and 4.7) and process these to completion;
- k. based on the Decision, results of any Appeal(s), and recommendations from the Department leaders, to prepare a Determination, and then a Final Determination on the harassment complaint (see Section 4.6 and 4.8);
- l. to follow the steps outlined in section 6 (Results of Investigation) and implement or ensure the implementation of actions proposed;
- m. to meet with Department leaders or senior leadership team for advice on the implementation of any final discipline decision;
- n. to meet with the Complainant after 1 month and again after 6 months to ensure that all appropriate procedures have taken place and the Complainant has not suffered any retaliation for making the complaint.

- o. to act as the University's spokesperson for Harassment issues, determining in conjunction with the Executive Leadership Team and the Department leaders, whether or not a public statement should be issued and then issuing the appropriate statement (appendix E).

1.6 Contact Persons

The University will endeavour to select six (6) Contact Persons, and every effort will be made to have gender representation reflective of the community as well as staff, faculty and/or administration representation. All of these Contact Persons will receive in-depth training with respect to the Bullying & Harassment Policy, these procedures and basic legal principles. This training will be ongoing in order to keep Contact Persons apprised of developments in the law, and for review of the Policy and Procedures (see Appendix A for list of trained Contact Persons).

Contact Persons have the following responsibilities:

- a. to advise the Complainant about the availability of counselling and other support services at the University. A Contact Person does *not* provide counselling or legal advice.
- b. to discuss the Policy and options for resolution with the Complainant;
- c. to advise the Complainant of his/her right to speak to a Contact Person in confidence, subject to the confidentiality provisions of the Policy;
- d. to encourage informal resolution of complaints using the Mutual Resolution Process (see section 3.4). In each case where this process is requested, the Contact Person will review his/her ability to act with objectivity in assisting the Complainant and the Respondent to resolve the complaint via the informal process. If the Contact Person determines he/she will be unable to remain objective, then the Contact Person will request from the Senior Harassment Officer a list of available mediators from which the Complainant and Respondent will select assistance;
- e. to advise the Complainant of the right to lay a formal complaint under this Policy;
- f. to provide the Complainant, within 48 hours of meeting, a written summary of the process to be followed respecting the complaint and the options available for resolution.
- g. to assist the Complainant in drafting a formal complaint when all informal resolution options have been considered and/or exhausted. A formal complaint must be in writing and must contain the following information: a brief account of the alleged conduct, when such occurred, where such occurred, the person(s) involved, and the names of witnesses, if any (ref. Section 3.5 – The Formal Complaint). The Formal Complaint must be signed and dated by the Complainant. (see Appendix B for sample form to be used);
- h. to discuss the TWU Bullying & Harassment Policy and these Procedures with the Respondent and to assist the Respondent in completing a Response Form when requested to do so (see Appendix C for sample form to be used);
- i. to advise the Complainant and Respondent of their right to be accompanied by a support person of their own choosing, including legal counsel, at any stage of the process when the Complainant or Respondent is required or entitled to be present. The support person is only empowered to provide personal advice to the Complainant or Respondent and the University is not responsible for retaining or paying any expenses (legal or otherwise) which the Complainant or Respondent may independently incur with the support person;
- j. to advise the Complainant that he/she has the right to withdraw from any further action in connection with the complaint at any stage (even though the University reserves the right to continue to investigate the complaint as outlined in sections 3.6 and 3.7);

- k. to ensure the Complainant is aware that other avenues of recourse exist, including a right, where appropriate, to file a complaint with the British Columbia Human Rights Tribunal (in the case of the BC Human Rights Tribunal, complaints must be filed within one (1) year of the alleged harassment incident(s)), or to contact the police to lay a complaint under the *Canadian Criminal Code*;
- l. to deal with Third Party and Anonymous Complaints as set out in sections 3.8 and 3.9;
- m. to document and follow the procedures as outlined in this Procedures document;
- n. to meet separately with the Complainant and Respondent 30 days after the implementation of any decision, discipline or other resolution action;
- o. to keep numerical records of confidential complaints as set out in section 7 and as may be required; and
- p. to attend training sessions that enable him/her to fulfill the roles of either a Contact Person or member of the Investigation Team.

Because of the importance of the Contact Person's role, the University requires that Contact Persons sign a Letter of Commitment and will provide them with release time from regular responsibilities in order to fulfill their requirements under these procedures.

It is *not* the role of a Contact Person to determine whether harassment has occurred. Also, no individual may serve as a Contact Person and also as a member of the Investigation Team for the same complaint of harassment or for any other concurrent complaint that involves either the same Complainant or Respondent.

1.7 Executive Leadership Team

The University's Executive Leadership Team has the following responsibilities:

- a. to meet with the appropriate Department leaders to review the Determination (see Section 4.6) during the Appeal process and to render a decision on whether or not to uphold the Appeal
- b. to advise the Senior Harassment Officer of the decision on the Appeal;
- c. to meet with the Senior Harassment Officer and Department leaders regarding the issuance of a public statement; and
- d. in the situation where the Senior Harassment Officer is in a conflict of interest position, to substitute for the Senior Harassment Officer or appoint an alternate Senior Harassment Officer to handle the harassment complaint Procedures.

1.8 Department Leaders

The University's Department Leaders (Deans, VP's, Executive Directors) have the following responsibilities:

- a. to meet with the Senior Harassment Officer to review the Decision (see Section 4.4) ;
- b. to prepare a written recommendation regarding discipline or corrective action, where necessary, based on the findings of the investigation team's Report the parties' responses, the Decision, and all other relevant material;
- c. to implement the corrective/disciplinary action;
- d. to meet with the Senior Harassment Officer and Executive Leadership Team to determine the need for issuing a public statement; and

- e. if called upon, to serve on a panel to hear discipline Appeals (note: the Department leaders of the Complainant and Respondent may NOT serve on the Appeal panel).

2. Conflict of Interest

If the Contact Person, Executive Leadership Team member, or Department leader is a Complainant or a Respondent in these procedures he/she is considered to be in a conflict of interest position and will be restricted from any involvement in the decision making process and will be replaced by a person appointed by the Senior Harassment Officer.

If the Senior Harassment Officer is a Complainant or a Respondent in these procedures, he/she will be considered to be in a conflict of interest position and a member of the Executive Leadership Team will either serve in his/her stead or appoint an experienced independent external individual to manage the process of the complaint.

3. Complaint Procedures

Harassment is a sensitive issue and therefore the University strives to have a complaint process that is as confidential, flexible, and as accessible as possible (see schematic diagram of this process in Figure 1). The University encourages prompt reporting of all alleged violations of the Harassment Policy.

3.1 Initial Contact

A person who experiences actions which may constitute harassment is encouraged to make it known to the alleged harasser that the behavior is unwelcome, offensive and contrary to Policy. For whatever reason, if confronting the alleged harasser is not possible, or if after confronting the alleged harasser the behavior continues, the Complainant is encouraged to seek the advice of his/her Supervisor or a Contact Person (see names listed in Appendix “A” of this Policy) to discuss his/her concerns and options for resolution. If preferred, students may wish to contact one of the members of the Student Life staff for informal discussion only.

Where any individual raises a concern with any member of TWU’s Senior Administration, the President’s Council, or TWU’s Human Resources department that he or she may have been harassed, the University, upon receiving the allegation, will encourage the individual to refer to a Contact Person (listed in Appendix “A” of this Policy) as designated under TWU’s Harassment Policy unless the complaint is regarding one of the members of the President’s Council. In this case section 3.11 applies and the individual should be referred to the Senior Harassment Officer.

This provision, together with all other provisions contained herein as to requirements in the event of an individual raising a concern or making a complaint, will be suspended in the event that the individual raising the concern or making the complaint should take external legal proceedings either by filing a complaint with the Human Rights Tribunal or threatening through legal counsel to commence an action in a court of law or actually commencing such action in a court of law.

Initially, students, faculty, staff and administrators may wish to discuss their concern with a Contact Person without giving the name of the alleged harasser. This anonymity will be respected until the student, faculty, staff, or administrative member chooses a resolution process, which requires further identification.

Once a Complainant comes forward to either the Senior Harassment Officer, a Contact Person, a Supervisor, or other member of Administration to allege facts about a named individual which may constitute harassment, then a complaint has been filed. Similarly, if the Senior Harassment Officer, a Contact Person or a Supervisor is approached by an individual who wishes to tell them about possible harassment, the individual should be immediately apprised of the fact that by telling his/her story, the matter may constitute a complaint that will be processed accordingly. Notice of possible harassment removes any absolute confidentiality privilege where the alleged harasser is named.

3.2 Written Summary

Within forty-eight (48) hours of an individual making an informal or formal complaint under the Bullying & Harassment Policy of TWU, the Supervisor or Contact Person appointed with respect to the matter will provide the Complainant a written summary of the process to be followed respecting the complaint and the options available for resolution.

3.3 Options

3.3.1 Informal Resolution Options

A student, faculty, staff, or administrative member who believes that she/he has been subject to harassment should take the following course of action:

- a. bring the matter to the attention of the person responsible for the conduct and ask that the conduct cease. *In this Christian community, it is expected that this action would be sufficient to have the person responsible understand the seriousness of his/her 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 future in a Christ-like manner.* However, if the conduct persists, or if the student, faculty, staff, or administrative member does not feel comfortable dealing with the individual alleged to have harassed, options 3.21b and 3.21c are available;
- b. discuss concerns with his/her Supervisor or a Contact Person who will review with the student, faculty, staff, or administrative member the Policy, definitions of harassment and options for resolution, and/or facilitate resolution of concerns within the immediate area;
- c. after meeting with his/her Supervisor or the Contact Person, a student, faculty, staff, or administrative member may decide to:
 - ◆ discuss concerns directly with the individual alleged to have harassed the Complainant, with or without the assistance of his/her Supervisor or a Contact Person, to determine if the matter can be resolved informally;
 - ◆ request that his/her Supervisor or a Contact Person meet with the alleged harasser to discuss the complaint and to determine whether the matter can be resolved informally;
 - ◆ request that mediation be conducted by a professionally trained independent external mediator who shall be appointed by the Senior Harassment Officer;
 - ◆ initiate a mutual resolution (see Section 3.4);
 - ◆ decide to proceed to a formal investigation (see Section 3.3.2); or
 - ◆ decide to take no formal action at this time.

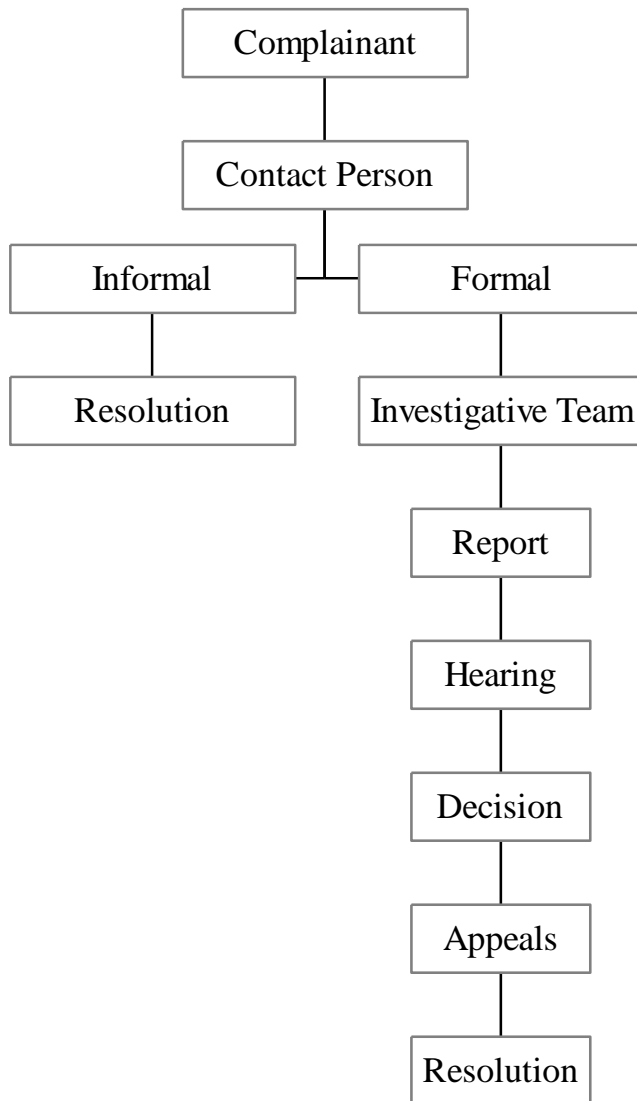
3.3.2 Formal Resolution Options

Although the Informal Resolution Options are encouraged, Complainants are not required to pursue these options, and may choose to make a Formal Complaint (see Section 3.5) immediately. Students, faculty, staff, and administrative members are reminded that there are many avenues for resolution as each situation is unique. Accordingly, these Procedures are intended to be as flexible as possible.

Notwithstanding the provisions of these Procedures, every student, faculty, staff, and administrative member continues to have the right to seek assistance from the BC Human Rights Commission, even when steps are being taken under these Procedures.

Figure 1

Overview of Harassment Complaint Procedures



3.4 Mutual Resolution Process

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 set out in Appendix A, may assist the individuals to resolve the complaint via the Mutual Resolution Process. If agreement upon a mutually acceptable Contact Person cannot be reached, the Senior Harassment Officer will provide a list of external 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 (any costs associated with each support person are the responsibility of the Complainant and the Respondent respectively).

If the complaint is resolved through the Mutual Resolution Process with a Contact Person, no formal written record will exist but file notes about the contact will be kept for the legally required time. If a formal complaint is made, the Contact Person will forward the notes to the Senior Harassment Officer and a confidential file will be opened and maintained.

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 3.3.2).

3.5 Formal Complaint

Filing a Formal Complaint will not prejudice a student, faculty, staff, or administrative member's right to access other remedies (i.e. Human Rights complaint) or to transfer back to the Mutual Resolution Process available under these Procedures at any time in the process. Formal Complaints must be in writing and must contain the information required as set out in the form (see Appendix B). Formal Complaints must be submitted *as soon as possible* and at the latest within one (1) year of the date of the alleged facts upon which the Formal Complaint is based.

The Complainant may wish to seek the assistance of a Contact Person in the preparation of the Formal Complaint. In this instance, the Contact Person will:

- a. meet with the Complainant as soon as possible, (ideally within 48 hours);
- b. obtain the alleged facts from the Complainant;
- c. assure the Complainant that:
 - ◆ all reports of harassment are treated as confidential in accordance with the Harassment Policy;
 - ◆ investigative action will be taken only after a Formal Complaint has been filed;
- d. document actions taken;
- e. forward all relevant documentation (together with details of any requested action to be taken) to the Senior Harassment Officer, who will promptly arrange for the appointment of either an Investigation Team or an External Investigator (see Section 4.1); and
- f. reiterate that it is the Complainant's right to be accompanied by a support person of his/her choice, including legal counsel, at any stage of the Formal Complaint. Notwithstanding the Community's belief in and acceptance of the authority of Scripture regarding not placing Christian conflict in the secular legal arena, the University will allow both the Complainant and the Respondent legal

counsel at all hearings and proceedings. The expense of such representation shall be borne by the individuals represented by legal counsel.

The Contact Person will make every effort, within fourteen (14) calendar days of receipt of a completed Formal Complaint form, to:

- a. confirm receipt of the Formal Complaint form with the Complainant;
- b. meet with the Senior Harassment Officer;
- c. notify the Respondent in writing that a formal Complaint has been made, provide the Respondent with a copy of the Policy, and also inform the Respondent that it is his or her right to discuss matters with the Contact Person and to be accompanied by a support person of choice, including legal counsel, at any stage of the Formal Complaint.
- d. The Respondent will be given an opportunity to reply to the Formal Complaint (the Response) and may seek the assistance of the Contact Person in preparing the Response (see sample Response Form in Appendix C).
- e. Once the Respondent has received the Formal Complaint, the Respondent shall have fourteen (14) days in which to provide a Response to the Contact Person, who in turn, will immediately upon receipt provide a copy of the Response to the Complainant.

The University expects the full co-operation of the Complainant, the Respondent and any witnesses to the alleged incident(s). The Complainant and Respondent will be notified of the relevant times and location(s) of the investigation. They will also be advised that non-compliance or refusal to attend hearings or investigative proceedings will *not* stop the investigation. Taped recordings may be made with the knowledge of the parties.

3.6 Withdrawal of Complaint Before Investigation

The Complainant may withdraw a Formal Complaint at any time *before* an investigation has commenced. However, due to the detrimental nature and seriousness of harassment in organizations, the Contact Person will meet with the Senior Harassment Officer providing a brief summary of the nature of the Formal Complaint and the reasons for withdrawal. The Senior Harassment Officer shall review such summary, meeting with the Complainant as appropriate. He/she may, in their sole discretion, appoint an Investigation Team or an External Investigator to complete the investigation of the Formal Complaint if there are reasonable grounds for believing that harassment may have taken place or that coercion or any other inducement/enticement caused the withdrawal and where:

- a. the University may be vicariously liable for such harassment; or
- b. such harassment may have the effect of creating a negative or detrimental working or educational environment for the University; or
- c. the unacceptable behavior may constitute a threat to other students, faculty, staff or administration.

The Senior Harassment Officer may:

- a. instruct the Investigation Team or the External Investigator to commence and complete the investigation of the Formal Complaint (these circumstances are set out in section 3.6 below); or
- b. ask the Contact person to inform the Respondent and any others contacted with respect to the Formal Complaint that the Formal Complaint has been withdrawn and of further actions, if any;
- c. ensure that all reports and statements with respect to the Formal Complaint are maintained in a confidential file separate from the personnel or student files of any of the parties involved in the Formal Complaint; and
- d. document the reasons for withdrawal and resulting actions.

3.7 Withdrawal of Complaint During Investigation

The Complainant may withdraw a formal complaint after an investigation has been commenced with the consent of the Respondent.

If a Formal Complaint is withdrawn before an investigation is *completed*, the Investigation Team or the External Investigator shall provide the Senior Harassment Officer with a brief summary of the nature of the Formal Complaint and the reasons for withdrawal. The Senior Harassment Officer shall review such summary, meeting with the Complainant as appropriate. He / she may, in their sole discretion, instruct the investigators to complete the investigation of the Formal Complaint if there are reasonable grounds for believing that harassment may have taken place or that coercion or any other inducement / enticement caused the withdrawal and where:

- a. the University may be vicariously liable for such harassment; or
- b. such harassment may have the effect of creating a negative or detrimental working or educational environment for the University; or
- c. the unacceptable behavior may constitute a threat to other students, faculty, staff or administration; or
- d. the allegation is shown to have been fabricated maliciously or wrongfully targeted against the Respondent.

3.8 Complaints by a Third Party

It is possible that an individual (the “*Third Party*”) may observe incidents of harassment, although he or she may not be directly involved. In such circumstances the University encourages the Third Party to report such incidents to a Contact Person. In such circumstances the Contact Person will:

- ◆ meet with the Third Party as soon as possible;
- ◆ obtain the alleged facts from the Third Party;
- ◆ determine if the Third Party wishes to remain anonymous;
- ◆ advise the Third Party that all reports of harassment are treated as confidential in accordance with the Harassment Policy and that confidentiality must be safeguarded. In cases where the University chooses to proceed with an investigation without receiving a written complaint, confidentiality of information is not guaranteed;
- ◆ inform the Third Party that the report of harassment will be dealt with in accordance with the Harassment Policy and these Procedures; and
- ◆ meet with the alleged victim of the harassment to discuss the Harassment Policy and advise about the available resolution options;
- ◆ document actions taken.

A Third Party who makes such a report will be immune from sanctions under the Harassment Policy when such report is made in good faith and on reasonable grounds.

Accusations alleging third party on-campus incidents of Harassment by non-community members will be accepted with the understanding that the solution may only be that the University will take action to provide a more secure campus. The Complainant may receive advice regarding off campus remedies but must recognize that the likelihood of the University being able to enforce disciplinary action against a non-community member is very remote.

3.9 Anonymous Complaints

If an incident of harassment is reported by an anonymous source identifying an alleged victim of harassment, the Contact Person shall meet with the alleged victim of harassment to discuss the Harassment Policy, advise about the available resolution options, and document action taken.

Investigations cannot be undertaken on the basis of a request written and/or received anonymously. If an incident of harassment is reported, but does not identify the alleged harasser, no specific action will be taken, but such reports will be recorded to identify needs for training and communication.

3.10 University Initiated Investigation

If the Complainant elects to pursue an Informal Resolution Option, and it results in an unsatisfactory conclusion, the University reserves the right to have a full investigation conducted with attendant possibility for corrective/disciplinary action.

Where the alleged harassment may have the effect of creating 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 that may be required to protect the campus and to initiate an investigation. When actions are taken that are likely to become known or observed more broadly, such as temporary suspension from class or work responsibilities, a public statement may be issued to explain the action (see Appendix E).

3.11 Special Procedures – Executive Leadership Team

All of the procedures set forth above as to harassment allegations, issues and complaints shall be subject to and superseded by special rules governing matters raised concerning members of the Executive Leadership Team, which rules shall be as follows:

Where an individual provides information to a Contact Person, the Senior Harassment Officer, a member of the Human Resources department, or the Executive Leadership Team which, if true, would make out a prima facie case of discrimination or harassment committed by a member of the Executive Leadership Team, the University will appoint an independent investigator to investigate the complaint and make recommendations as to whether harassment has occurred.

The Senior Harassment Officer is to be immediately notified of the allegation. The Senior Harassment Officer will advise the Chair of the Governance Committee of the Board of Governors that a complaint has been received and will arrange to engage an investigator..

The investigator will be, at the option of the University, one of three External Investigators in a list maintained by the Senior Harassment Officer. However, should the Complainant and the University mutually agree upon an alternative professional skilled in the field of sexual harassment to investigate the matter, then the parties may substitute such an alternate individual in place of one of the three aforesaid investigating parties.

3.12 Conclusion of Harassment Process

At the conclusion of any harassment process resolved through either the informal process, the formal process, or a complaint under the Human Rights Code, subject to the Complainant still being an employee of the University and subject to any mediation or settlement agreement not prohibiting ongoing monitoring, the Senior Harassment Officer of TWU will meet with the Complainant to ensure that all appropriate procedures have taken place and the Complainant has not suffered any retaliation for making the complaint. The Senior Harassment Officer will have similar meetings with the Complainant one (1) and six (6) months respectively following resolution of the complaint.

4. Investigation Procedures

4.1 Investigation

Internal or external investigators trained in this area will conduct all investigations. The Senior Harassment Officer shall appoint the designated Investigation Team or an External Investigator and shall be available in a consultative role to them. If an internal Investigation Team is appointed, its members shall be drawn from the list of Contact Persons (see Appendix A). However, no individual may serve as a Contact Person and also as a member of the Investigation Team for the same complaint of harassment or for any concurrent complaint that involves either the same Complainant or Respondent.

The Senior Harassment Officer shall forward to the investigators all the relevant documentation relating to the Formal Complaint. This will include, but not be limited to, the Formal Complaint and the Response.

The investigation into the Formal Complaint will be conducted in a manner ensuring that the Complainant and the Respondent each shall have a fair opportunity to know what the other is saying and a fair opportunity to be heard.

Note - The Senior Harassment Officer will determine, on the appointment of the Investigation Team / External Investigator, whether or not a public statement is needed and, after consultation with the Department leaders, will issue the statement (see Appendix E).

Upon appointment, the investigators will take all reasonable steps to fully investigate the Formal Complaint including, but not limited to, interviewing the Complainant, the Respondent, the Contact Person and any potential witnesses to the alleged harassing conduct. In undertaking the investigation, the investigators will uphold the confidentiality provisions of the Harassment Policy. The investigators will have full authority to investigate the Formal Complaint.

At any time during the investigation, the Complainant and the Respondent may agree to resolve the Formal Complaint; however, the Senior Harassment Officer retains the right under sections 3.6, 3.7 and 3.10 to instruct the investigators to complete the investigation.

4.2 Investigator's Report

Within a timely manner (ideally within 5 working days), the investigators will submit a written document (the ***“Report”***) to the Senior Harassment Officer. The Report shall contain:

- ◆ all documentation, relevant facts, and evidence obtained in the course of the investigation, including information that the Senior Harassment Officer may direct; and
- ◆ a summary of the relevant facts, along with the investigator's opinion whether there is sufficient evidence to warrant proceeding further for a decision on the matter or whether there is insufficient evidence to proceed.

4.3 Response to Report

The Senior Harassment Officer will provide copies of the Report to the Contact Person who, in turn, will provide copies of the Report to the Complainant and Respondent and will discuss its contents with each party privately. Each party shall have an opportunity to provide either a written or oral response to the Report, making his/her representations as to any or all of the Report contents.

Either party may request a Hearing before the Senior Harassment Officer in lieu of and not in addition to a written response, in which case:

- a) both parties must appear at the Hearing;
- b) each party shall be entitled to be accompanied by one support individual, who may be a lawyer;
- c) the Hearing shall be held within a reasonable time, ideally within five (5) working days of the request being made;
- d) each party shall be entitled to call witnesses;
- e) the right of cross-examination at the hearing will apply, but formal rules of evidence will not apply.

4.4 Decision

After reviewing the Investigator's Report, and all evidence and representations made by the Complainant and Respondent respecting the Report, the Senior Harassment Officer shall prepare a written document (the ***“Decision”***) and shall submit this to the Contact Person who, in turn, shall provide copies to the Complainant and Respondent. The Decision will indicate either:

- ◆ there is insufficient evidence to proceed further and that the complaint should be dismissed on a summary basis, which Decision may or may not be accompanied by a finding that the claim was spurious or vexatious; or
- ◆ having reviewed all of the facts submitted by the investigators, the Senior Harassment Officer has concluded that Harassment has or has not been committed.

4.5 Appeal of Fact or Law

The Complainant and Respondent may invoke an appeal of fact or law, or mixed law and fact within 5 (five) working days of receipt of the Decision by submitting a written appeal to the Senior Harassment Officer. The Appeal process shall be governed by the provisions of section 5 set forth hereafter.

4.6 Determination

If there is no Appeal or once the Appeal process regarding fact, law or mixed law and fact is complete, then on the basis of the Decision, the parties' responses, and all other relevant information, the Senior Harassment Officer shall prepare a written document (the "**Determination**") providing:

- ◆ confirmation of the Decision; and
- ◆ in the event that harassment has been substantiated in the Decision, recommendations for disciplinary or corrective actions after due consultation with the Complainant's Department leader and the Respondent's Department leader.

Copies of the Determination will be communicated to the Contact Person who, in turn, shall provide copies to the Complainant and the Respondent.

4.7 Special Procedures – Executive Leadership Team

Where the harassment allegations, issues and complaints that have been raised involve members of the Executive Leadership Team, the Hearing referred to in section 4.3 will be with the Governance Committee of the Board, and the Decision referred to in section 4.4 and the Determination referred to in section 4.6 will be prepared by the Governance Committee of the Board.

4.8 Appeal of Discipline

The Respondent and Complainant have five (5) working days in which to invoke the Appeal process on the issue of discipline by submitting a written appeal to the Senior Harassment Officer.

4.9 Final Disciplinary Determination

Once the Appeal process of discipline is completed, the Senior Harassment Officer will prepare and issue a Final Disciplinary Determination specifying final discipline. Copies will be sent to the Contact Person, Complainant and Respondent. The Senior Harassment Officer will advise only those needing to be part of any further actions at this time.

5. Appeal Process

Appeals of fact or law only will be accepted within five (5) working days of the Decision being communicated to the Complainant and the Respondent under the following guidelines:

- a. All appeals must be in writing and must specify all grounds or reasons for the appeal and must be delivered to the Senior Harassment Officer;
- b. Appeals of fact or law:
 - appeals regarding a mistake of fact in the investigation will be accepted;
 - appeals regarding a mistake of law or procedure will be accepted;
 - appeals regarding a mistake of mixed law and fact will be accepted.

For Appeals of fact or law, the Senior Harassment Officer will appoint the Chair of the Board of Governors (or a designate) to review the Decision together with the Report.

c. Appeals of discipline will be accepted only after any appeal of fact or law is completed and a Determination is communicated.

For Appeals of discipline, the appeal will be reviewed by a 3-member panel that includes a member of the Executive Leadership Team and two Department leaders (not including leaders of the Complainant's or Respondent's departments) selected by either the Complainant or Respondent (whom ever initiated the Appeal).

Every reasonable effort will be made to receive the independent party's and/or panel's appeal reports within thirty (30) days of receipt of the appeal request following which the decisions will be communicated immediately. Disciplinary decisions will not be implemented until after the appeal decision is rendered.

Appeals that are upheld will be sent to the Senior Harassment Officer who will take appropriate steps for review or reinvestigation. Appeals that are *not* upheld will be sent to the Senior Harassment Officer for implementation of the corrective and/or disciplinary procedures.

Note - Following the completion of the investigation, issuance of the Final Disciplinary Determination and any discipline, the Senior Harassment Officer will determine whether or not a public statement is required and, after consultation with the appropriate Department leaders issue the statement (see Appendix E).

5.1 Special Procedures – Executive Leadership Team

Where the harassment allegations, issues and complaints that have been raised involve members of the Executive Leadership Team, Appeals of fact or law referred to in 5.b. and Appeals of discipline referred to in 5.c. are not available. Decisions of the Governing Committee of the Board of Governors are final.

6. Results of the Investigation

6.1 Remedies if Formal Complaint is Substantiated

Where it is found that the Respondent has breached Policy and such finding is confirmed if appealed, the Department leader for the Respondent's area will recommend appropriate corrective and/or disciplinary action. The Senior Harassment Officer and the Department leader will confirm the action after any appeals have been completed. Corrective and/or disciplinary action will be designed to change behavior and eliminate harassment.

In determining appropriate corrective action, the following factors will be considered:

- ◆ the degree of aggression (psychological or physical);
- ◆ whether the harassment was a single or repeated act;
- ◆ the relationship between the Complainant and the Respondent;
- ◆ the impact of the harassment on the Complainant and others;
- ◆ whether the Respondent admitted responsibility and expressed willingness to change;
- ◆ history, if any, of substantiated complaints against the Respondent and whether earlier attempts to correct the misconduct have been tried and failed;

- ◆ whether there was retaliation against the Complainant;
- ◆ the need to prevent the repetition of proven harassment towards the Complainant or others; and
- ◆ other relevant factors.

Where the results of the investigation substantiate a finding of harassment, the following (or a combination of the following) may be recommended forms of corrective action:

- ◆ mediation between the Complainant and the Respondent;
- ◆ a verbal warning, with the incident documented in the Respondent's personnel file;
- ◆ a written warning ;
- ◆ sensitivity awareness training;
- ◆ review and modification of policy, procedures and practices;
- ◆ continuous monitoring of the situation;
- ◆ the requirement to provide a verbal, written and/or public apology;
- ◆ reassignment of working arrangements;
- ◆ demotion;
- ◆ transfer from faculty/class or working group;
- ◆ removal of certain community privileges;
- ◆ temporary suspension;
- ◆ termination of employment or expulsion from the University;
- ◆ mandatory counselling; or
- ◆ disciplinary action or other strategies designed to eliminate and/or prevent harassment. This may include any predetermined consequence established under the Staff, Faculty, or Student Handbooks and additional related materials.

The Contact Person as well as both the Complainant and the Respondent will be advised of the recommended corrective and/or disciplinary action within seven (7) working days of development of the Final Determination from the Department leader for the Respondent's area. Only where formal disciplinary action has been implemented as a result of an investigation, will a notation be made in the Respondent's personnel or student file. This notation will indicate that the Respondent has breached the Policy, the nature of the breach and the disciplinary/corrective action imposed.

On or about 30 days after the completion of due process, the Contact Person will follow up with each of the parties. The purpose of this contact is to ensure that no further harassment, retaliation, or retribution has occurred, that the decision/resolution has been fully implemented and that restoration has begun. A further report will be completed by the Contact Person and will be filed with the other materials. The investigation file will remain open for a reasonable period of time to allow for the monitoring of actions to be taken and subsequent reports to be placed in the file as appropriate. The investigation file will be maintained until the expiration of all provisions of any relevant statutes of limitation. If the Respondent is a student, the file will remain with Student Life. If the Respondent is a faculty, staff, or administrative member, the file will remain with the Human Resources Office.

6.2 Remedies if Formal Complaint is Unsubstantiated

Where the results of the investigation and, if applicable, the adjudication, do not support the Formal Complaint, a copy of the Report shall be placed in the investigation file and the file will be closed. The Contact Person as well as both the Complainant and the Respondent will be advised within seven (7) working days by the Senior Harassment Officer and the Department leaders.

After a thorough investigation, if a Formal Complaint is found to be unsubstantiated, there still may exist a conflict or problem that needs to be addressed. Upon reviewing the investigation file, the Senior Harassment Officer may find it appropriate, considering all the evidence, to make recommendations to the Department leader for corrective action in order to develop or re-build a positive work or study environment. Such corrective action could include any one or more of the following:

- ◆ mediation between the Complainant and Respondent (or other parties);
- ◆ mandatory education and training for the individual or group;
- ◆ sensitivity awareness training;
- ◆ review and modification of the Bullying & Harassment Policy, these Procedure and other work practices;
- ◆ counselling; or
- ◆ other strategies designed to eliminate and/or prevent harassment.

6.3 Malicious Reports

Where, as a result of an investigation, it is determined that a student, faculty, staff, or administrative member has made a complaint in bad faith or with the intent to harm another, then formal disciplinary action may be taken against that student, faculty, staff, or administrative member. The following (or a combination of the following) may be recommended forms of disciplinary action:

- ◆ a verbal warning, with the incident documented in the Complainant's personnel file;
- ◆ a written warning;
- ◆ review and modification of policy, procedures and practices;
- ◆ continuous monitoring of the situation;
- ◆ the requirement to provide a verbal, written and/or public apology;
- ◆ reassignment of working arrangements;
- ◆ demotion;
- ◆ transfer from faculty/class or working group;
- ◆ removal of certain community privileges;
- ◆ temporary suspension;
- ◆ termination of employment or expulsion from the University;
- ◆ mandatory counselling; or
- ◆ disciplinary action or other strategies designed to eliminate and/or prevent harassment. This may include any predetermined consequence established under the Staff, Faculty, or Student Handbooks and additional related materials.

7. Records of Complaint

A copy of the Report, and the Final Determination shall be retained by Student Life if the Respondent is a student or Human Resources if the Respondent is a faculty, staff, or administrative member. Numerical records of confidential complaints will be kept by Contact Persons and forwarded to Human Resources annually. These records will include the following information only:

- ◆ number of complaints;
- ◆ type of alleged harassment; and
- ◆ the nature of process or resolution (i.e. informal resolution, mutual resolution, investigation).

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The intention is that the anonymity of the individuals involved will be assured as the data will be in aggregate form only and will be used only for statistical purposes. These numerical records will be compiled by Human Resources and forwarded annually to the appropriate parties.

Where a Respondent has been found to have breached Policy and where corrective action has been taken, the personnel file or student file of the Respondent shall indicate the nature of the harassment and the corrective action imposed.

Appendix A

Contact Persons & Senior Harassment Officer 2016-2017

Contact Persons

- ❖ **Mrs. Kim Redshaw** local 3271
Biology Lab Supervisor



Kim

- ❖ **Mr. Jo Jansen** local 3843
Manager, Security & Parking



Jo

- ❖ **Mr. Terry Neufeldt** local 3532
Assistant Professor of Geology



Terry

- ❖ **Dr. Derrick Klaassen** local 3881
Assistant Professor of Counselling Psychology



Derrick

- ❖ **Dr. Kelly Arbeau** local 3087
Assistant Professor of Psychology



Kelly

Senior Harassment Officer

- ❖ **Ms. Janis Ryder** local 3055
Executive Director, Human Resources



Appendix B

Complaint Form

I, _____ (*name of Complainant*), a _____
(*student / faculty / staff / administrator*) at Trinity Western University, have reasonable grounds to believe that _____ (*name of Respondent*), in the position of _____ has harassed 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 & Harassment 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.

The particulars of this incident are as follows (each incident should be recorded on a separate form. If there is not enough space, please attach supplementary pages as required):

On the _____ day of _____, _____, the Respondent, _____, harassed me by:

This incident occurred in the following location:

BULLYING & HARASSMENT POLICY PROCEDURES



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 behavior/language was unwelcome. Please explain:

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

I have read the confidentiality provisions as set out in the TWU Bullying & Harassment 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 C

Response Form

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 & Harassment 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 that I harassed _____ (*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):

BULLYING & HARASSMENT POLICY PROCEDURES



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 behavior/language was unwelcome. Please explain:

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

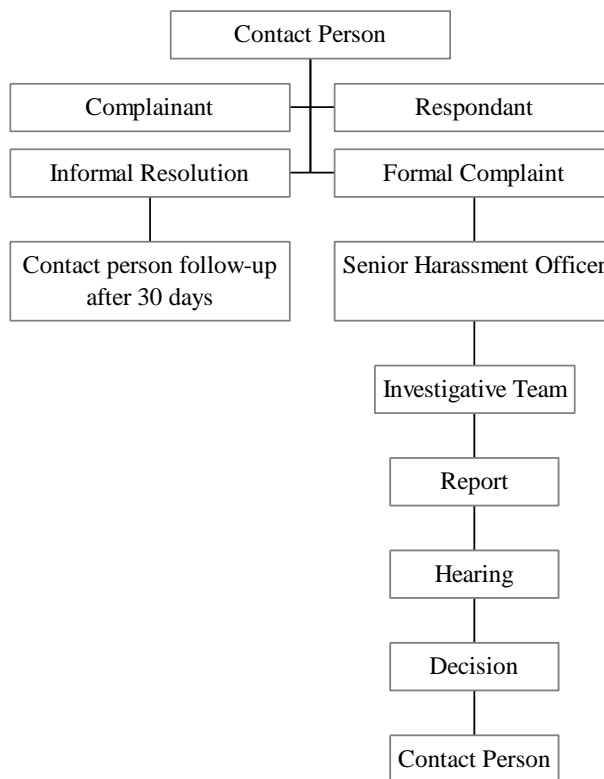
Signed at _____, British Columbia, this _____ day of _____, _____.

Respondent's signature

Appendix D

Harassment Complaint Procedures Flowchart

Harassment Procedures Flowchart - Figure 1



Appendix E

Public Statements

Public statement made after a Complaint of Harassment has been received and an Investigative Team has been appointed.

"University policy is to uphold the standards of our community and to ensure that all members of the community have a safe and secure environment conducive to work and study. The University believes that all members of the community are obligated to observe high standards of interpersonal, professional and academic relationships with colleagues and students.

On (date) the Senior Harassment Officer received a formal complaint of Harassment against (individual) and an Investigative Team has been established to undertake an investigation and submit a Report by (date). As is the University's general practice, a review of whether or not interim action is required to protect the campus and/or the individuals involved has been completed. At this time, interim action (has / has not) been instituted (in the form of {describe}).

The University is committed to protect the privacy and reputations of the individuals involved, to bring the greatest confidentiality to the process and to provide an atmosphere that will bring the most objective, fair and equitable consideration to the investigation. Consequently, the University will not provide any further comment on the complaint, investigation or appeals until after a Final Determination and any appeals process has been completed.

The University further cautions all members of the campus, related constituencies, and the general public to avoid speculation and rumor that often diverge from the facts. This is most important in the light of Scripture that warns us against conversation that may be seen as gossip or even slander. We must all use discretion in the face of such danger."

Public statement made after a Harassment investigation has been completed.

"University policy is to uphold the standards of our community and to ensure that all members of the community have a safe and secure environment for work and study. The University believes that all members of the community are obligated to observe high standards of interpersonal, professional and academic relationships with colleagues and students.

On (date) the Senior Harassment Officer received a formal complaint of Harassment against (individual). An Investigative Team was established to undertake the required investigation and submit a Report. The investigation has now been completed and the complaint of Harassment was found to be (Substantiated / Unsubstantiated / Unfounded). {Disciplinary / Corrective / Mediative / Educational action [has / has not] been instituted}.

BULLYING & HARASSMENT POLICY PROCEDURES



The University is committed to protect the privacy and reputations of the individuals involved. In the spirit of allowing them to continue their individual lives and because the expectation of the University is to foster an atmosphere that brings repentance, acceptance and true forgiveness, the University will not provide any further public comment on the Complaint, Investigation, Appeals or Disciplinary, Corrective, Mediative or Educational actions or decisions.

The University cautions all members of the campus, related constituencies, and the general public to avoid speculation and rumor that often diverge from the facts. This is most important in the light of Scripture that warns us against conversation that may be seen as gossip or even slander. We must all use discretion in the face of such danger."