APPENDIX ONE

SEXUAL HARASSMENT

A. Preamble
1. Sexual harassment in any situation is reprehensible and is in clear violation of Scripture.
2. All members of the Tyndale University College & Seminary community share responsibility for bringing about and maintaining an environment that is free of sexual harassment, but a particular burden is placed on those in positions involving academic and administrative authority to ensure that any allegations brought to their attention are dealt with in an appropriate and responsible manner as laid out in this policy statement.

Complaints may be made by any member of the Tyndale University College & Seminary community about sexual harassment alleged to have been committed by any other member of the Tyndale University College & Seminary community. The phrase “member of the Tyndale University College & Seminary community” means student, office staff, core Faculty, associate Faculty, adjunct Faculty, visiting Faculty, lecturer, administrative personnel, member of the Board of Governors, or volunteer.

B. Definition
Sexual harassment is defined as follows.

1. Making submission to an unsolicited sexual advance or solicitation, expressly or by implication, a term or condition of a person’s right to employment or academic success, or continuation of employment or academic success, or advancement in employment or academic success.
2. Using or threatening to make use of rejection of an unsolicited sexual advance or solicitation as a basis for employment, academic success or other decisions affecting the person or the person’s advancement or progress; and/or
3. Engaging in a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome, which occurs on Tyndale University College & Seminary premises or in the pursuance of Tyndale University College & Seminary activities or business, that, due to its sexual nature, content or innuendo is made in a manner which the initiator knows or ought to reasonably know is unwelcome or creates for that person an intimidating, hostile, offensive or otherwise uncomfortable working or learning environment, and which exceeds the bounds of freedom of expression or academic freedom as these are understood in Tyndale University College & Seminary policies and accepted practices.

C. Initiation of a Complaint
1. A complaint may be made in writing to the President, the University College/Seminary Academic Dean, the Dean of Student Life, or the President of the University College/Seminary Student Council by an individual or individuals who claim to have been directly affected by sexual harassment.
   a) Procedure
      i) Any member of the Tyndale University College & Seminary community may report an incident of alleged sexual harassment to any of the individuals named in C.1. on behalf of another or others.
      ii) If such a report is made on behalf of another, a complaint shall not proceed in any manner unless any of the individuals named in C.1. also receive a complaint from the individual on whose behalf the report was made.
      iii) Notwithstanding (ii), the Presiding Sexual Harassment Officer (as defined in C.1.c) may decide to investigate the allegations if he or she deems it necessary in the interests of justice including the avoidance of sexual harassment in the future. To do so, the Presiding Sexual Harassment Officer may interview such persons as he or she deems appropriate and shall file an investigation report containing his or her findings with the Cabinet.
   b) If a complaint allegedly involves any of the individuals named in C.1., such complaint may be made to any of the other individuals named in C.1.
c) The administration and implementation of this policy shall be the responsibility of the person hereafter identified in this policy as the Presiding Sexual Harassment Officer. The identification of the Presiding Sexual Harassment Officer shall be determined as follows.

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Presiding Sexual Harassment Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student</td>
<td>Dean of Student Life</td>
</tr>
<tr>
<td>Faculty</td>
<td>SVP Academic</td>
</tr>
<tr>
<td>Non-teaching staff</td>
<td>Relevant Vice President</td>
</tr>
<tr>
<td>Vice President</td>
<td>President</td>
</tr>
<tr>
<td>President</td>
<td>Chair of the Board of Governors</td>
</tr>
<tr>
<td>Member of the Board of Governors</td>
<td>Chair of the Board of Governors</td>
</tr>
<tr>
<td>Chair of the Board of Governors</td>
<td>Person to be determined by the remaining members of the Executive Committee of the Board of Governors</td>
</tr>
</tbody>
</table>

d) If the above indicated Presiding Sexual Harassment Officer is a Respondent to allegations under this policy the President will appoint an appropriate person to serve in this capacity. If the President is unable, for whatever reason, to make such an appointment, the Chair of the Board of Governors will do so.

2. The person receiving the complaint shall forward it to the Presiding Sexual Harassment Officer within two (2) days of receipt of the complaint.

3. The Presiding Sexual Harassment Officer shall consult with the Complainant within two (2) days of such notification.

4. Following consultation with the Presiding Sexual Harassment Officer, the Complainant may:
   a) take no further action; or
   b) submit to the Presiding Sexual Harassment Officer a written complaint which shall contain a statement of the facts of the alleged sexual harassment, and an authorization for the Presiding Sexual Harassment Officer to proceed with the complaint.

5. If the Complainant decides to take no further action,
   a) the Presiding Sexual Harassment Officer shall not proceed with the complaint.
      i) Notwithstanding (a), if the Complainant decides to take no further action, the Presiding Sexual Harassment Officer shall proceed with the complaint if he or she deems it necessary to do so in the interest of justice, including the avoidance of sexual harassment in the future.

6. The Presiding Sexual Harassment Officer may refuse to deal with the complaint if:
   a) the complaint does not fall within the definition of sexual harassment in this policy; or
   b) either the Complainant or the Respondent is not a member of the Tyndale University College & Seminary community; or
   c) the complaint is trivial, frivolous, vexatious, made in bad faith or, in the opinion of the Presiding Sexual Harassment Officer, clearly is unfounded in fact; or
   d) the subject matter of the complaint occurred more than six months before the complaint was filed, unless the Presiding Sexual Harassment Officer is satisfied that the delay was incurred in good faith and that no substantial prejudice will result to any person affected by the delay; or
   e) the Complainant has filed a complaint under the Human Rights Code dealing with the same subject matter.

7. If the Presiding Sexual Harassment Officer refuses to deal with the complaint, he or she shall provide written reasons for this determination to the Complainant. Such a determination may be made at any time during the processing of the complaint.

8. Written records of valid complaints and the "Record of Resolution" achieved through either "Informal Resolution" or "Mediation" (see below) and sustained complaints and the action taken in response to those complaints following a "Formal Hearing" (see below) will remain on file in the office of the Presiding Sexual Harassment Officer for seven (7) years plus a day following the issuance of that complaint.

9. The Presiding Sexual Harassment Officer shall not deal with a complaint if doing so might impede an investigation of a possible criminal offence.
D. Processing a Complaint

1. Upon accepting the written complaint for processing, the Presiding Sexual Harassment Officer shall inform the Respondent of the allegation(s) in writing and shall provide the Respondent with a copy of the written complaint.

2. The Presiding Sexual Harassment Officer shall investigate the complaint and shall interview such persons as he or she deems appropriate. At the conclusion of his or her investigation, the Presiding Sexual Harassment Officer shall prepare an investigation report setting out his or her findings, including his or her decision as to whether the Respondent engaged in sexual harassment. This report should then be given to the Cabinet.
   a) The Complainant has the right to withdraw the complaint in writing at any time in the process. The decision to withdraw the complaint shall, in most circumstances, bring the matter to an end under this policy.
   b) Notwithstanding, if the Complainant decides to withdraw the complaint, the Presiding Sexual Harassment Officer shall proceed with the complaint if he or she deems it necessary to do so, in the interest of justice including the avoidance of sexual harassment in the future.

3. If the current relationship between Complainant and Respondent is that of student and professor, the Presiding Sexual Harassment Officer shall take whatever steps he or she deems necessary, with the approval of the Academic Dean, to ensure that the student may complete any outstanding course work without prejudice.

4. If the current relationship between Complainant and Respondent is that of Faculty and administrator, Faculty and staff, or senior and junior administrator, and if the Complainant’s performance is normally evaluated by the Respondent, the Presiding Sexual Harassment Officer shall take whatever steps he or she deems necessary to ensure that the Complainant is protected from any adverse employment-related consequences of the Complainant-Respondent reporting relationship during the processing of the complaint.

5. The Complainant and the Respondent may at any stage of the procedure outlined in this policy be accompanied by one person of his or her choice, who may be a solicitor.

6. Informal Resolution
   a) The objective of “Informal Resolution” is to secure a reasonable and responsible resolution of the complaint which is consistent with the spirit of this policy, the nature of the complaint, and the character of Tyndale University College & Seminary.
   b) The Presiding Sexual Harassment Officer shall initiate an Informal Resolution Meeting between the Complainant and the Respondent within ten (10) days of notifying the Respondent that a written complaint has been made, unless both the Complainant and the Respondent agree to an extension of that time.
   c) The Informal Resolution shall be concluded within ten (10) days of the first meeting, unless both the Complainant and the Respondent agree to an extension of that time.
   d) The Presiding Sexual Harassment Officer shall be responsible to conduct any and all discussion(s) required under Informal Resolution.
   e) The Presiding Sexual Harassment Officer, the Complainant and the Respondent must be in attendance at all meetings during the Informal Resolution process.
   f) The Presiding Sexual Harassment Officer shall discuss the written complaint with both the Complainant and the Respondent with a view to reaching a reasonable and responsible resolution.
   g) If a reasonable and responsible resolution is achieved through Informal Resolution, a "Resolution Report" shall be drawn up by the Presiding Sexual Harassment Officer, signed by both the Complainant and the Respondent, and the Presiding Sexual Harassment Officer shall proceed no further with the complaint. This Resolution Report is then to be provided by the Presiding Sexual Harassment Officer, with the investigation report, to the Cabinet.
   h) If the Presiding Sexual Harassment Officer determines that possibilities for achieving a reasonable and responsible resolution through the Informal Resolution have been exhausted, he or she shall require that the complaint be submitted to the mediation process, and shall so inform the Complainant and Respondent.

7. Mediation Process
   a) If a complaint proceeds to a "Mediation Process," the Presiding Sexual Harassment Officer shall, in consultation with both the Complainant and the Respondent, and to be approved by Cabinet, appoint a Mediator who is able to respond impartially and without bias towards both the Complainant and the Respondent.
b) The Mediator shall be chosen and the Mediation Process shall begin within ten (10) days from the time of the Presiding Sexual Harassment Officer’s referral to engage in the Mediation Process, unless both the Complainant and the Respondent agree to an extension of that time.

c) The Presiding Sexual Harassment Officer shall provide the Mediator with a copy of the written complaint and this policy.

d) The objective of the Mediation Process is to secure a reasonable and responsible resolution of the complaint which is consistent with the spirit of this policy, the nature of the complaint, and the character of Tyndale University College & Seminary.

e) The Mediation Process shall be concluded within ten (10) days of the first meeting, unless both the Complainant and the Respondent agree to an extension of that time.

f) The Mediator shall be responsible to conduct any and all discussion(s) required in the Mediation Process.

g) The Mediator, the Complainant and the Respondent shall be in attendance at all meetings during the Mediation Process. The Presiding Sexual Harassment Officer shall attend only at the request of the Mediator.

h) If the Respondent refuses to attend at the Mediation meetings, the Mediator shall so inform the Presiding Sexual Harassment Officer and the Mediation Process shall end, thus requiring a “Formal Hearing.”

i) If the Complainant refuses to attend mediation meetings, the Mediator shall so inform the Presiding Sexual Harassment Officer who may decide not to proceed with the complaint.

j) The Mediator shall discuss the written complaint with both the Complainant and the Respondent with a view to reaching a reasonable and responsible resolution.

k) If, in the opinion of the Mediator, a reasonable and responsible resolution is achieved through the Mediation Process, a “Resolution Report” shall be drawn up by the Mediator and signed by both the Complainant and the Respondent, and the matter shall proceed no further with the exception of whatever administrative or other action is needed to implement the resolution.

l) If the Mediator determines that possibilities for achieving a reasonable and responsible resolution through the Mediation Process have been exhausted, s/he shall inform the Presiding Sexual Harassment Officer, the Complainant and the Respondent in writing that a “Formal Hearing” will be required for the complaint to be processed further.

8. Formaıl Hearing

a) A "Formal Hearing" may not be initiated unless:
   i) the Complainant requests in writing that a Formal Hearing be held,
   ii) reasonable and responsible resolution has been sought through both an Informal Resolution and a Mediation Process; and/or
   iii) the Respondent has refused to participate in the Informal Resolution and/or Mediation Process.

b) Upon receipt of a written request from the Complainant to hold a Formal Hearing, the Presiding Sexual Harassment Officer shall notify the Respondent in writing that a Formal Hearing has been requested.

c) A Formal Hearing shall be held within thirty (30) days from the time of the request to initiate a Formal Hearing, unless both the Complainant and the Respondent agree to an extension of that time.

d) A Formal Hearing Panel shall be established consisting of the following individuals. Where any such individual is directly involved as Complainant, Respondent, or witness to the allegations, the Executive of the Board of Governors shall appoint an appropriate person to act in his or her place. The Formal Hearing Panel shall consist of the following individuals:
   i) the University College/Seminary Academic Dean,
   ii) one person chosen by the Complainant and approved by the chair of the Board of Governors, and
   iii) one person chosen by the Respondent and approved by the chair of the Board of Governors.

e) The Complainant shall have a maximum of one (1) hour to make a statement and present any evidence and the testimony of any witnesses pertaining to the complaint.
   i) The Formal Hearing Panel will be free to ask questions of the Complainant regarding the statements made and the evidence given by the Complainant.
   ii) The Complainant may not be questioned on previous behaviour or character for purposes other than to establish credibility of the present complaint.

f) The Respondent will be given a maximum of one (1) hour to make a statement and present any evidence and the testimony of any witnesses pertaining to the complaint.
   i) The Formal Hearing Panel will be free to ask questions of the Respondent regarding the statements made and evidence given by the Respondent.
   ii) The Complainant will be given fifteen (15) minutes to respond to the Respondent.
iii) The Respondent will be given fifteen (15) minutes to respond to the Complainant.

g) The Formal Hearing Panel will meet in camera to evaluate the evidence arising from the complaint and to recommend an appropriate response.

h) The standard of proof of the sexual harassment allegedly committed by the Respondent shall be that of proof on clear and convincing evidence.

i) The decision of the panel shall be the decision of the majority of members of the panel. The panel shall make written reasons for its decision, including any dissent, and provide those reasons to the Complainant and the Respondent.

j) If the complaint is sustained, the Formal Hearing Panel shall prepare its recommendations for a disciplinary response and just restitution. This written response will be given to the Complainant, the Respondent, the President and the Chairperson of the Board of Governors.

9. Discipline

a) Upon receipt of an investigation report, a resolution report or the decision and recommendations of the Formal Hearing Panel, the Board of Governors shall determine what discipline, if any, shall be imposed on the Respondent or, if circumstances require, the Complainant.

b) In deciding whether or not to impose discipline on the Respondent, or in deciding the form or severity of discipline, the Board of Governors shall consider the following items:

i) The knowledge and intent of the Respondent in carrying out the actions which form the subject of the complaint;

ii) the effect of the Respondent’s conduct on the Tyndale University College & Seminary community;

iii) the effect of the Respondent’s conduct on the Complainant’s ability to participate fully in the life of the Tyndale University College & Seminary community; and

iv) anything else deemed appropriate.

c) The Board of Governors shall be responsible for final determination and implementation of just restitution to any and all parties