

Sexual Harassment

A. Preamble

1. Sexual harassment in any situation is reprehensible and is in clear violation of the Scripture.
2. All members of the CCST Vancouver community share responsibility for bringing about and maintaining an environment that is free of sexual harassment.

Any member of the CCST Vancouver community can file complaint about sexual harassment alleged to have been committed by any other member of the CCST Vancouver community. "Member of the CCST Vancouver community" means student, office staff, Faculty, adjunct Faculty, member of the Board of Directors, or volunteer.

B. Definition of Sexual Harassment

1. Making submission to an unsolicited sexual advance or solicitation, expressly or by implication, a term or condition of a person's right to academic success, or continuation of or advancement in academic success,
2. Using or threatening to make use of rejection of B.1. to affect 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 CCST Vancouver premises or in the pursuance of CCST Vancouver activities 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.

C. Making a Complaint

1. A written complaint containing the facts of the alleged sexual harassment may be made to the Principal, Academic Dean, the Dean of Students, by an individual or individuals who claim to have been directly affected by sexual harassment.

a. Procedure

i. Any member of the CCST Vancouver 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.

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 follow:

Respondent	Presiding Sexual Harassment Officer
Student	Dean of Students
Faculty	Principal
Non-teaching staff	Principal
Principal	Chair of the CCST Vancouver Board
Member of the CCST Vancouver Board	Chair of the CCST Vancouver Board
Chair of the CCST Vancouver Board	Person to be determined by the remaining members of the CCST Vancouver Board

d. If the above indicated Presiding Sexual Harassment Officer is a Respondent to allegations under this policy the Principal will appoint an appropriate person to serve in this capacity. If the Principal is unable, for whatever reason, to make such an appointment, the Chair of the CCST Vancouver Board 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 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 (4.a.), 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 CCST Vancouver community; or
 - c. The complaint is trivial, frivolous, 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 CCST Vancouver Board of Directors.
 - 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 (2.a.), 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 a faculty, 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 relationship between Complainant and Respondent is that of Faculty and staff, 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.

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 CCST Vancouver.

b. 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 within 10 days of receiving the written complaint.

c. 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 Board of Directors.

d. If the Presiding Sexual Harassment Officer is unable to achieve an Informal Resolution, 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 the CCST Vancouver Board of Directors appoint a Mediator who is able to respond impartially and without bias towards both the Complainant and the Respondent.

- b. 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.
- c. 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 CCST Vancouver.
- c. 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.
- c. The Mediator shall be responsible to conduct any and all discussion(s) required in the Mediation Process.
- c. The Mediator, the Complainant and the Respondent shall attend all meetings during the Mediation Process.
- c. If either the Respondent or the Complainant 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."
- c. The Mediator shall discuss the written complaint with both the Complainant and the Respondent with a view to reaching a reasonable and responsible resolution.
- c. 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.
- c. If the Mediator determines is unable to achieve a reasonable and responsible resolution through the Mediation Process, 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. Formal Hearing

- a. A "Formal Hearing" may not be initiated unless:
 - i. the Complainant requests in writing that a Formal Hearing be held, or
 - ii. 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.
- b. 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.
- b. 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 Chair of the CCST Vancouver Board shall appoint an appropriate person to act in his or her place. The Formal Hearing Panel shall consist of the following individuals:
 - i. The Academic Dean,
 - ii. One person chosen by the Complainant and approved by the chair of the CCST Vancouver Board, and
 - iii. One person chosen by the Respondent and approved by the chair of the CCST Vancouver Board.
- b. The Complainant shall present any evidence and the testimony of any witnesses pertaining to the complaint.
- iv. The Formal Hearing Panel will be free to ask questions of the Complainant regarding the statements made and the evidence given by the Complainant.
- v. The Complainant may not be questioned on previous behaviour or character for purposes other than to establish credibility of the present complaint.
 - b. The Respondent will present any evidence and the testimony of any witnesses pertaining to the complaint.
- vi. The Formal Hearing Panel can freely ask questions of the Respondent regarding the statements made and evidence given by the Respondent.
- vii. The Complainant will respond to the Respondent.
- viii. The Respondent will respond to the Complainant.
 - b. The Formal Hearing Panel will meet in closed door to evaluate the evidence arising from the complaint and to recommend an appropriate response.
 - b. The standard of proof of the sexual harassment allegedly committed by the Respondent shall be that of proof on clear and convincing evidence.
 - b. 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.
 - b. 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 Principal and the Chair of the CCST Vancouver Board.

9. Discipline

a. Upon receipt of an investigation report, a resolution report or the decision and recommendations of the Formal Hearing Panel, the CCST Vancouver Board 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 Directors 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 CCST Vancouver community;
- iii. the effect of the Respondent's conduct on the Complainant's ability to participate fully in the life of the CCST Vancouver community; and
- iv. anything else deemed appropriate.

c. The CCST Vancouver Board shall be responsible for final determination and implementation of just restitution to any and all parties.

10. Related Policy

Sexual Misconduct Policy can be found on Appendix TWO.