

Complaints and Resolution Policy

Preamble

East-West College has a dispute and resolution policy these policy includes Sexual Violence, Sexual Harassment, Bullying and any other complaints. This policy which may be amended from time to time by the Board of Directors. These Procedures should be read in conjunction with the East-West College Sexual Violence, Sexual Harassment and Bullying Policy.

Procedures

These Procedures are designed to deal with both concerns and formal complaints of Sexual Violence, Sexual Harassment and Bullying. The Campus Director (The President) has the authority to relieve against any time limits outlined in these procedures where an extension is needed in good faith and where it is believed to not substantially prejudice either party.

1. Procedure for informal consultations regarding sexual violence, sexual harassment and bullying complaints

a. Consulting with the Campus Director

A person who thinks he or she has been the target of Sexual Violence or Harassment should meet with the Campus Director. Anyone may anonymously seek the advice of the Campus Director, but the Campus Director should suggest to anonymous complainants that they refrain from naming individuals as long as they wish to remain anonymous. The Campus Director shall provide information about East-West College's policy and its related procedures to individuals seeking advice. The Campus Director shall also provide information about other available external counselling or medical services. All informal consultations with the Campus Director are confidential. A concern about Sexual Violence and Harassment during a consultation does not become a complaint unless, or until, the individual who has expressed the concern instructs the Campus Director to use these Procedures, (i.e. mediation or investigation), to resolve it. The Campus Director shall take no action which adversely affects the academic, employment or professional interests of the individual who has expressed the concern or the subject of a concern as a result of these informal consultations. The Campus Director will divulge neither the name of the individual expressing the concern, nor the subject of the concern, to any third party without the informed and voluntary consent of either party unless the Campus Director has reason to believe that the health or safety of a member or members of the College community is at risk. However, such confidentiality may not apply to persons where disclosure is permitted by law.

b. Informal Resolutions without Filing a Formal Complaint

An individual may choose to try to resolve a matter with the assistance of the Campus Director, without filing a formal complaint in accordance with Section 2. The expression of a concern through the informal consultation process is not a pre-requisite to the filing of a formal complaint in accordance with Section 2. However, an individual is encouraged, where deemed appropriate and in consultation with the Campus Director, to avail of the informal consultation and informal method of resolution.

The informal consultation process shall be treated with the same level of confidentiality as formal complaint process under this Procedure and if a formal complaint is not filed in relation to the matter, no records, other than a non-identifying account of the informal consultation process will be maintained for statistical purposes.

The President shall provide advice to the individual expressing an informal concern to identify appropriate ways to resolve the concern, which may include but is not limited to:

Option 1: The President will suggest to the person expressing the concern, where appropriate, that he or she approach the person whose behavior gives cause for concern, making it clear why the behavior is viewed as unacceptable and gives rise to concern.

Option 2: The President will suggest to the person expressing the concern, where appropriate, that he or she write a letter to the subject of the concern. Such a letter may be effective when the subject of a concern does not respond to verbal request, as in Option 1. ***Option 3:*** The

President may provide assistance if the person expressing the concern is not comfortable speaking with or writing to the other individual. Such an option may be appropriate, for example, in situations that involve misunderstandings due to cultural differences; in helping an individual who lacks assertiveness skills to resolve a situation that has the potential to escalate; in clarifying issues that lead to discomfort, particularly when the relationship between the person expressing the concern and the subject of the concern involves a power imbalance; or in instances when the subject of a concern appears to be unaware of the impact of his or her alleged behavior. The President may seek the assistance of a third party to facilitate an informal resolution and where appropriate, the subject of the concern would be advised. The President would make no attempt to determine whether Sexual Violence and Harassment had occurred, nor keep any record of the consultation, other than a non-identifying account for statistics purposes. During the informal, confidential consultation, the President would convey the concern, advising the subject, if appropriate, how the alleged behavior is experienced as inappropriate and has given rise to concern. The President would take no action which could adversely affect the academic, employment or professional interests of the subject of discussion as a result of these informal consultations.

Option 4: The President may recommend that a concern be resolved, where appropriate, through the provision of Sexual Violence and Harassment awareness training. This option may be recommended when an individual expresses a concern about a workplace or learning environment that may be experienced as uncomfortable, intimidating, hostile or offensive. For example, the President may recommend that a particular staff or instructor, receives Sexual Violence and Harassment awareness training. So as not to adversely impact the academic, employment or professional interests of the person expressing the concern, or the subject(s) of the concern, their identities, as well as the nature of the concern, would remain confidential.

2. Procedure for lodging a formal complaint of sexual violence and harassment

a. Time Frame for Submitting a Complaint

A complainant may file a formal complaint by signing and filing a Sexual Violence and Harassment Complaint Form (FORM 1) with the President within twelve (12) calendar months of the incident. Events prior to the twelve (12) month period can be referenced if the incident(s) is relevant and part of a series of incidents that form a pattern of harassment. The President shall outline the option of mediation to the complainant as outlined in this document. The complainant will be asked to formally acknowledge that he or she has been so advised by signing the “Acknowledgement of Notification of Advice” and returning it to the President.

b. Complaint-Related Correspondence

i. Correspondence by Letters and Written Notices All correspondence and written notices generated by the Campus Director's Office regarding Sexual Violence and Harassment complaints that are addressed or copied to complainants and/or respondents shall be copied to the Campus Director. Correspondence that is addressed to complainants and/or respondents must be sent through Express Post with signature, hand-delivered or by some other means through which proof of delivery can be obtained. Envelopes are to be sealed and stamped as follows: "Personal and Confidential" and "To Be Opened By Addressee Only". The Campus Director shall retain a copy of all such correspondence.

ii. Proof of Delivery For purposes of these Procedures, if the addressee is the complainant or respondent, a document shall be considered to have been received by the addressee:

on the date of delivery, if delivered by hand to the individual for whom it is intended,
or

within five (5) days of the date of mailing, if sent by Express Post with signature, to the last available address of the complainant or the respondent as recorded in the records of the East-West College, or, where a complainant or a respondent provides the President with an address for delivery of documents pursuant to these Procedures, at that address;

For purposes of these Procedures, if the addressee is the Campus Director, Campus Director or his or her delegate, a document shall be considered to have been received by the addressee on the date of delivery, if delivered by hand to the individual for whom it is intended, or within five (5) days of the date of mailing, if sent by Express Post with signature.

c. Contacting the Respondent of the Complaint

Once a complaint form has been signed and filed with the President, where the respondent is identified, the President shall, within three (3) days of receipt of the complaint by the President, send to the respondent by Express Post with signature, or hand-delivery or by some

- i. a copy of the Sexual Violence and Harassment Complaint Form
- ii. where applicable, a copy of the Request for Investigation Form
- iii. when necessary, a copy of the Release of Information Form signed by the complainant,
- iv. a copy of both the Sexual Violence and Harassment Policy and The Sexual Violence and Harassment Procedures
- v. where applicable, advice that the complainant has requested mediation; and
- vi. written notice of the complaint, including a suggestion that the respondent may make contact with the Campus Director for information with respect to the Policy and Procedures and direction necessary should the respondent decide to provide a written reply to the complaint. The respondent will be advised that his/her written reply to the complaint will be provided to the complainant by the Campus Director.

Where the respondent is not immediately identifiable, the Campus Director shall make reasonable efforts to identify and locate the respondent, and to provide the documents listed in c above. If the Campus Director cannot identify or locate the individual who is reported to have engaged in behaviors that may constitute Sexual Violence and Harassment and the complainant wishes to file a Formal Complaint, the Campus Director shall refer the individual to the police or other appropriate services. If/when the respondent is identified, the complainant may then file a Formal Complaint and a Request for Mediation or Investigation with the Campus Director and the respondent will be provided with the appropriate notice as per section c. In situations whereby a complainant does not file a Formal Complaint and Request for Mediation or Investigation but the Campus Director deems the situation is such that the health, safety of a member or members of the East-West College community is a concern, the Campus Director may consult with the Board of Directors of the East-West College.

d. Respondent's Right to Respond

The respondent may respond in writing to the allegations contained in the complaint, provided that such written responses are delivered to the Campus Director within the time frame stated below:

- i. Where the respondent has been advised that mediation has been requested, within three (3) days of his or her receipt of the Sexual Violence and Harassment Complaint Form (FORM 1), and indicating whether or not he or she is willing to participate in a mediation;
- ii. Where the respondent has been advised that an investigation has been requested, within five (5) days of his or her receipt of the Sexual Violence and Harassment Complaint Form (FORM 1);
- iii. The respondent should also be advised that should he or

she respond in writing to the complaint, a copy of that response will be provided to the complainant.

e. Respondent's Participation

The respondent has the right to decide whether or not to participate in any proposed resolution of an informal concern or formal complaint, a proposed mediation or in an investigation. However, the process of investigation and disposition of a formal complaint under these Procedures may occur and continue notwithstanding such non-participation by the respondent.

f. Interim Accommodation

On behalf of the complainant or the respondent, the Campus Director and may take immediate measures to preserve the health, safety and security of the complainant and/or respondent while a situation is being resolved, investigated or decided. The Campus Director may take interim measures to protect other members of the East- West College community. Any decision and action by the Campus Director or to take immediate measures to preserve the health, safety and security under this paragraph in response to a request from a complainant or respondent shall be without prejudice to the rights of either the complainant or the respondent under these Procedures, and shall not in any way be deemed to be an indication of bias on the part of the Campus Director towards either the complainant or the respondent under any processes governed by these Procedures, and shall not be considered as evidence by either the Campus Director or the Investigator in their review or investigation of a complaint.

However, failure to comply with the conditions of an interim accommodation is a matter in respect of which sanction or discipline can be imposed under the appropriate discipline codes. The Campus Director shall notify the complainant and the respondent of any interim accommodations by Express Post with signature, or hand-delivery or by some other means through which proof of delivery can be obtained, outlining the interim accommodations which have been arranged. The Campus Director shall use his or her best efforts, where circumstances permit, to ensure that both the complainant and the respondent are provided with notice in the same manner and at approximately the same time. The Campus Director has the discretion to make changes to the interim accommodations, where possible and appropriate. If a change is made to interim accommodations, notice of the change shall be provided by the Campus Director in the same manner as the original notice of interim accommodation.

3. Procedure for mediation for complaints

a. The Mediation Procedure

As per the Sexual Violence, Sexual Harassment and Bullying Policy, mediation is often referred to as alternative dispute resolution, is an assisted negotiation - a process in which a

neutral third party, known as the mediator, attempt to facilitate a private discussion in a setting which is as safe as possible with the goal of achieving an effective resolution. The mediator will describe the extent of mediation confidentiality and the exceptions to that confidentiality. Mediation is a non-disciplinary means of resolution, designed to address complaints of Sexual Violence and Harassment.

Mediation is not appropriate when only one party is committed to the process. Mediation may not be appropriate in circumstances where there have been allegations of: physical violence; threats to safety; serious emotional or physical abuse; intimidation, or where there is an imbalance of power between the parties. If both the complainant and the respondent consent to mediation, the Campus Director will help the parties identify a mutually acceptable mediator. The Campus Director shall ensure that the mediator chosen is appropriately qualified and free of any real or perceived conflict of interest and from any reasonable apprehension of bias.

Once a mediator is chosen:

- i. the Campus Director shall provide to the mediator a copy of the complaint and the written response, if any, of the respondent, and
- ii. the mediator shall contact the parties to schedule individual interviews within five (5) days of his or her appointment and advise the President of the dates and times of those meetings.

The mediator shall conduct the mediation in a fair and objective manner utilizing reasonable methods in an attempt to facilitate resolution by the parties. The mediator shall not impose a resolution. The President shall advise both parties of their right to bring another person with them to the initial interviews and mediation. No person who is involved directly in the complaint shall be a support person for a party. If the respondent and/or complainant chooses to bring another person to mediation, they must inform the Campus Director of the identity of that person at least three (3) days before the first scheduled meeting. If either the complainant or the respondent object to the person identified to accompany the other party, the Campus Director shall forward the objection to the other party and ask that party to choose another person to accompany him or her to the mediation. Both the complainant and the respondent shall be advised that the persons they choose to accompany them to a mediation shall not be individuals who have been directly involved in the alleged harassment. If and when it is determined and agreed that the complainant and/or respondent will be accompanied by support person(s), the Campus Director will inform the mediator of the identities of these persons.

b. Resolution through Mediation

If, through the mediation process, a resolution is achieved, the mediator shall record the agreed upon resolution in writing. This agreed upon resolution shall be signed by the complainant, the respondent and the mediator and shall be presented to each of the parties and the Campus Director. The mediator must return all documentation generated by the mediation and the signed resolution to the Campus Director within ten (10) days of achieving a resolution. The Campus Director shall place the documentation and agreed upon resolution in a confidential file for twelve months from the date of the signing. If within that twelve month period the complainant does not have any further complaints

against the same respondent, the agreed upon resolution and all written records associated with the case shall be destroyed.

c. Lack of Resolution through Mediation

If a resolution is not achieved as a result of mediation, the mediator notifies the respondent, complainant and Campus Director, in writing, that the mediation has failed. The mediator immediately returns all records generated by the mediation to the Campus Director. The Campus Director destroys all records related to the mediation, retaining only the Sexual Violence and Harassment Complaint (FORM 1) and respondent's statement (if provided). Because information obtained during mediation is without prejudice, it shall not be introduced automatically as evidence in any subsequent proceedings. Neither the mediator nor any other party involved in the mediation process shall be compelled to give evidence in any future or concurrent East-West College proceeding regarding any information disclosed during the mediation process except where disclosure is permitted by law, or where the health, safety and security of a person or persons is a concern.

d. Request for Investigation When Mediation Has Failed

Upon the completion of the mediation procedures without resolution, which occurs the day the Campus Director receives written notification to that effect from the mediator, the Campus Director informs the complainant in writing that he or she has seven (7) days from the receipt of notice from the Campus Director to refer the matter to an investigation. To request an investigation, the complainant shall sign and file a Request for an Investigation (FORM 3) with the Campus Director. If the complainant does not ask for an investigation within the seven (7) days allotted, the Campus Director shall retain the Sexual Violence and Harassment Complaint (FORM 1) and the respondent's statement in a confidential file for twelve (12) months. If the complainant does not have, within that twelve (12) month period, any further complaints against the same respondent, the Campus Director shall destroy the file and all its contents relating to the case.

4. Procedure for investigation of sexual violence and harassment complaints

a. Procedure

When the mediation procedure has been without resolution as above in 3(c) and (d), or the mediation procedure was not chosen as an appropriate process, the complainant has the option of asking for an investigation to be conducted. To invoke this procedure, the complainant must file and sign a written Sexual Violence and Harassment Complaint Form (FORM 1), if not already submitted, and a Request for an Investigation (FORM 3) with the Campus Director. Within three (3) working days of the date the investigation is requested, the President shall hand carry Sexual Violence and Harassment Complaint Form, the complainant's written and signed statement and completed Request for an

Investigation Form (FORM 3) to the Chair of the East-West-College Board of Directors. Any materials which the complainant wishes to attach to the above forms shall be copies only. The complainant should keep all original documents. The Campus Director shall, at the same time, send a copy of all this material to the respondent by Express Post with signature, hand-delivery or by some other means through which proof of delivery can be obtained. Unless the respondent has already prepared and submitted a written response to the allegations, the Campus Director will request that he or she do so within five (5) days of receipt of the notification of Request for Investigation (FORM 3).

b. When the President Cannot Participate in the Investigative Process

If the Campus Director is the subject of a complaint or is a complainant, the matter shall be forwarded to the Chair of the Board of Directors of the East-West College who shall appoint an individual to take the place of the Campus Director in respect of all things which the Campus Director is required to do under these Procedures with respect to the complaint.

c. Decision to Proceed with Investigation

- i. Within twenty (20) working days of the Campus Director's receipt of the complaint, the Campus Director shall review and determine if the allegations of Sexual Violence and Harassment have enough substance to warrant a formal investigation. Before an investigation begins, the Campus Director shall notify the respondent and the complainant, in writing, that an investigation will proceed.
- ii. Based on the signed complaint, as well as the signed response to the complaint, the Campus Director may conduct separate interviews with the complainant, the respondent and the Campus Director.
- iii. The notification as referenced in c(i) above, shall include a copy of the signed allegations and any attachments. iv. In this notice, the Campus Director shall advise the complainant and the respondent of his or her right to representation according to the relevant collective agreement, if any. v. If there appears to be a concern about the complainant's and/or respondent's health, safety and security, the Campus Director shall decide as soon as possible if an investigation is warranted.

This notification as noted in c(i) above, must be sent to the complainant and respondent through Express Post with signature, hand-delivery or by some other means through which proof of delivery can be obtained, and hand-delivered to the Campus Director.

This notification also advises those complainants/respondents who are members of bargaining units of their rights to representation according to their relevant collective agreements. Decision Not to Proceed with Investigation If the Campus Director decides that the allegations do not warrant an investigation, he or she shall inform the complainant and the respondent and in writing of this decision within twenty (20) days of receipt of the allegation. The Campus Director shall keep on file all materials pertaining to the complaint in his or her office until all deadlines for appeal or grievance have passed or twelve (12) months have elapsed, whichever is longer.

When the Campus Director decides that the allegations do not warrant an investigation, the Campus Director shall further advise the complainant and the respondent that they have ten (10) working days following notification by the Campus Director to use informal options or to avail of the mediation process as outlined in these Procedures. If mediation is requested following a denied Request for Investigation, the Campus Director follows those procedures specified in Section 3, Mediation, with the exception of 3(d). The intent of mediation following a denied request for investigation is to attempt to restore working/learning relationships.

d. Initiation of Formal Investigation

If the Campus Director decides that the allegations of Sexual Violence and Harassment have sufficient substance, he or she shall appoint an Investigator.

e. Written Notification

This investigation process commences with the receipt by the respondent and complainant of the written notification in section 2(b)(i) from the Campus Director and shall conform to the relevant clauses of the appropriate collective agreements, handbooks or discipline codes.

f. Appointment of an Investigator

Neither the Campus Director nor any mediator involved in the case shall be the Investigator for any case. The Investigator shall not be an employee, member, or partner of a law firm that has been used as a solicitor by East-West College. Where appropriate, an Investigator can be selected for suitability from a pool of trained internal investigators or can be an externally appointed investigator. The Investigator must be qualified and able to submit their investigative report to the Campus Director within forty-five (45) working days. No person should be selected where there is a real or perceived conflict of interest or reasonable apprehension of bias.

g. Suspension of Investigation for Mediation

If, in the opinion of the Investigator, it would be appropriate for the complainant and respondent to seek resolution through mediation, and where they both consent to do so, the Investigator may interrupt the investigation for such period(s) of time as he or she considers reasonable to facilitate such a resolution. The Investigator will notify the Campus Director in writing, that the investigation procedure is being suspended while the parties seek to resolve the matter through mediation. Upon receipt of this notification, the Campus Director will commence the mediation procedure as specified in Section 3(a). If resolution through mediation is achieved, the Campus Director will then notify the Investigator that the matter is resolved, that the investigation has been terminated, and that all records generated by the complaint should be returned to the Office of the Campus Director.

If, during a suspended investigation, mediation fails to resolve the complaint, the mediator notifies the Campus Director, as specified in Section 3(c). The Campus Director shall then notify the Investigator, complainant and respondent, in writing, that the investigation should immediately recommence. During the period of suspension, the time for completion of the investigative report shall also be suspended.

h. Release of Information to the Complainant and Respondent

The complainant and respondent have the right to full information concerning the allegations and supporting arguments. Upon the compilation and following the completion of the investigative report, the complainant and respondent shall be given a copy of the investigative report by the Campus Director and shall have the opportunity to respond to the evidence contained in the investigative report if he or she chooses.

i. Role of the Investigator

The Investigator shall conduct a thorough investigation into the allegations of Sexual Violence and Harassment and he or she shall write an investigative report which shall be forwarded to the Campus Director. The Investigator shall ascertain the facts surrounding the complaint and conduct the investigation in an impartial, fair and objective manner. If the complaint involves the last in a series of incidents, all named incidents that fall within the definition of Sexual Violence and Harassment shall be investigated without regard to time limits. All persons whose evidence is referenced in the investigation shall be named. The Investigator will consider and summarize the relevant facts based on a review of the interviews and documentation. The Investigator shall ascertain whether the resulting facts meet the definition of Sexual Violence and Harassment as outlined in the Sexual Violence and Harassment Policy and shall report whether, based on the balance of probabilities, the evidence supports or refutes the complaint. Throughout the investigation, the Campus Director will monitor its progress and will be the Investigator's primary contact and resource. If matters arise during the course of an investigation that need to be communicated to the complainant and respondent, the Investigator will inform the Campus Director who will contact the complainant and respondent.

j. Release of Investigative Report

The investigation shall be completed and the Investigator's investigative report shall be submitted to the Campus Director within forty-five (45) working days of the initiation of the investigation. If mediation is entered into as per section 4(h) the investigation will be paused for the period of the mediation. The Campus Director will send copies of this report to the complainant and the respondent through Express Post with signature, hand-delivery or by some other means through which proof of delivery can be obtained and a copy of the investigative report will be hand carried to the Campus Director.

k. When Investigation Cannot Be Completed on Time

In the event that the Investigator is unable to carry out one or more of the steps in 4(f) to 4(k) of these Procedures and complete an investigation within the specified time frames, the Investigator shall seek written authorization from the Campus Director for an extension. This written authorization will be copied to the complainant and respondent, through Express Post with signature, hand-delivery or by some other means through which proof of delivery can be obtained. An extension to the forty-five (45) working days deadline may be granted through a written request to the Campus Director and copied to the Campus Director. One (1) extension may be granted at the discretion of the Campus Director and this extension shall not exceed twenty-five (25) working days. Further extension(s) shall be made with the mutual consent of both parties and such consent shall not be unreasonably denied.

l. Campus Director's Response to Investigator's Report

Upon receipt of the investigative report, the Campus Director shall wait five (5) working days to give both the complainant and the respondent an opportunity to respond to the final report. The Campus Director shall decide if Sexual Violence and Harassment has occurred, based upon the Investigator's report and the responses, if any, from the complainant and the respondent. Within ten (10) working days of receiving the investigative report, the Campus Director shall provide both the complainant and the respondent with his/her written decision, and of the action the Campus Director will take and whether or not discipline will be imposed. The Campus Director shall notify the complainant and respondent by Express Post with signature, or hand-delivery or by some other means through which proof of delivery can be obtained by providing a copy of his or her decision. The Board of Directors shall be provided with a copy of this documentation.

m. Discipline

The Campus Director may consult with the Board of Directors, and may impose fair and reasonable penalties, subject to the applicable handbooks, collective agreements or code of conduct. The existence of proceedings or determinations of any kind in any other forum shall not diminish the Campus Director's authority and jurisdiction to impose fair and reasonable penalties under these Procedures. For example, an individual, whether convicted or not in a court of law, can still be subjected to discipline by the Campus Director under the applicable handbook, collective agreement or code of conduct. Discipline will follow the concept of progressive discipline and may include but is not limited to the following factors:

- i. the nature of the harassment
- ii. the degree of aggressiveness and physical contact
- iii. the impact of the comments or conduct on the complainant
- iv. the time period of the harassment

- v. the age of the complainant
- vi. the psychological impact of the harassment on the complainant
- vii. whether the offence was an isolated incident or involved repeated acts
- viii. mitigating or aggravating circumstances affecting either party
- ix. whether there was an imbalance in power between the parties
- x. 10. the record of the subject of the complaint at the East-West College vis-à-vis Sexual Violence and Harassment
- xi. Sanctions applied in similar cases

The respondent and the complainant have the right to appeal/grieve as per the Appeals section (8.0) of the Sexual Violence and Harassment Policy. The Campus Director will notify a complainant if the Campus Director's decision referenced in Section 4 (m) is grieved or appealed, and shall provide notice in the same manner to the complainant of the outcome of any such grievances or appeals.

Records: If the Campus Director decides that Sexual Violence and Harassment did occur, the Campus Director shall keep on file all materials pertaining to the complaint and the investigation in his or her office until all deadlines for appeal or grievance have passed or twelve (12) months have elapsed, whichever is longer. At the end of this period, if no appeal or grievance was initiated, all materials pertaining to the complaint and investigation shall be placed in the relevant personal files for that period provided in the applicable collective agreement, the East-West College regulations with respect to students and for two (2) years with respect to all others.

The Campus Director will request that all documents and materials, including copies, pertaining to the formal complaint and investigative process be returned to the Campus Director from the Investigator. The Campus Director will destroy any and all other copies of these documents and materials. In cases where the Campus Director decides that Sexual Violence and Harassment did occur, and the complainant or respondent appeals or grieves this decision or the penalties imposed, and the Campus Director's decision that Sexual Violence and Harassment did occur is upheld when the appeal or grievance procedure has been completed, all materials pertaining to the complaint shall be placed in the relevant personal files for that period provided in the applicable collective agreement, the East-West College regulations with respect to students and for two (2) years with respect to all others. The Campus Director will destroy any and all other copies of these materials. In cases where the Campus Director decides that Sexual Violence and Harassment did occur, and the respondent appeals or grieves this decision or the penalties imposed, and the appeal or arbitration does not conclude that Sexual Violence and Harassment occurred, all materials are and destroyed by the Campus Director. The complainant or the respondent may request that a copy of the investigative report be placed in her/his own personal file in Human Resources if one exists. In cases where the Campus Director decides that Sexual Violence and Harassment did not occur, the Campus Director shall keep on file all materials pertaining to the complaint and the investigation in his or her office until all deadlines for formal appeal or grievance have passed or twelve (12) months have elapsed whichever is longer. The Campus Director can refer complainants and/or respondents to the appropriate appeals procedure for upon request. When all deadlines for appeal have elapsed or when appeals are concluded, the Campus Director shall destroy all records.

5. Procedures for sexual violence and harassment complaints during work terms, placements, internships, instructional field courses or practicum outside

East-West College has a responsibility to support students during work terms, placements, internships, instructional field courses or practicum outside the East-West College. The Campus Director is available to students who wish to discuss incidents and options available to them. Students are advised to report incidents of Sexual Violence and Harassment or other forms of discrimination that occur outside the campus during work terms. The campus Director is available to students during placements, internships, instructional field courses or practice outside the East-West College. Students who are doing placements in non-East-West College workplaces should report incidents of Sexual Violence and Harassment or other forms of discrimination that occur in this context. Many of the companies, agencies and institutions that regularly employ or supervise students in non-East-West College workplaces will have procedures to deal with Sexual Violence and Harassment or other forms of discrimination that students can use. In the absence of company, agency and institutional policy, students can file a complaint or seek the advice of the Human Rights Commission or similar institutions to take the appropriate action.

6. Role of the campus director

The Campus Director shall be a permanent, full-time East-West College employee.

- a. The Campus Director shall report to the East-West College Board of Directors.
- b. The Campus Director shall be responsible for the administration of the East-West College- Procedures for Sexual Violence and Harassment Concerns and Complaints. He or she is responsible for receiving and responding to concerns and complaints of Sexual Violence and Harassment; monitoring the progress of informal and formal means of resolving Sexual Violence and Harassment concerns or complaints; acting as the primary contact for all of those involved in the complaint process, including investigators, mediators and East-West College administration; coordinating activities; training and supervision of other office staff, and; providing advice regarding the Sexual Violence and Harassment Policy and Procedures to members of the East-West College. The Campus Director is also responsible for developing a collection of information resources on Sexual Violence and Harassment, conducting research and maintaining expertise on issues surrounding Sexual Violence and Harassment.
- c. The Campus Director is responsible for ensuring the creation and delivery of public awareness, the development of education programs and other activities to promote awareness and to assist in the prevention of Sexual Violence and Harassment within the East-West College community.

d. The Campus Director shall be a neutral party when administering the Procedures. The Campus Director will not be the advocate for either the complainant or the respondent. His or her role is to endeavor to ensure that the Procedures are properly followed, provide information to both parties and ensure that the parties involved understand these Procedures and the options available to them.

e. The Campus Director shall provide guidance and information regarding the requirement of the Procedures to Sexual Violence and Harassment Mediators, Sexual Violence and Harassment Investigators and others seeking direction in the handling of cases.

f. The Campus Director is responsible for keeping the Board members informed of educational initiatives, current issues and trends and other developments relating to Sexual Violence and Harassment.

g. It is the responsibility of the Campus Director to appoint an individual to act in the capacity of the Campus Director when one or more of the following situations exist:

- the Campus Director is on leave for a period greater than three (3) working days
- the Campus Director declares a conflict of interest or a reasonable apprehension of bias;
- the Campus Director is the complainant or respondent.

7. Terms of Reference for the President

A. Authority:

The Campus Director will oversee the implementation of and periodically review the East-West College- Procedures for Sexual Violence and Harassment Concerns and Complaints.

B. Mandate:

- Oversee the implementation of the East-West College- Procedures for Sexual Violence and Harassment Concerns and Complaints.
- Periodically review and approve any changes to the Procedures.
- Promote, support and advocate the role of the Sexual Violence and Harassment Office throughout the East-West College community.

8. Terms of Reference for the sexual violence and harassment mediators

- a. The Campus Director is responsible for identifying individuals as Sexual Violence and Harassment Mediators as required. The Mediator shall be chosen on the basis of their education, training, experience and suitability.
- b. The Campus Director shall endeavor to ensure that mediators are reflective

of the diversity groups within the East-West College.

c. The role of the Sexual Violence and Harassment mediator is to mediate as required in Section 3 of the East-West College Procedures for Sexual Violence and Harassment Concerns and Complaints.

9. Terms of Reference for the sexual violence and harassment investigators

a. The role of a Sexual Violence and Harassment Investigator is:

i. To investigate a complaint of Sexual Violence and Harassment upon the request of the East-West College Campus Director as per the East-West College-Procedures for Sexual Violence and Harassment Concerns and Complaints.

ii. To maintain impartiality, objectivity and fairness while conducting an investigation.

iii. To have the capacity to investigate and deliver the investigative report within forty-five (45) working days.

b. The Campus Director is responsible for appointing individuals to investigate Sexual Violence and Harassment complaints. Investigators are appointed on the basis of their education; their awareness about issues pertaining to gender, sexual orientation and Sexual Violence and Harassment; and their experience. Investigators are normally appointed on a case by case basis.

c. Prior to appointment, and prior to commencing an investigation of any complaint, an investigator will be required to confirm to the East-West College that he or she is not then involved in any matter where the interests which he or she represents are adverse to the interests of the East-West College.

d. Upon appointment, all investigators will be provided with relevant information and documentation relevant to the investigation and East-West College Policy and Procedures.