



**SEXUAL HARASSMENT POLICY AND PROCEDURES
FOR DEALING WITH COMPLAINTS
OF SEXUAL HARASSMENT**

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BCTT SEXUAL HARASSMENT POLICY

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TABLE OF CONTENTS

Page

ARCHIVE

I BCTT SEXUAL HARASSMENT POLICY

- Policy Statement 1
- Definition of Sexual Harassment 2

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II BCTT PROCEDURES FOR DEALING WITH SEXUAL HARASSMENT COMPLAINTS

A) INTRODUCTION

- 1. Responsibility of BCTT Community Members 3
- 2. Retaliation and Frivolous or Vexatious Complaints 3
- 3. Recognition of Existing Routes 4
- 4. Application of BCTT Sexual Harassment Policy 4
- BCTT Sexual Harassment Policy Application (Table 1) 5
- 5. Jurisdiction 4
- 6. Confidentiality 6
- 7. Time Limits 6

B) INFORMAL PROCEDURE

- 1. General Information 7
- 2. Consultation with a Counsellor (Optional) 7
- 3. Consultation with the Sexual Harassment Advisory Committee Chairperson (Possible Lodging of Complaint) 8
- 4. Action by Chairperson 8
- 5. Possible Withdrawal of Complaint 9
- 6. Sexual Harassment Policy Advisors' Action 9
- 7. Mediation Accepted 10-11
- 8. Mediation Rejected 11

C) FORMAL ADMINISTRATIVE ACTION

- 1. Mediator's Role in Formal Administrative Action 12
- 2. Formal Administrative Action (Formal Action) 12-14
- 3. Appeals 14
- 4. Records 15
- 5. Retaliation and Frivolous or Vexatious Complaints 15

III APPENDICES

- 1. BCTT Sexual Harassment Policy and Procedures Committee Members 1
- 2. Sexual Harassment Advisory Committee 2-4
- 3. Sexual Harassment Policy Advisors 4-5
- 4. Sexual Harassment Complaint Review Panel 5-6
- 5. Education 6-7
- 6. Time Sequence - Informal Procedure 8
- 7. Time Sequence - Formal Procedure 9

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I. BCIT SEXUAL HARASSMENT POLICY

POLICY STATEMENT

It is the policy of BCIT to ensure a learning and working environment free of sexual harassment where community members are treated with dignity and respect.

The policy may be applied in any sexual harassment incident adversely affecting the business of BCIT occurring on or off campus, even outside working hours. This policy is not intended to be used to handle complaints arising from discriminatory treatment based on an individual's gender. BCIT will deal with gender harassment by means of a General Harassment Policy.

To ensure that the members of the Institute Community are aware of their rights under the policy, as well as the definition and effect of sexual harassment, an ongoing educational program will be established as an integral part of this policy.

DEFINITION OF SEXUAL HARASSMENT

BCIT considers Sexual Harassment as:

- a) unwanted sexual attention of a persistent or abusive nature, made by a person/s who know/s or ought reasonably to know that such attention is unwanted;
- b) implied or expressed promise or reward for complying with a sexually oriented request;
- c) implied or expressed threat or retaliation in the form of actual retaliation or the denial of opportunity, for refusal to comply with a sexually oriented request;
- d) sexually oriented remarks and behaviour which may reasonably be perceived to create a negative psychological and emotional environment for work and study.

II. BCIT PROCEDURES FOR DEALING WITH SEXUAL HARASSMENT COMPLAINTS

A. INTRODUCTION

1. Responsibility of BCIT Community Members:

The Institute recognizes that the prevention of sexual harassment is a shared responsibility among its members. BCIT community members who believe they have been subjected to sexual harassment are strongly encouraged to make their objections known to the harasser. Where this is inappropriate or ineffective, complainants are encouraged to consult a Counsellor and/or to seek the assistance of the Sexual Harassment Advisory Committee Chairperson. Administrators or supervisors of an activity who are aware of unresolved sexual harassment incidents are encouraged to refer the Complainants to the Sexual Harassment Advisory Committee for assistance.

2. Retaliation and Frivolous or Vexatious Complaints

Retaliation against an individual who has requested that offensive behaviour or actions cease, or who has filed a complaint, whether substantiated or unsubstantiated, may itself result in disciplinary action by the Institute.

The Institute may take disciplinary action in cases where frivolous or vexatious complaints are submitted.

3. Recognition of Existing Routes:

This policy does not supercede existing grievance channels within the Institute's collective agreements. It also acknowledges other available external routes for seeking redress including the Human Rights Council of B.C., criminal charges and civil action. The Institute will continue its handling of a sexual harassment complaint even if the Human Rights Council has received a similar complaint.

4. Application of Sexual Harassment Policy (Refer Table 1, Page 5):

The Institute policy will apply in all cases except:

- a) where there is a collective agreement in force which includes dealing with sexual harassment concerns, and
- b) both the complainant and the respondent are part of the same bargaining unit.

5. Jurisdiction:

The Institute policy may be applied in any sexual harassment incident adversely affecting the business of BCIT occurring on or off campus, even outside working hours.

BCIT SEXUAL HARASSMENT POLICY APPLICATION

PERSON ALLEGEDLY DOING THE HARASSING

	G.E.U. INSTR B.U., ee	G.E.U. SUPPORT B.U., ee	ST. SOC B.U., ee	HGHT. ee	STUDENT	ALUMNI/ STUDENT ASSOC., ee	EXTERNAL	CONTRACTED OUT ee
G.E.U. INSTR B.U., ee	1. CLA (I) 2. CLA (I)	1. CLA (I) 2. CLA (S)	1. CLA (I)** 2. CLA (I)/ **POLICY	1. CLA (I)** 2. CLA (I)/ **POLICY	1. CLA (I)** 2. CLA (I)/ **POLICY	1. CLA (I)** 2. CLA (I)/ **POLICY	1. CLA (I)** 2. CLA (I)/ **POLICY	1. CLA (I)** 2. CLA (I)/ **POLICY
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KEY

POLICY* = POLICY WITH REPRESENTATION FROM APPROPRIATE UNION (REQUIRES NEGOTIATION)

**POLICY = NEEDS DISCUSSION

B.U. = BARGAINING UNIT
ee = EMPLOYEE

1. HARASSED PERSON LOGGES COMPLAINT UNDER:
2. "HARASSER" PROTECTION/APPEAL UNDER:

CLA (I) = G.E.U. INSTRUCTIONAL COLLECTIVE AGREEMENT
CLA (S) = G.E.U. SUPPORT STAFF COLLECTIVE AGREEMENT

6. Confidentiality:

Confidentiality must be maintained by all parties to the greatest extent possible:

- a) so that those who consider themselves to have been sexually harassed may feel free to come forward, and
- b) to protect the reputation of all individuals involved.

The Respondent and any parties actively involved in addressing the complaint (Sexual Harassment Policy Advisors, Mediators, Sexual Harassment Complaint Review Panel members) will be provided with this information only at the point that they become actively involved in the complaint.

However, an individual accused of an offence and subject to sanctions must be informed of the allegations. This information must include the name of the Complainant as well as details of the complaint.

7. Time Limits:

These procedures contain time limits within which the elements of the process should be accomplished. However, where circumstances demand it, at the discretion of the Chairperson of the Sexual Harassment Advisory Committee, rescheduling may take place provided that all parties involved in the process are promptly advised of time changes and the reasons for them.

B. INFORMAL PROCEDURE

1. General Information

Wherever possible, anyone believing that they have been subjected to sexual harassment should make their objections directly known to the harasser.

If this is ineffective or inappropriate, the complainant may wish to seek the assistance of any of the following:

- a) supervisor, manager, dean, director and/or
- b) a counsellor and/or
- c) the Chairperson of the Sexual Harassment Advisory Committee and/or
- d) the appropriate representative of their bargaining unit (if applicable).

The Complainant is encouraged to keep a private written record of the details of the incident(s), especially if the alleged harassment continues.

2. Consultation with a Counsellor (Optional)

Where either a Complainant has been unsuccessful in his/her attempts to resolve the situation or there has been some hesitancy on the Complainant's part to deal with the situation alone, he/she is encouraged to discuss this with a BCTT Counsellor. The Counsellor will provide confidential support, a copy of the "Sexual Harassment Policy and Procedures", and information about the procedures.

3. Consultation with the Sexual Harassment Advisory Committee Chairperson.

When the Complainant has been referred to the Chairperson, or when the Complainant has contacted the Chairperson directly, the Chairperson and the Complainant will discuss the complaint, the Sexual Harassment Policy and the Sexual Harassment procedures.

If the Complainant indicates a desire to pursue further action, the Chairperson will request the Complainant to provide a signed, written complaint, including:

- a) the name(s) of the Respondent(s)
- b) date(s), time(s), location(s) of the alleged incident(s)
- c) name(s) of any witness(es), and
- d) any other pertinent information.

4. Action By Chairperson:

Upon receipt of the signed written complaint, the Chairperson will:

- a) inform the Respondent that the complaint has been received, and provide a copy of the complaint to the Respondent on the same working day or the next working day.
- b) appoint a Sexual Harassment Policy Advisor for the Complainant, and another Sexual Harassment Policy Advisor for the Respondent within two (2) working days of receipt of the original written complaint by the Chairperson.

5. Possible Withdrawal of Complaint:

Once the written complaint has been received by the Chairperson, and the Chairperson has informed the Respondent, the Complainant may withdraw the complaint, in writing.

This withdrawal of the complaint does not limit the right of the Respondent to request a complete investigation.

6. Sexual Harassment Policy Advisors' Action:

- a) One Sexual Harassment Policy Advisor will consult with the Complainant and the second Sexual Harassment Policy Advisor will consult with the Respondent. They will provide their respective parties with advice about an appropriate course of action, within five (5) working days of receipt of the written complaint by the Chairperson.
- b) After the individual consultations, and within nine (9) working days of the receipt of the original written complaint by the Chairperson, the Sexual Harassment Policy Advisors will meet to discuss the possibility of mediation.

If mediation is rejected, the Sexual Harassment Policy Advisors will inform the Chairperson immediately. The Chairperson will then write to the Respondent and to the Complainant to inform them that mediation has been rejected and that the Formal Administrative action may be used.

7. Mediation Accepted

When mediation is accepted, the Sexual Harassment Policy Advisors will report this to the Chairperson, who will then appoint a professional mediator external to BCIT, within ten (10) working days of receipt of the written complaint.

- a) When mediation is successful, the mediator shall report to the Chairperson within 20 days of receipt of the complaint. Options for resolution shall be of a voluntary or informal nature and shall not include the power of formal administrative action such as discipline. If resolution is achieved as a result of mediation, a written copy of the resolution shall be signed by the Complainant and the Respondent and witnessed by the mediator. A copy of the written complaint, the mediator's report, and the resolution shall be maintained by the Chairperson in a confidential file. After a period of seven years from the date of mediation, if no further allegations are registered, all documentation of the incident will be removed from the file.
- b) If mediation is unsuccessful, the mediator will report this to the Chairperson within a maximum of twenty (20) working days of receipt of the written complaint. The Chairperson will write to the Complainant and to the Respondent to inform both parties that the Formal Administrative Action may be used.

If through mediation, there is still no resolution to the complaint either the Complainant or Respondent may decide to pursue formal administrative action. If formal administrative action is not utilized, the complaint is then considered closed and the Chairperson will take no further action although a confidential record of the alleged incident, including a copy of the mediator's report, will be kept on file and the provisions as outlined above concerning records will be followed.

In the event that mediation has failed to resolve the dispute, and that the intent is to proceed to Formal Action, written notification of intent to proceed to Formal Action must be delivered to the Chairperson, by either the Complainant or the Respondent, within five (5) working days of the conclusion of mediation. The original, signed complaint provided by the Complainant will be used in the formal administrative process.

8. Mediation Rejected

If mediation is rejected the Sexual Harassment Policy Advisors will report this to the Chairperson as soon as this decision is made, or, at the latest, within 9 working days of receipt of the written complaint by the Chairperson.

When mediation is rejected by either party, notice must be in writing to the Chairperson. The Chairperson will notify the other party of the rejection. Either party must give the Chairperson notification of intent to proceed to Formal Action in writing, within three (3) working days of receipt of notice of rejection of mediation.

C. FORMAL ADMINISTRATIVE ACTION

1. Mediator's Role in Formal Administrative Action

In the event that the complainant or respondent proceed to formal administrative action, the mediator will not give evidence at the formal process.

2. Formal Administrative Action (Formal Action):

When Formal Action has been invoked the following procedures shall be followed. These procedures contain time limits within which the elements of the process should be accomplished. However, where circumstances demand it, rescheduling may take place provided that all parties involved in the process are promptly advised of time changes and the reasons for them.

- a) In the event that the Complainant has directly invoked the Formal Action, the Chairperson shall inform the parties of receipt of a complaint within two (2) working days and shall ensure that both parties have a copy of the complaint.
- b) The Chairperson shall invite the Respondent to provide the Chairperson with a written response to the complaint within five (5) working days.
- c) The Chairperson shall deliver a copy of the Respondent's written response to the Complainant inviting the complainant to submit a written reply or rebuttal to the response within five (5) working days.

- d) The Chairperson shall appoint a Sexual Harassment Complaint Review Panel to review the case and to have completed its work and reported to the President within twenty (20) working days of initiation of the Formal Process.
- e) The Panel shall review the documents and may interview the Complainant, Respondent and witness(es) and shall report their decision with a recommendation for redress and/or discipline. Both the Complainant and the Respondent will be given equal opportunity to discuss their case with the panel.

The Complainant and the Respondent will be allowed to hear all of the evidence and the Complainant and the Respondent will be given the opportunity to cross-examine each witness and the other party.

The Panel, before interviews of Complainant, Respondent, witness(es), or involved parties, must ensure that all parties are informed of their right, under this policy, to be accompanied by a person of their choice.

If any of the parties decide to be accompanied by a lawyer during the formal administrative action, this must be communicated to all parties so that they, too, have the option of retaining a lawyer if so desired.

f) The Panel shall report to the President. The President:

- i) will review the Panel's proceedings and conduct any further investigation and interviews as necessary, and,
- ii) within ten (10) working days of the receipt of the Panel's report, shall discuss his/her investigation with the Sexual Harassment Review Panel, make a decision, and advise the parties in writing with a copy to the Panel and the Chairperson of the Sexual Harassment Committee.

3. Appeals

Either the Respondent or the Complainant may initiate a written appeal to the Chairman of the Board of Governors within twenty (20) working days of the Formal Administrative Action with a copy to the President. The appeal must make clear what aspects of the decision are being appealed.

The Board of Governors may interview the Complainant, Respondent and members of the Panel, and shall take whatever other steps are necessary to gain familiarization with those aspects of the decision being appealed. The Board of Governors will receive copies of the written materials to assist in its investigation. The Board of Governors, within thirty (30) working days of the receipt of the appeal shall deliver a written decision to the parties with copies to the President and to the Chairperson.

There are no further recourses provided by this policy to the parties.

4. Records

The Sexual Harassment Chairperson will keep an anonymous statistical record of all incidents.

If the decision of the President involves the implementation of disciplinary action, a record of that decision will be placed in the appropriate personnel/student file.

Confidential files including the written complaint and documentation of any subsequent action shall also be maintained by the Chairperson. After a period of seven years, if there have been no further incidents, these files shall be removed.

5. Retaliation and Frivolous or Vexatious Complaints

Retaliation against an individual who has requested that offensive behaviour or actions cease, or who has filed a complaint, whether substantiated or unsubstantiated, may itself result in disciplinary action by the Institute.

The Institute may take disciplinary action in cases where frivolous or vexatious complaints are submitted.

In cases of frivolous or vexatious complaints, the Respondent has the right to request that the Sexual Harassment Committee Review Panel submit recommendations to the President for corrective action.

APPENDICES

BCTT SEXUAL HARASSMENT POLICY AND PROCEDURES COMMITTEE MEMBERS

Current Committee Members:

John Eliasen
Chief Instructor
Carpentry

Heather Hyde
Coordinator
Counsellors

Val Karpinsky
Director
Student Services

Wendy Pentland
Student Rep
Health Sciences Chairperson

Susan Ney
Employee Relations Manager
Personnel/Employee Relations

Paula Pick
Acting Vice President
Student Services & Educational
Support

Jannie Scriabin
Associate Dean
Medical Imaging/Medical
Laboratory Science

Jean Spence
Counsellor

Chuck Spong
Program Head
Operations Management

Past Committee Members:

Judi Bainbridge
Pat Carroll
Helen Grien
Quentin Lake
Ann-Marie Laperriere
Brenda Pengelly
Rosita Pohl
Austin Werner

Current Recording Secretary:

Sandie Mooney
Secretary to Director
Student Services

Original Recording Secretary:

Eve Jarvie
Secretary to Vice President
Student Services & Educational Support

2. SEXUAL HARASSMENT ADVISORY COMMITTEE

Purpose:

The purpose of the Sexual Harassment Advisory Committee is two-fold: first, to establish an awareness of the effects of sexual harassment and provide an educational program to create an environment free of sexual harassment; second, to address any complaints which may arise.

Reporting Relationship:

The Sexual Harassment Advisory Committee reports directly to the President through the Chairperson on a quarterly basis or following a complaint.

Membership:

The Sexual Harassment Advisory Committee will consist of ten (10) members.

Each of the following five (5) Institute bodies will appoint one (1) member to the Sexual Harassment Advisory Committee.

1. BOGEU Instructional Unit
2. Staff Society
3. BOGEU Support Staff
4. Student Association
5. Management

These five (5) appointed members will solicit volunteers from the Institute Community to fill the remaining five (5) positions on the Sexual Harassment Committee. The appointed members will review the list of volunteers and select five (5) individuals, at least one of whom is to be a student. In this selection process, the appointed members will consider securing an appropriate gender mix and appropriate representation of the Institute Community.

The President will appoint a Chairperson from amongst the committee members.

Duties:

Specifically the duties will be to:

- a) review the work and recommendations of the Sexual Harassment Policy Advisors and Mediators and facilitate the implementation of the Policy (it should be emphasized that the only members of the Sexual Harassment Advisory Committee who have access to the details of the Complaint are the Chairperson and any other members also acting in the capacity of a Sexual Harassment Policy Advisor);
- b) annually review the Sexual Harassment Policy and Procedures and consult the Institute community regarding changes. The Sexual Harassment Advisory Committee will submit the results of its review and any recommendations to the appropriate approval body.
- c) appoint six (6) candidates for the Sexual Harassment Complaint Review Panel after consultation with the Advisor(s);
- d) ensure that there is a list of qualified, external mediators available on an on-call basis.
- e) recommend the budget of the various operations involved in the pursuit of the Policy;
- f) meet at the request of the President, request of Advisor(s) or as needed to accomplish the duties.

- g) co-ordinate and participate in training with the Advisors, and Sexual Harassment Complaint Review Panel members. All those being trained will receive an overview of sexual harassment. The Advisors, and members of the Sexual Harassment Complaint Review Panel will receive specific training related to their roles.
- h) provide direction about the educational program to be implemented by the Sexual Harassment Policy Advisors.

3. SEXUAL HARASSMENT POLICY ADVISORS

Purpose:

The purpose of the Sexual Harassment Policy Advisors is to assist the Complainant and Respondent to resolve sexual harassment complaints before such complaints reach the formal process, and to educate the Institute community about the prevention of sexual harassment and the existence of a BCIT Sexual Harassment Policy.

Reporting Relationship:

The Sexual Harassment Policy Advisors report to the Chairperson of the Sexual Harassment Advisory Committee:

Membership:

The Institute community will be requested to provide nominations of individuals to serve as Sexual Harassment Policy Advisors.

An information meeting will be held to inform the nominees about:

- a) The BCIT Sexual Harassment Policy and Procedures, and
- b) The proposed role of the Advisors.

Nominees interested in pursuing the role will submit an application for the position. The Sexual Harassment Advisory Committee will appoint the successful candidates and inform the Institute community of these appointments.

A minimum of two (2) Advisors, one female, one male, will be appointed for a period of two years according to the procedure outlined above, with the option of re-appointment.

4. SEXUAL HARASSMENT COMPLAINT REVIEW PANEL:

Purpose:

The role of the Sexual Harassment Complaint Review Panel is to review complaints as received under the Formal Administrative Action of the policy, and make recommendations to the President.

Reporting Relationship:

The Sexual Harassment Complaint Review Panel reports to the Sexual Harassment Advisory Committee.

Membership:

A Sexual Harassment Complaint Review Panel shall consist of three (3) unbiased members chosen by the Advisor(s) from a list of six (6). The three (3) shall comprise both sexes.

At all times, there shall be a list of six (6) staff members available to be chosen for a Review Panel. The six (6) shall be appointed by the Sexual Harassment Advisory Committee from among willing and interested candidates after consultation with the Advisor(s). The six (6) shall be representative of the work areas of the Institute, e.g. students, instructors, support staff, administration, and shall, when possible, comprise three (3) of each sex.

All six Sexual Harassment Complaint Review Panel candidates shall be kept current on the intentions, procedures, amendments and use of the Sexual Harassment Policy of the Institute.

5. EDUCATION:

To be a widely supported, visible policy, it is desirable that the issue of sexual harassment attain a high priority. The Institute community needs to become aware of not only the existence of this policy, but also of the problem of sexual harassment and means of dealing with it. Ways of establishing this awareness should include:

- a) the publication of the recognition/rationale, definition and a flowchart of the procedure in campus publications (e.g. Calendar, Student Handbook, Institute and Student newspapers);

- b) an initial "establishing awareness" program conducted by the Sexual Harassment Advisory Committee members;
- c) the provision of workshops to the Institute community on an "as requested" or "as needed" basis by the Advisors;
- d) the development and distribution of pamphlets and posters outlining the procedure, the available educational resources and information on what constitutes or does not constitute sexual harassment;
- e) interaction by Advisors with external groups regarding BCIT's experience with sexual harassment and the Institute's policy.
- f) an annual report will also be made available to the Institute community as part of the educational program.

TIME SEQUENCEINFORMAL PROCEDURE:

Complainant may see a Counsellor. Counsellor refers Complainant to Chairperson, or Complainant may see Chairperson directly. Complainant wishes to proceed to INFORMAL PROCEDURE.

- | | |
|--|------------------------|
| Upon receipt of written complaint: | (working day 1 |
| a) Chairperson provides copy of written complaint to Respondent. | (by working day 1 or 2 |
| b) Chairperson appoints Sexual Harassment Policy Advisor for Complainant and Sexual Harassment Policy Advisor for Respondent. | (by working day 2 or 3 |
| c) Sexual Harassment Policy Advisors individually consult with respective parties. | (by working day 5 |
| d) Sexual Harassment Policy Advisors discuss possibility of mediation. | (by working day 9 |
| e) Mediator may be appointed. | (by working day 10 |
| f) When unsuccessful mediation results, mediator reports to Chairperson | (by working day 20 |
| g) When successful mediation results, mediator reports to Chairperson. | (by working day 20 |
| h) When mediation unsuccessful, notice of intent to proceed to Formal Action must be given to Chairperson within 5 working days. | (by working day 25 |
| i) When mediation rejected, the Sexual Harassment Policy Advisors will report the rejection to the Chairperson immediately, or at the latest, within 9 working days of receipt of the written complaint. | |
| j) When mediation rejected, either party may provide notice of intent to proceed to Formal Action by working day 3 of receipt of mediation. | |

TIME SEQUENCE

FORMAL PROCEDURE:

- | | |
|--|--------------------|
| Upon receipt of written complaint: | (working day 1 |
| a) When Formal Action invoked without previous Informal Procedure, Chairperson informs Complainant and Respondent, and provides copy of complaint. | (by working day 2 |
| b) If Informal Process was attempted but unsuccessful or rejected, Respondent has 5 working days to submit response to original written complaint. | (by working day 7 |
| c) Complainant submits written signed rebuttal. | (by working day 12 |
| d) Chairperson arranges for Panel to complete review of case and forwards results of review to President. | (by working day 20 |
| e) The President will make a final decision. | (by working day 30 |
| f) The Complainant or the Respondent may appeal to the Board of Governors. | (by working day 50 |
| g) Board of Governors announces decision. | (by working day 80 |