

TIRP Procedures for Sexual Violence and Harassment Concerns and Complaints

PREAMBLE

TIRP has a Sexual Violence and Harassment Policy which is approved by TIRP's Faculty as a whole and may be amended from time to time by TIRP's Faculty as a whole.

These Procedures should be read in conjunction with the TIRP Sexual Violence and Harassment Policy.

Principle - Sexual Violence and Harassment is a violation of human rights. TIRP recognizes its ethical and legal responsibility to provide a workplace and learning environment that is free of Sexual Violence and Harassment.

Confidentiality - All complaints shall be handled with confidentiality. All who may be involved in the concern or complaint process are expected to maintain confidentiality. Confidentiality may not apply to persons where disclosure is permitted or mandated by law, or where the health, safety and security of a person or persons is a concern.

Responsibilities & Duties –

Section 1.0

All members of the TIRP community, and in particular those in academic or administrative authority, shall:

- a. know what constitutes Sexual Violence and Harassment;*
- b. familiarize themselves with and be aware of the Sexual Violence and Harassment Policy and its related TIRP- Procedures for Sexual Violence and Harassment Concerns and Complaints;*
- c. encourage an environment which is free of Sexual Violence and Harassment;*
- d. inform students and colleagues of the Sexual Violence and Harassment Policy and its related TIRP- Procedures for Sexual Violence and Harassment Concerns and Complaints; and*
- e. consult with the Community Liaison to obtain advice and guidance regarding possible concerns of Sexual Violence and Harassment and refer individuals to the Community Liaison.*

PROCEDURES

These Procedures are designed to deal with both concerns and formal complaints of Sexual Violence and Harassment. The Community Liaison 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 AND HARASSMENT COMPLAINTS

Consulting with the Community Liaison

A person who thinks they have been the target of Sexual Violence or Harassment should meet with the Community Liaison. Anyone may anonymously seek the advice of the Community Liaison, but the Community Liaison should suggest to anonymous complainants that they refrain from naming individuals as long as they wish to remain anonymous.

The Community Liaison shall provide information about TIRP's policy and its related procedures to individuals seeking advice. The Community Liaison shall also provide information about other available external counselling or medical services. All informal consultations with the Community Liaison 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 Community Liaison to use these Procedures, (i.e., mediation or investigation), to resolve it. The Community Liaison will keep a non-identifying account of the nature of the concern, any advice given and any outcome achieved. This information is retained for statistical purposes. Record retention relating to the formal complaint process is collected and retained in accordance with the TIRP Procedures for Sexual Violence and Harassment Concerns and Complaints. The Community Liaison 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 Community Liaison 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 Community Liaison has reason to believe that the health or safety of a member or members of TIRP is at risk. However, such confidentiality may not apply to persons where disclosure is permitted or mandated by law.

Informal Resolutions without Filing a Formal Complaint

An individual may choose to try to resolve a matter with the assistance of the Community Liaison, 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 Community Liaison, 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 Community Liaison 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 Community Liaison will suggest to the person expressing the concern, where appropriate, that they 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 Community Liaison will suggest to the person expressing the concern, where appropriate, that they 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 Community Liaison 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 their alleged behavior. The Community Liaison 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 Community Liaison 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 statistical purposes. During the informal, confidential consultation, the Community Liaison would convey the concern, advising the subject, if appropriate, how the alleged behavior is experienced as inappropriate and has given rise to concern. The Community Liaison 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 Community Liaison 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 Community Liaison may recommend that a particular 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 putting in writing the complaint and submitting it to the Community Liaison 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 Community Liaison shall outline the option of mediation to the complainant as outlined in this document. The complainant will be asked to formally acknowledge that they have been so advised by signing an "Acknowledgement of Notification of Advice" and returning it to the Community Liaison.

b. Complaint-Related Correspondence

i. Correspondence by Letters and Written Notices All correspondence and written notices generated by the Community Liaison regarding Sexual Violence and Harassment complaints that are addressed or copied to complainants and/or respondents shall be copied to the Community Liaison. 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 Community Liaison 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 TIRP, or, where a complainant or a respondent provides the Community Liaison with an address for delivery of documents pursuant to these Procedures, at that address;

For purposes of these Procedures, if the addressee is the Community Liaison or their 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 has been made, signed and filed with the Community Liaison, where the respondent is identified, the Community Liaison shall, within three (3) days of receipt of the complaint, send to the respondent by Express Post with signature, or hand-delivery or by some other method where delivery can be verified,

i. a copy of the written complaint,

ii. where applicable, a copy of a request for an investigation,

iii. when necessary, a copy of a 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, advise that the complainant has requested mediation; and

vi. written notice of the complaint, including a suggestion that the respondent may make contact with the Community Liaison 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 their written reply to the complaint will be provided to the complainant by the Community Liaison.

Where the respondent is not immediately identifiable, the Community Liaison shall make reasonable efforts to identify and locate the respondent, and to provide the documents listed in c above. If the Community Liaison cannot identify or locate the individual who is reported to have engaged in behaviours that may constitute Sexual Violence and Harassment and the complainant wishes to file a Formal

Complaint, the Community Liaison 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 Community Liaison and the respondent will be provided with the appropriate notice as per section c. In situations where a complainant does not file a Formal Complaint and Request for Mediation or Investigation but the Community Liaison deems the situation is such that the health, safety of a member or members of the TIRP

community is a concern, the Community Liaison may consult with the Faculty as a whole for further guidance.

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 Community Liaison within the time frame stated below:

- i. Where the respondent has been advised that mediation has been requested, within three (3) days of their receipt of the written complaint and accompanying documents, and indicating whether or not they are willing to participate in a mediation;
- ii. Where the respondent has been advised that an investigation has been requested, within five (5) days of their receipt of the written complaint; and
- iii. The respondent should also be advised that should they 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 Community Liaison may take interim and 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 Community Liaison may take interim and immediate measures to protect other members of the TIRP community. Any decision and action by the Community Liaison 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 Community Liaison towards either the complainant or the respondent under any processes governed by these Procedures, and shall not be considered as evidence by either the Community Liaison 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 Community Liaison 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 Community Liaison shall use their 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 Community Liaison 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 Community Liaison in the same manner as the original notice of interim accommodation.

3. PROCEDURE FOR MEDIATION FOR SEXUAL VIOLENCE AND HARASSMENT COMPLAINTS

a. The Mediation Procedure

As per the Sexual Violence and Harassment 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. A complainant may choose mediation to resolve a complaint of Sexual Violence and Harassment after submitting a written complaint to the Community Liaison. When the respondent of a complaint is notified, they will be informed of the complainant's request that the matter be resolved through mediation. If both the complainant and the respondent consent to mediation, the Community Liaison will help the parties identify a mutually acceptable mediator. The Community Liaison 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 Community Liaison 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 their appointment, and advise the Community Liaison 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 Community Liaison 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 Community Liaison 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 Community Liaison 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 Community Liaison 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 Community Liaison. The mediator must return all documentation generated by the mediation and the signed resolution to the Community Liaison within ten (10) days of achieving a resolution. The Community Liaison 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 and the Community Liaison shall keep only a non-identifying account of the complaint for statistical purposes.

c. Lack of Resolution Through Mediation

If a resolution is not achieved as a result of mediation, the mediator shall notify the respondent, complainant and Community Liaison, in writing, that the mediation has failed. The mediator shall immediately return all records generated by the mediation to the Community Liaison. The Community Liaison shall destroy all records related to the mediation, retaining only the written complaint 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 TIRP proceeding regarding any information disclosed during the mediation process except where disclosure is permitted or mandated 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 Community Liaison receives written notification to that effect from the mediator, the Community Liaison shall inform the complainant in writing that they have seven (7) days from the receipt of notice from the Community Liaison to refer the matter to an investigation. To request an investigation, the complainant shall make a written and signed request and submit it to the Community Liaison. If the complainant does not ask for an investigation within the seven (7) days allotted, the Community Liaison shall retain the written complaint 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 Community Liaison shall destroy the file and all its contents relating to the case and keep only a non-identifying account of the complaint for statistical purposes only.

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 make a written, signed complaint if not already submitted, and a written, signed request for investigation with the Community Liaison. Within seven (7) working days of the date the

investigation is requested, the Community Liaison shall hand carry the written complaint, the complainant's written and signed statement and completed written request for an investigation to the TIRP Faculty as a whole. Any materials which the complainant wishes to attach to the above forms shall be copies only. The complainant should keep all original documents. The Community Liaison 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 Community Liaison will request that they do so within five (5) days of receipt of the written request for an investigation.

b. When the Community Liaison Cannot Participate in the Investigative Process

If the Community Liaison is unable to deal expeditiously with the consideration of a Request for Investigation, or when they are unable to deal with a complaint due to conflict of interest or reasonable apprehension of bias, they shall immediately forward the complaint to the TIRP Faculty as a whole as follows:

i. If the Community Liaison is the subject of a complaint or is a complainant, the matter shall be forwarded to the TIRP Faculty as a whole who shall appoint an individual to take the place of the Community Liaison in respect of all things which the Community Liaison is required to do under these Procedures with respect to the complaint. The individual appointed may be another TIRP Faculty member or an outside qualified consultant as deemed appropriate in the circumstances.

c. Decision to Proceed with Investigation

i. Within twenty (20) working days of the Community Liaison's receipt of the complaint, the Community Liaison 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 Community Liaison 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 Community Liaison may conduct separate interviews with the complainant, the respondent and the any other party.

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 Community Liaison shall advise the complainant and the respondent of their right to representation according to any relevant employment agreement.

v. If there appears to be a concern about the complainant's and/or respondent's health, safety and security, the Community Liaison 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.

d. Decision Not to Proceed with Investigation

If the Community Liaison decides that the allegations do not warrant an investigation, they shall inform the complainant and the respondent and in writing of this decision within twenty (20) days of receipt of the allegation. The Community Liaison shall keep on file all materials pertaining to the complaint in their office until all deadlines for appeal or grievance have passed or twelve (12) months have elapsed, whichever is longer.

When the Community Liaison decides that the allegations do not warrant an investigation, the Community Liaison shall further advise the complainant and the respondent that they have ten (10) working days following notification by the Community Liaison 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 Community Liaison shall follow 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.

e. Initiation of Formal Investigation

If the Community Liaison decides that the allegations of Sexual Violence and Harassment have sufficient substance, they shall appoint an Investigator.

f. 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 Community Liaison and shall conform to the relevant clauses of the appropriate handbooks or discipline codes.

g. Appointment of an Investigator

Neither the Community Liaison 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 TIRP. The Investigator can be an individual who has previously provided investigative services to TIRP whether or not that person is a lawyer. The Investigator must be qualified and able to submit their investigative report to the Community Liaison 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.

h. 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 they consider reasonable to facilitate such a resolution. The Investigator will notify the Community Liaison 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 Community Liaison will commence the mediation procedure as specified in Section 3(a). If resolution through mediation is achieved, the Community Liaison 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 Community Liaison.

If, during a suspended investigation, mediation fails to resolve the complaint, the mediator shall notify the Community Liaison, as specified in Section 3(c). The Community Liaison 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.

i. 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 Community Liaison and shall have the opportunity to respond to the evidence contained in the investigative report if they choose.

j. Role of the Investigator

The Investigator shall conduct a thorough investigation into the allegations of Sexual Violence and Harassment and they shall write an investigative report which shall be forwarded to the Community Liaison. 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 Community Liaison 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 Community Liaison who will contact the complainant and respondent.

k. Release of Investigative Report

The investigation shall be completed and the Investigator's investigative report shall be submitted to the Community Liaison 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 Community Liaison 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 Community Liaison.

l. 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 Community Liaison 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 day deadline may be granted through a written request to the Community Liaison and copied to the Community Liaison. One (1)

extension may be granted at the discretion of the Community Liaison 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.

m. Community Liaison's Response to Investigator's Report

Upon receipt of the investigative report, the Community Liaison shall wait five (5) working days to give both the complainant and the respondent an opportunity to respond to the final report. The Community Liaison 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 Community Liaison shall provide both the complainant and the respondent with their written decision, and of the action the Community Liaison will take and whether or not discipline will be imposed. The Community Liaison 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 their decision. The TIRP Faculty as a whole will also be provided with this written decision.

n. Discipline

With respect to the nature of any discipline under these procedures the Community Liaison shall consult with the TIRP Faculty as a whole, and may impose fair and reasonable penalties, subject to the applicable handbooks or code of conduct. The existence of proceedings or determinations of any kind in any other forum shall not diminish the Community Liaison'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 Community Liaison under the applicable handbook or code of conduct. Discipline will follow the concept of progressive discipline and may include but is not limited to the following factors:

1. the nature of the harassment
2. the degree of aggressiveness and physical contact
3. the impact of the comments or conduct on the complainant
4. the time period of the harassment
5. the age of the complainant
6. the psychological impact of the harassment on the complainant
7. whether the offence was an isolated incident or involved repeated acts
8. mitigating or aggravating circumstances affecting either party
9. whether there was an imbalance in power between the parties
10. the record of the subject of the complaint at TIRP vis-à-vis Sexual Violence and Harassment
11. sanctions applied in similar cases

The respondent and the complainant have the right to appeal as per the Appeals section (7.0) of the Sexual Violence and Harassment Policy. The Community Liaison will notify a complainant and respondent if the Community Liaison's decision referenced in Section 4 (m) is appealed, and shall provide notice in the same manner to the complainant and respondent of the outcome of any such appeals.

o. Records If the Community Liaison decides that Sexual Violence and Harassment did occur, the Community Liaison shall keep on file all materials pertaining to the complaint and the investigation in their 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 two (2) years. The Community Liaison will request that all documents and materials, including copies, pertaining to the formal complaint and investigative process be returned to the Community Liaison from the Investigator. The Community Liaison will destroy any and all other copies of these documents and materials. In cases where the Community Liaison decides that Sexual Violence and Harassment did occur, and the complainant or respondent appeals this decision or the penalties imposed, and the Community Liaison's decision that Sexual Violence and Harassment did occur is upheld when the appeal procedure has been completed, all materials pertaining to the complaint shall be placed in the relevant personal files for two (2) years. The Community Liaison will destroy any and all other copies of these materials. In cases where the Community Liaison decides that Sexual Violence and Harassment did occur, and the respondent appeals 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 Community Liaison. The complainant or the respondent may request that a copy of the investigative report be placed in their own personal file in Human Resources if one exists. In cases where the Community Liaison decides that Sexual Violence and Harassment did not occur, the Community Liaison shall keep on file all materials pertaining to the complaint and the investigation in their office until all deadlines for formal appeal or grievance have passed or twelve (12) months have elapsed whichever is longer. The Community Liaison 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 Community Liaison shall destroy all records.

5. PROCEDURES FOR SEXUAL VIOLENCE AND HARASSMENT COMPLAINTS DURING WORK TERMS, PLACEMENTS, INTERNSHIPS, INSTRUCTIONAL FIELD COURSES OR PRACTICA OUTSIDE OF TIRP

TIRP has a responsibility to support students during work terms, placements, internships, instructional field courses or practica outside TIRP. The Community Liaison 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 TIRP during work terms. The Community Liaison is available to students during placements, internships, instructional field courses or practica outside the TIRP. Students who are doing placements in non-TIRP 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-TIRP 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 COMMUNITY LIAISON

The Community Liaison shall be selected on a yearly basis from one of the members of the TIRP Faculty as a whole or some other person selected by the TIRP Faculty as a whole from time to time.

- a. The Community Liaison shall report to the TIRP Faculty as a whole.
- b. The Community Liaison shall be responsible for the administration of the TIRP- Procedures for Sexual Violence and Harassment Concerns and Complaints. They are 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 TIRP 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 TIRP. The Community Liaison 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 Community Liaison shall be a neutral party when administering the Procedures. The Community Liaison will not be the advocate for either the complainant or the respondent. Their 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.
- d. The Community Liaison 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.
- e. The Community Liaison is responsible for keeping the TIRP Faculty as a whole informed of educational initiatives, current issues and trends and other developments relating to Sexual Violence and Harassment.
- f. It is the responsibility of the Community Liaison to appoint an individual to act in the capacity of the Community Liaison when one or more of the following situations exist:
 - the Community Liaison is on leave for a period greater than three (3) working days
 - the Community Liaison declares a conflict of interest or a reasonable apprehension of bias;
 - the Community Liaison is the complainant or respondent.

8. TERMS OF REFERENCE FOR THE COMMUNITY LIAISON

A. AUTHORITY: The Community Liaison will oversee the implementation of and periodically review the TIRP Procedures for Sexual Violence and Harassment Concerns and Complaints.

B. MANDATE:

- Oversee the implementation of the TIRP- Procedures for Sexual Violence and Harassment Concerns and Complaints.

- Periodically review and approve any changes to the Procedures.
- Promote, support and advocate for awareness of the Sexual Violence and Harassment Policy throughout the TIRP community.

9. TERMS OF REFERENCE FOR THE SEXUAL VIOLENCE AND HARASSMENT MEDIATORS

- a. The Community Liaison 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 Community Liaison shall endeavor to ensure that mediators are reflective of the diversity of the TIRP community.
- c. The role of the Sexual Violence and Harassment mediator is to mediate as required in Section 3 of the TIRP Procedures for Sexual Violence and Harassment Concerns and Complaints.

10. 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 TIRP Community Liaison as per the TIRP 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 Community Liaison 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 TIRP that they are not then involved in any matter where the interests which they represent are adverse to the interests of TIRP.
- d. Upon appointment, all investigators will be provided with relevant information and documentation relevant to the investigation and TIRP Policy and Procedures.