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HARASSMENT

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POLICY

NAME	Harassment	
CATEGORY	Human Resources	
POLICY NUMBER	HR05	
ACCOUNTABILITY		
Office of Accountability	Finance & Operations	
Office of Administrative Responsibility	Human Resources	
Approved By	Strategic Leadership Team	
RELEVANT POLICY DATES		
Last Approved	9 March 2021	
Changes Effective	9 March 2021	
Review Frequency	5 years	
MODIFICATION HISTORY		
April 2011	Requirement of Insurance Policy to have a Harassment Policy and have employees sign that they have reviewed and understand said policy	
January-May 2012	Review of draft by Staff, Faculty, and Students' Association for feedback	
June-July 2012	Review of draft by Coordinating Council, Senate, Board of Governors, and legal counsel for feedback – effective: September 2012	
11 September 2018	This policy replaces the existing Harassment Policy (dated September 2012) and has a separate document entitled Harassment Procedures	
May 2019	Procedures revision and document combined with Policy	
March 2021	Under responsibilities a section 2.5 was added to more closely comply with OH&S legislation that defines the role of the health and Safety Committee. All references to VP student life removed.	

POLICY STATEMENT

1. OVERVIEW

The King's University is committed to Christian principles and therefore we expect our community to reflect the values of respect, mutual concern, and care for others. All of King's practices, institutional and individual, are expected to reflect this commitment. King's students, staff, and faculty members are expected to relate with each other in such a way as to ensure we all feel respected, valued, and are not subjected to any form of harassment or discrimination.

What do you do if you experience harassment?

If you think you have experienced any form of harassment you have the following options:

- If you feel comfortable doing so, confront the person who harassed you and ask the person to stop.
- Write down what happened. Document the situation, even if you do not plan to report it or you are able to resolve it yourself.
- Decide if you want to tell someone.
- Tell someone you trust and/or a Lead Responder who can help you navigate this policy and your next steps.
- Remember that you are in charge of how you wish to proceed.

What do you do if someone tells you about harassment?

- Listen to the disclosure. It is your job only to listen, not to decide the facts of the case.
- Understand that the Complainant is in charge of their response.
- Encourage the Complainant to speak to a Lead Responder and report the incident.

- d) If the Complainant is hesitant to speak to a Lead Responder, offer to speak to a Lead Responder on his or her behalf.
- e) If you are unsure how to proceed, seek out a Lead Responder and ask for support without breaking confidentiality.
- f) Continue to support the individual, encourage the individual to read the policy to understand his or her rights, continue to encourage the person to report, and keep the disclosure confidential.

The King's University strives to ensure that all members of the university community can flourish as image bearers of God. We strive to create an atmosphere where all persons feel respected and are able to work, study, and participate in University life in a way that preserves their dignity, respects their individuality, and honors their sense of self.

Therefore all members of the University community are expected to treat each other fairly and maintain an environment that is free of harassment, including sexual harassment (see Sexual Violence Policy), abuse of authority, workplace violence, inappropriate physical contact and other offensive behaviors. The King's community has zero tolerance for acts of harassment, discrimination and any type of violence.

Because harassment is considered a very serious matter at King's, persons who commit such infractions are subject to disciplinary action. As well, any person acting in a supervisory capacity who knowingly permits harassing or discriminatory behavior to continue in the classroom or workplace, once he or she becomes aware of such behavior, will be subject to disciplinary action.

The King's University believes that it is everyone's responsibility to prevent all types of harassment and violence and holds every member responsible to conduct himself or herself in such a manner that does not cause harm to others.

2. RESPONSIBILITIES AND ROLES

2.1. Members of the University Community

All persons affiliated with The King's University share the responsibility for the effectiveness of this Policy. As such, each individual is accountable for conducting themselves in the spirit of this Policy and in a manner that contributes toward a Christian community that is free from harassment. Human Resources requires that all employees, long term contractors, and volunteers have read and acknowledged this policy. Student Life will ensure that all students are aware of this policy.

All persons who are aware of a harassment complaint, or involved in its resolution, must recognize the seriousness of the situation and respect the sensitivity and confidentiality that must be accorded to the matter. They must refrain from discussing the complaint amongst themselves or with anyone who does not have a "need to know" in accordance with the Personal Information Protection Act. Every effort must be made to preserve the dignity and self-respect of the parties to the complaint except as necessary to investigate and to respond to any legal and/or administrative proceedings arising under this Policy.

2.2. Lead Responders

Lead Responders are responsible to ensure areas under their jurisdiction (all students, employees and campus visitors) are aware of the policy and procedures, providing them with information and education on harassment, this policy, individual rights and responsibilities, and the procedures for handling complaints.

If both the Complainant and the Respondent are employees, the Lead Responder will be the Director of Human

Resources or a trained designate of this office. If both the Complainant and the Respondent are students, the Lead Responder will be Dean of Students or a trained designate of this office. If the complaint involves both employees and students then both the Director of Human Resources and the Dean of Students will co-lead the response. Lead Responders may be substituted if the Complainant or Respondent has a conflict of interest or if the designated Lead Responder is not comfortable with or able to serve in this capacity. If the designated Lead Responder is unable to serve the President will appoint a different appropriate Lead Responder. If a Complainant has a conflict of interest with both the Director of Human Resources and the Dean of Students they may submit their Formal Report directly to the University President, who will subsequently appoint an appropriate Lead Responder.

Lead Responders will confer with each other to determine if a complaint is governed by the Harassment Policy or the Sexual Violence Policy. This is not considered a violation of confidentiality.

A Lead Responder will determine, based upon the complaint, whether to follow an informal resolution process or a formal resolution process, and reserve the right to change as additional information becomes available.

A Lead Responder will determine the response pathway for investigating any complaints, whether it is informal or formal, or investigated internally or externally.

A Lead Responder, at their discretion, can utilize a Harassment Resolution Committee of advisors who have been trained, are aware of the requirements of privacy and confidentiality, and who can take on responsibilities of the Lead Responder.

Lead Responders may also investigate suspected incidents of harassment without having received a complaint, essentially having the University act as the Complainant.

2.3. Complainant

The King's University encourages persons affiliated with King's to come forward with any complaints. Reporting complaints helps the University ensure an environment free of harassment.

Complainants are encouraged to report all incidents of harassment to either Lead Responder, whether they have experienced the incident themselves or they have become aware of or have witnessed incidents against others.

A disclosure of harassment may be made to anyone at The King's University. Disclosing these types of issues can be very difficult, therefore the Complainant always has the right to decide to just disclose, or to bring their disclosure forward through more official channels. The First Responder should however encourage the Complainant to speak with a Lead Responder. The First Responder should seek advice from a Lead Responder on guiding the Complainant to next steps. The name of the individual and the situation should at this point remain confidential until there is clear consent from the Complainant to proceed.

Complainants can choose several options when considering whether or not to report.

- A Complainant can speak informally to either a Lead Responder or member of a Harassment Resolution Committee to seek out more information on the process, the policy, or to seek advice or additional resources.
- The Complainant can issue a written informal complaint. This makes the institution aware that there is an issue or potential issue but does not trigger any type of formal process. The complaint should be in writing and will be filed. It will only be acted upon if another complaint is received or if the Complainant wished to pursue some resolution in the future.

- A Complainant can issue a written Formal Report which will result in the Lead Responder taking action on the complaint.

2.4. Respondent

The Respondent has the right to be perceived only as responding to a complaint. There should be no presumption of guilt or innocence. As such a Respondent will be treated with dignity and respect. Only measures will be imposed that are deemed necessary to protect the Complainant(s) or the University. It is expected that the Respondent will participate in any procedure or investigation. If the Respondent chooses not to participate, the investigation or informal process will proceed without their participation. Not participating will not prevent consequences.

2.5. Health and Safety Committee members

Occupational Health and Safety legislation also has provisions for Harassment and Bullying. As such, if the respondent or complainant desire, they can approach any member of the Health and Safety Committee to act as a liaison, a support person, or as a first responder. The Health and Safety Committee will respond to cases of general violence on campus and prepare plans to mitigate i.e. lockdown drills and training.

3. RESPONSE

- 3.1. The King's University acknowledges that harassment can occur in many forms and among many groups. To ensure that those individuals who have experienced harassment are afforded the best possible outcome, all formal harassment complaints will be referred to lead harassment responders as defined above.
- 3.2. The Lead Responder, in consultation with other Lead Responders or with their designated Harassment Resolution Committee, will determine if the complaint constitutes harassment. If the complaint is not deemed to be harassment it will be turned over to an appropriate area for resolution, likely to Student Life, Human Resources, or the appropriate Vice President.
- 3.3. If the Complaint is deemed to be harassment the Lead Responder will consider if the situation can first be resolved informally through a process of restitution, education or reconciliation. In keeping with our Christian commitment to redemption and forgiveness through Christ, our hope is to restore trust and selfless, mutual concern when these norms are violated. King's is committed to facilitating that healing process. In the spirit of reconciliation, whenever possible the Lead Responders will consider reconciliation, restorative justice, or education based outcomes before punitive based outcomes.
- 3.4. The Informal Complaint Process is intended to provide a mechanism through which an individual is able to discuss a claim of harassment in an open, honest and non-threatening manner with the person who is offending him/her. The hope is that, through early mediation, the offender can make amends to the victim, and that the behavior causing the problem ceases.
- 3.5. If the situation does not lend itself to an informal process the Lead Responder will initiate a formal investigation.
- 3.6. At any time Lead Responders can impose interim measures to keep Complainants safe from further harm and/or to ensure a fair process for all individuals involved. They may also be required to protect the campus generally against any threat of internal or external physical violence resulting from matters being handled under these procedures. In situations where it is possible for events to escalate the Lead Responder will make the President aware of the situation and of the recommended interim measures.

- 3.7. The Lead Responder is responsible to determine the appropriate disciplinary measures and as such has latitude in determining outcomes up to and including termination without cause, permanent removal from campus, and/or disciplinary dismissal from King's. The Lead Responder, in consultation with the Complainant(s) if appropriate, may also notify legal authorities.
- 3.8. Lead Responders also have the option of establishing a response committee, appointing investigators either internally or externally, and/or referring the incident for resolution under the Sexual Violence Policy or other appropriate policy.
- 3.9. In the unlikely event that Respondents are in non-compliance with restorative measures the Lead Responder will respond with elevated punitive outcomes. This will not require a new investigation.

4. JURISDICTION

- 4.1. This policy applies to all Members of The King's University Community. This includes but is not limited to students, employees, contractors, volunteers, Board members, guests, and the general public using The King's University premises.
- 4.2. It extends to situations of harassment which occur at or away from the King's campus provided that such situations have a negative effect on the relationships, effectiveness or safety and well-being of the person.
- 4.3. It also extends to social media and other virtual environments that are in any way affiliated with The King's University.

5. CONFIDENTIALITY

The University makes every effort to ensure that any complaint made pursuant to this policy is kept in confidence except as necessary to investigate and to respond to any legal and/or administrative proceedings arising under this policy or otherwise. Respect for confidentiality applies to both the Complainant and the Respondent. Where there is a reasonable assessment of risk to other students, faculty, staff or visitors, disclosure is made to the extent necessary to remedy the situation. All parties involved in any procedure, including investigators, responders, witnesses, Complainant, and Respondent, will be made aware of their responsibilities to keep the circumstances confidential.

6. MALICIOUS COMPLAINTS

Malicious complaints are not tolerated. Where, as a result of an investigation, it is determined that a person affiliated with King's has made a complaint in bad faith or with the intent to harm another, King's may take formal disciplinary action against that Complainant.

7. RETALIATION

King's considers retaliation or the threat of retaliation at any stage to be a serious offence because it prevents potential complainants, witnesses and administrators from acting on their concerns. Regardless of the outcome of a harassment complaint made in good faith, the person lodging the complaint, as well as anyone providing information, is protected from any form of retaliation. Anyone who retaliates in any way against a person who has

complained of harassment, given evidence in a harassment investigation or been found guilty of harassment, is considered guilty of harassment or abuse of authority and subject to disciplinary sanctions.

8. APPEALS

- 8.1. Appeals of fact, process or corrective/disciplinary sanctions may be submitted to the Lead Responder within five working days of the original decision being communicated to the Complainant and the Respondent. All appeals must be made in writing and must specify all grounds or reasons for the appeal. Evidence to support the appeal must also be included.
- 8.2. Within fifteen working days of receipt of the appeal, the appropriate Vice-President or the President (determined by the seriousness of the issue or involvement of the Vice President in the investigation) must review and render a decision on the appeal and advise the parties in writing with copies to the Lead Responder, the Complainant and the Respondent. This decision shall be considered final and shall not come under appeal to King's administration at any time in the future.
- 8.3. Corrective and/or disciplinary decisions are not implemented until after the appeal decision is rendered. Interim measures imposed by the Lead Responder will remain in effect until a final decision on the appeal is rendered. The Lead Responder can make exceptions to this at their discretion in conjunction with the individual deciding the appeal.

DEFINITIONS

Alberta Human Rights Act	Legislation that aims to protect individuals from discrimination by establishing grounds on which individuals cannot be discriminated against and setting out a Formal Report process for individuals experiencing discrimination based on those grounds.
Bystander	An individual who is observing an incident of harassment.
Complainant	The person who brings forward information that a violation of a policy may have occurred.
Disclosure	When an individual shares information about a personal experience of harassment to someone who did not previously know.
First Responder	The first person who is first told about an incident of harassment.
Formal Complaint	A formal written statement to the institution by a Complainant seeking recourse pursuant to the violation of policy. The Formal Complaint can be made by a bystander, by the institution, or a witness to the harassment.
Harassment	Acts, either intentional or unintentional, that cause harm to a member or members of the university community, creating an atmosphere of hostility, negativity, or intimidation, and/or offensive conditions that prevent any individual from realizing their fullest potential. This harm can include but is not limited to: <ul style="list-style-type: none">- Acts that are directed towards a person or members of an identifiable group based on a prohibited ground of discrimination. Prohibited grounds include the following: race, religious beliefs, color, gender, physical disability, mental disability,

- marital status, age, ancestry, place of origin, family status, source of income, and sexual orientation (as defined by the Alberta Human Rights Commission).
- The act of excluding or withholding, or threatening to exclude or withhold, a right or privilege to which they would otherwise have been entitled. This may or may not be associated with blackmail or extortion.
- Any unwelcome verbal or physical behavior that unreasonably interferes with work/learning or creates an intimidating, hostile or offensive work/learning environment. General harassment can include, but is not limited to, remarks, jokes, graffiti, social media/virtual posts or actions which demean or humiliate another person or groups of people, and which diminish individuals' rights to dignity and respect.
- Bullying, hazing, intimidation or threats. Bullying and intimidation often involve a differential in power relationships and include repeated incidents or a pattern of behavior. They may also include one significant event that is intended to intimidate, offend, degrade or humiliate a particular person or group of people.

In some instances, multiple smaller incidents involving one or several respondents form a pattern, even though the Complainants are unaware of other complaints. These can be considered harassment at the discretion of the Lead Responder.

Harassment does not include disciplinary actions, coaching or other discussions that come from normal employment relationships or the running of a university campus.

Discretion is given to the Lead Responder to determine if an act outside of this policy constitutes harassment, as unique situations and circumstances can occur that have not been anticipated by the policy definitions.

Harassment Resolution Committee	A committee formed at the discretion of a Lead Responder. The committee members will act as advisors to the Lead Responder. The Lead Responder may delegate investigation or resolution responsibilities to the committee members as required. The Lead Responder will ensure that all committee members are aware of their responsibilities for confidentiality.
Informal Complaint	A written complaint made to a Lead Responder where the Complainant does not wish to pursue any resolution.
Lead Responder	<p>The individual responsible to lead the appropriate process to resolve harassment complaints. The Lead Responder is designated based upon the jurisdiction of the complaint.</p> <ul style="list-style-type: none"> - The Dean of Students, or their delegate, is responsible for complaints involving and between students. - The Director of Human Resources, or their delegate, is responsible for complaints involving employees and volunteers. - The Vice President Finance and Operations is responsible for complaints involving other parties, such as campus visitors, contractors, board members, and those who rent space for meetings and conferences. - Lead Responders may be substituted if the Complainant or Respondent has a conflict of interest or if the designated Lead Responder is not comfortable with or able to serve in this capacity. If the designated Lead Responder is unable to serve the President will appoint a different appropriate Lead Responder. If a Complainant has a conflict of interest with both the Director of Human Resources and the Dean of Students they may submit their Formal Report directly to the

University President, who will subsequently appoint an appropriate Lead Responder.

- The Lead Responder may appoint a qualified delegate when appropriate. In instances where the Lead Responder is in a conflict of interest, they will recuse themselves from the proceedings and appoint a qualified designate or give the complaint to another Lead Responder. If any individual with a decision-making role in the complaint resolution process is a Complainant or Respondent or has competing interests or loyalties, they are considered to be in a conflict of interest and is restricted from any involvement in the decision-making process.

If the complaint crosses jurisdictions, the appropriate Lead Responders will co-lead the resolution process.

Lead Responders can confer with other Lead Responders with respect to process and procedure at any time; this is not considered a breach of confidentiality.

Members of the University Community	Those persons involved in conducting University affairs including all registered University students, University employees, volunteers, contract workers, emeritus workers, guests, members of the Board of Governors and Senate, and employees of organizations representing the University while they are either on or using University property or participating in University programs and activities, on or off University premises.
Respondent	The individual(s) who have been named as a person who committed an act of harassment.
Response Pathway	The actions taken in any particular complaint. Potential response can include formal investigation, informal investigation/resolution, referral to another policy/procedure, determination that the complaint does not constitute harassment. The response pathway is determined at the discretion of the Lead Responder. Pathways can also be changed as the complaint evolves at the discretion of the Lead Responder.

PROCEDURES

NAME	Harassment
CATEGORY	Human Resources
POLICY NUMBER	HR05
APPROVAL/EFFECTIVE DATE	9 March 2021

PROCEDURE STATEMENT

1. POTENTIAL PATHWAYS

When a Complainant wishes to issue a report against a Respondent, they will first determine the most appropriate Lead Responder. Each Lead Responder is responsible for particular areas of the University. Students fall under the jurisdiction of the Dean of Students, Staff, Faculty and volunteers are the responsibility of the Director of Human Resources, and external clients and contractors would have the Vice President Finance and Operations as Lead Responder.

In the case of either the Complainant or Respondent being an employee, the Lead Responder will notify the appropriate Vice President that there is a current investigation involving the employee. They may disclose limited details to provide context. This is not considered a breach of confidentiality.

The Lead Responder will then assess the complaint to determine the most appropriate response pathway. A written notification will be sent to Respondent and the Complainant notifying each party of the official complaint and of any interim measures if required. The Respondent must submit a response within three (3) business days. In the event that the Lead Responder decides immediately based on the formal complaint as to which pathway is most appropriate, the written notification and Respondent's response may be combined with the written notification and Respondent's response in one of the pathways below. The Complainant can be consulted on the pathway but the final decision rests with the Lead Responder.

Potential pathways include the following five responses:

1.1. "No Harassment" Decision

The Lead Responder examines the facts in the complaint and determines there is no case for harassment. The Lead Responder will meet with the Complainant to discuss their findings and issue a written report to the Complainant and Respondent. This step can be taken before any investigation begins.

The Lead Responder will consider the following factors before determining that the outcome is "No Harassment":

- The Lead Responder clearly views the incident as not falling within the definition of harassment.
- The Lead Responder determines that although some type of harassment did occur it was either already addressed in another forum or can be addressed in another forum.
- The Lead Responder determines that the incident was created through a performance discussion and turns it over to the Human Resources Department.
- The Lead Investigator determines that the incident should be investigated under another policy, i.e. Respect in the Workplace.
- The Lead Responder should seek out the opinion of the other Lead Responders if the situation is unclear. The Lead Responder must exercise caution before deciding no harassment has occurred.

1.2. “Sexual Violence Harassment” Determination

The Lead Responder examines the facts in the complaint and determines that the complaint should be considered under the Sexual Violence Harassment Policy. The incident will then be investigated according to that policy.

1.3. Interim Measures

The University may impose or facilitate interim measures to support the Complainant, Reporter, and/or Respondent during an investigation process. Interim measures are not indicative of the Respondent’s guilt, and can be imposed or changed at any time throughout the process as seen fit by the Lead Responder. Such measures may include but are not limited to:

- where the Respondent is a student, separation of the academic and/or resident living situations of any students involved in a report of harassment such as reassignment to a different section of an academic course, interim removal from a course, interim removal from a club or team, restriction of access or times of access to locations such as the Workout Centre or cafeteria, et cetera. Student Respondents involved in a University inquiry and/or Criminal Investigation for an alleged act of harassment against another Member of the University Community may have conditions, limitations and expectations imposed upon them up to and including temporary suspension. In particular, access to University programs and services may be restricted or withdrawn.
- where the Respondent is an employee, separation of employees within a work area where there has been a complaint of harassment, or re-assignment of supervisory roles if appropriate. Employees may be placed on administrative leave (with or without pay), be subject to restrictions and possible temporary suspension if they are involved in an inquiry for an alleged act of harassment against another Member of the University Community.

1.4. Informal Response

The Lead Responder will notify in writing both the Complainant and Respondent within three (3) business days of the initial determination.

The notification will include:

- 1) A summary of the complaint naming the individuals involved.
- 2) The determination that initially the search for a resolution for the complaint will be done informally.
- 3) Any interim measures that have been determined by the Lead Responder.
- 4) The requirements and expectations or restrictions of the Complainant and Respondent.

The Lead Responder, will request a written response to the Complainant by the Respondent.

Dependent on the content of the written responses the Lead Responder can:

- 1) Use the written statement to determine the facts of the case.
- 2) Meet with the Complainant and/or Respondent to get more information, clarification, or to determine if additional steps are required.
- 3) Meet with witnesses as required.
- 4) determine appropriate outcomes which may include:
 - a) Moving the process to a formal investigation.
 - b) Determining appropriate resolution “next steps” including but not limited to restorative practices, restitution, and/or educational requirements.
- 5) Communicate in writing to the Respondent and Complainant the findings of the deliberation, the outcomes, consequences for non-compliance, and ongoing confidentiality requirements.

This process should ideally be completed within four (4) weeks of the initial complaint being received, however the situation may be able to be rectified sooner. In any event time considerations should not take precedence over conducting a thorough process.

1.5. Formal Response

Where the initial assessment indicates a more formal process and investigation is required, or at any time the Lead Responder feels the situation warrants a formal process, an investigation will be initiated that is in pursuant to the following procedures.

The Lead Responder will determine if any interim measures are required in order to ensure a fair, objective and safe process for both the Respondent and the Complainant. The Lead Responder will inform all relevant parties in writing of the interim measures.

The Lead Responder will notify in writing the Complainant within three (3) business days of the initial determination.

The notification will include:

- 1) A summary of the complaint naming the individuals involved.
- 2) The determination that the complaint will follow the formal investigation process.
- 3) Any interim measures that have been determined by the Lead Responder.
- 4) The requirements and expectations or restrictions of the Complainant and Respondent.

The Lead Responder will inform the Respondent of the formal complaint in person and provide them with

- 1) A summary of the complaint.
- 2) The name of the Complainant.
- 3) The determination that the complaint will follow the formal investigation pathway.
- 4) Any interim measures that have been determined by the Lead Responder.
- 5) The requirements and expectations or restrictions of the Complainant and Respondent.

The Lead Responder, will request a written response to the complaint from the Respondent.

The Lead Responder will initiate a formal investigation, and depending on the severity may:

- 1) Appoint a trained internal investigator.
- 2) Hire an external investigator.
- 3) Investigate the situation themselves or appoint a designate to investigate.

The determination of the investigator will depend on several factors:

- a) The nature of the complaint.
- b) The ability of the investigator to be objective and lack personal bias.
- c) Confidentiality.
- d) Ability to conduct the investigation in a timely manner.
- e) Complexity/severity of the complaint.

The Lead Responder(s) and Investigator(s) appointed to investigate complaints may at any time, directly or indirectly, collect, use, and disclose personal information, including information identifying individuals, and any other information from any Member of the University Community that is considered necessary to manage and investigate complaints.

The investigation will be completed as expediently as possible, in most cases within thirty (30) business days of the date the complaint was filed.

Investigations will be conducted in a systematic, orderly and discreet manner and confidentiality will be maintained wherever possible. The objectives of an investigation will be to:

- 1) Compile information relating to the complaint as quickly as possible (including, if applicable, taking steps to protect or preserve documents, materials and equipment); consider the information collected and draw conclusions objectively and impartially; and
- 2) Maintain procedural fairness in the treatment of witnesses, the Complainant and the Respondent.

Investigations will be conducted in a manner which has regard for procedural fairness. The Investigator may, where required by the circumstances, assess the credibility of the Complainant, the Respondent and all other witnesses.

Where possible, the Complainant and the Respondent will be notified when the investigation is complete.

The Investigator (if one has been assigned) will provide the Lead Responder with a written investigation report. The report will include:

- 1) All relevant facts and accompanying analysis.
- 2) Witness statements.
- 3) When appropriate, witness credibility assessment.
- 4) Description of any interim measures instituted by the Lead Responder.
- 5) Investigation findings with supporting evidence.
- 6) Assessment of whether or not the allegations are sustained.

Subject to any limitations regarding the need to maintain confidentiality or privacy in accordance with the Harassment Policy, this procedure, or applicable laws, following the conclusion of an investigation, a summary of the findings from the investigation will be shared with the Complainant and the Respondent.

If requested by the Lead Responder, the Investigator may include within the final investigation report recommendations arising from conclusions drawn as to whether any corrective measures should be taken by the University or the Respondent and whether any sanctions and/or disciplinary measures should be imposed.

2. OUTCOMES

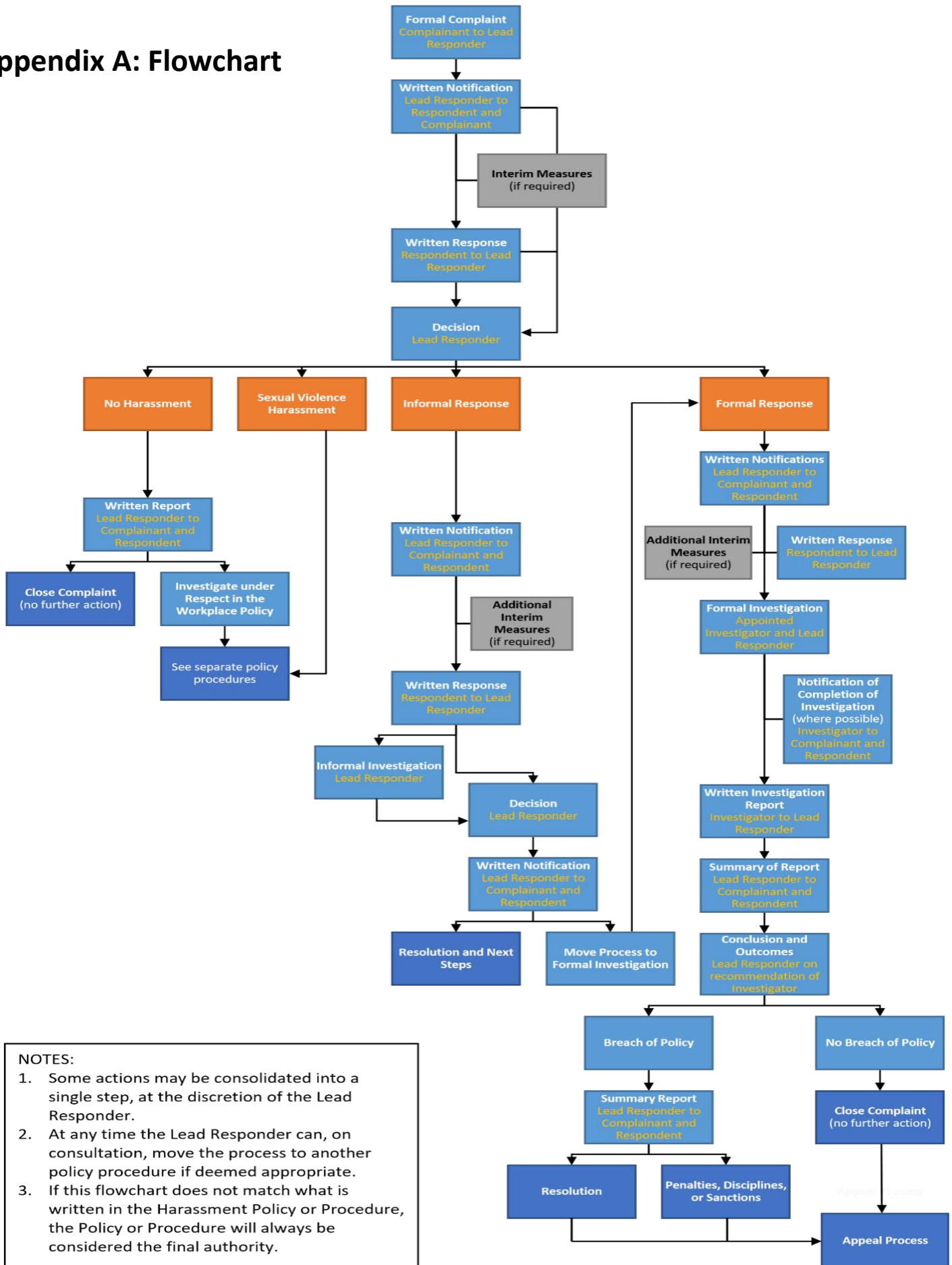
- 2.1. If the Investigator concludes there has been a breach of the Harassment Policy, the Lead Responder will consider discipline or sanctions up to and including expulsion, termination of employment, or termination of contract. This determination will take into consideration:
 - The severity of the offence.
 - Whether the offence was intentional or unintentional.
 - Whether the offence was an isolated incident or involved repeated acts.
 - Mitigating or aggravating circumstances affecting either party.
 - The offender's previous record at King's, including the history, if any, of substantiated complaints against the offender.
 - Sanctions applied in similar cases.
- 2.2. For students such discipline or sanctions will normally be equated with a Level 3 offense in the Student Handbook with the highest level being Disciplinary Dismissal from the University. If both the Complainant and the Respondent desire, Restorative Processes outlined in the Student Handbook may be utilized instead of or alongside disciplinary consequences to repair harms caused by the harassing behavior. If the Investigator makes no findings that establish a breach of policy or law, the Lead Responder will close the complaint and take no further action.

- 2.3. In the case of a breach of the Harassment Policy, the Respondent or the Complainant (in the event a complaint is made in bad faith) will be subject to penalties, discipline, or sanctions. The Lead Responder will provide a summary report of their findings, decision, and any penalties, discipline, or sanctions to both the Respondent and Complainant.
- 2.4. If necessary, the Lead Responder may consult the non-designated Lead Responder, the President, or legal counsel for help in determining outcomes.
- 2.5. In the case of employees the Lead Responder will confer with the appropriate Vice President before a decision is finalized. In the case of a student the Lead Responder will inform the Vice-President Academic and Research.
- 2.6. For appeal processes, please refer back to the Policy Statement of this policy.

3. DOCUMENTATION

The Lead Responder will keep all documents in a confidential area separate from other Human Resources, student, and payroll files. These files will only be accessible to the Lead Responder for a specific area.

Appendix A: Flowchart



NOTES:

1. Some actions may be consolidated into a single step, at the discretion of the Lead Responder.
2. At any time the Lead Responder can, on consultation, move the process to another policy procedure if deemed appropriate.
3. If this flowchart does not match what is written in the Harassment Policy or Procedure, the Policy or Procedure will always be considered the final authority.