

Harassment Advisory Group

Purpose

To educate the staff, students, and volunteers of the Centre for Christian Studies regarding harassment and its harassment policy and for receiving, processing, and acting on complaints under the policy.

Duties and Responsibilities

1. Ensure ongoing education for staff, students, and volunteers of CCS regarding harassment and the Harassment Statement of Policy and Procedures.
2. Ensure that staff, students and volunteers are aware of the names of the members of the Advisory Committee and how to contact them.
3. Advise Complainants about the Statement of Policy and Procedures.
4. Ensure that both the Complainant and the Respondent in any case have access to pastoral care.
5. Ensure that the written complaint is delivered to the Respondent and advise the Respondent about this Statement of Policy and Procedures.
6. Proceed with action on complaints.
7. Request the Central Council to set up a Formal Hearing Committee if needed to hear a complaint under this policy and to decide whether the complaint has been substantiated and to make recommendations as are appropriate.
8. Report annually to the Central Council.
9. Considering the circumstances involved and issues of expediency and cost, on a discretionary basis, appoint someone to act on its behalf in a situation where the location of the events in question or the parties may make it impractical to proceed with any part of its responsibilities personally.
10. Request from the Treasurer of the Central Council sufficient resources to enable it to act on a complaint. Upon receipt of such request, the Treasurer will act in a way that maintains as much confidentiality as possible and will only inform the Finance Committee of the expended amounts.
11. Prepare and submit an annual budget to the Human Resources Committee for the Advisory Group's needs.
12. Minute all meetings.

Composition and Qualifications

1. The Advisory Group shall include 3 members, at least one of whom shall be female and one of whom shall be male. The Committee members will be appointed by the Central Council, and will not include anyone who is either a student, staff member, Learning Facilitator, or Mentor of the Centre, or their immediate family. The members of the committee should be familiar with the issues related to harassment. Upon appointment, all members of the Advisory Group are required to become familiar with the issues involved in harassment.
2. A member of the Advisory Group, including anyone co-opted to perform any of the tasks of the Advisory Group, shall, in all matters in which he or she is involved by virtue of this Statement of Policy and Procedure, maintain total and strict confidentiality, imparting any information gathered to no one other than the parties

themselves and, where a Formal Hearing is recommended or requested, the Chair of the Formal Hearing Committee

3. Notwithstanding the need for confidentiality, each member of the Advisory Group shall be responsible to ensure their own needs for pastoral care and support are met.

Commitment

- (1) The term of office of Advisory Group members shall normally be two years, renewable twice.
- (2) The members of the Advisory Group shall be appointed by the time of the annual meeting each year when vacancies exist.
- (3) If it appears that a member of the Advisory Group, including anyone co-opted to perform any of the tasks of the Advisory Group, may have a conflict of interest in respect to the Complainant or Respondent, they shall be disqualified from involvement in the process related to this complaint.

Accountability

- to Human Resources Committee through its convener
- to the Corporation annual meeting with a written annual report
- to submit a copy of minutes to Administrative Assistant for official records.

Supporting Policies:

CCS Harassment Policy

Work pending:

The CCS Harassment Policy is cumbersome and has a few anomalies in it because of the mix of all kinds of harassment and sexual harassment. It would be worth discussion about whether the policy should be re-written as a “Respectful Workplace” policy, which is what many non-profits and cities are now using. They include the harassment policy in as minimal a way as legally possible but are much more user-friendly and less daunting. This would be a task for the Personnel Policy Working in our structure but would need input from the Harassment Advisory Working Group.

Date: January 2010

**Centre for Christian Studies
Statement of
Policy and Procedures Regarding
Harassment**

I. THEOLOGICAL STATEMENT

The Centre for Christian Studies seeks to be a community of learning characterized by relationships of mutual respect, free from exploitation, harassment, and abuse. We believe that such relationships are a reflection of God's intention for human community. We affirm the right of all persons to dignity and freedom from fear of violation. Exploitation, harassment, and abuse distort relationships and lead to objectification, alienation and distrust between individuals and within communities, regardless of the intention of the actions. These actions are sinful and perpetuate injustice. The church is called to denounce injustice and to uphold a vision of faithful living and right relationships.

Purpose Statement

Harassment in any form, manner or by perception, will not be condoned or tolerated by a community that values mutual respect, dignity and the individual contributions of its employees, students and volunteers.

II. DEFINITIONS

II. i Sexual Harassment

Sexual harassment is defined as any attempt to coerce an unwilling person into a sexual relationship, or to subject a person to unwanted sexual attention, or to punish a refusal to comply, or to reward compliance. Sexual harassment must be understood as an exploitation of a power relationship, rather than as an exclusively sexual issue. Both men and women can be harassed by members of either sex.

For the purposes of this policy, sexual harassment is deemed to include, but is not restricted to:

- (1) unwanted sexual attention by a person who knows or ought reasonably to know that such attention is unwanted;
- (2) an expressed or implied promise of reward for complying with a request of a sexual nature;
- (3) actual reprisal or an expressed or implied threat of reprisal for refusal to comply with a request of a sexual nature;
- (4) an actual denial of opportunity or an expressed or implied threat of denial of opportunity for refusal to comply with such a request; or
- (5) behaviour of a sexual nature or gender-based abusive and unwelcome conduct or comment which has the purpose or effect of creating an intimidating, hostile or offensive environment.

Examples of sexual harassment include, but are not limited to:

- (a) *sexist remarks, jokes, innuendos or taunting about a person's body, appearance, characteristics or clothes;*
- (b) *displaying of pornographic or other sexually offensive or derogatory material;*
- (c) *persistent and unwelcome invitations or requests for "dates";*
- (d) *leering or other sexually suggestive gestures;*

- (e) inappropriate questions or sharing of information about a person's sexuality or sexual orientation;*
- (f) inappropriate touching;*
- (g) sexual assault.*

Sexual harassment may be physical and/or psychological in nature. One incident or a series of incidents (even where a single incident would not necessarily be considered to be harassment) may constitute sexual harassment. It may involve individuals or groups. It may take the form of excluding an individual or a group from rights and privileges to which they are otherwise entitled.

Sexual harassment is prohibited by federal and provincial/territorial law.

II. ii Personal Harassment

Personal Harassment, which is deemed to include but is not restricted to:

- (1) one or a series of objectionable and unwelcome comments or actions directed toward a specific person or group of persons which serve no legitimate work or learning related purpose and have the effect of creating an intimidating, humiliating, hostile or offensive environment;
- (2) physical or verbal abuse, threats or intimidation that is humiliating or demeaning.

Examples of personal harassment may include, but are not limited to:

- (a) repeated and continuous incidents of yelling, screaming or name-calling;*
- (b) repeated and continuous threats to terminate employment or contracts unrelated to performance;*
- (c) repeated and continuous threats to withdraw funding, scholarships or advancement opportunities unrelated to performance;*
- (d) patronizing comments addressed to a person which have the effect of undermining a person's role in the workplace or learning environment;*
- (e) repeated incidents of interruption of work or of presence in work space that prevents work from being done in a satisfactory manner.*

II. iii Human Rights Harassment

Human Rights Discrimination or Harassment, which means, except where good faith and reasonable cause exists, or where it is based upon good faith and reasonable requirements or qualifications, the differential treatment, whether intended or not, of an individual or group of individuals based on:

- (1) an individual's actual or presumed membership in or association with some class or group of persons, rather than on the basis of personal merit;
- (2) any of the following categories: ancestry, race, colour, nationality or national origin, ethnic background, religion or religious belief, age, sex, gender-determined characteristics, gender identity, sexual orientation, marital or family status, source of income, political belief, political association or activity, physical or mental disability or related characteristics or circumstances.

The failure to make reasonable accommodations for the special needs of an individual or group, if such failure is based upon any of the characteristics referred to in section II. iii (2) above may also constitute discrimination or harassment.

Examples of harassment and discrimination include, but are not limited to:

- (a) derogatory written or oral comments and gestures such as name-calling, slurs, graffiti, pictures, remarks, or jokes based on any characteristic referred to in II.iii (2) above;*
- (b) evaluations of performance based on any characteristic referred to in II. iii (2)above;*
- (c) applying stereotypes or generalizations based on any characteristic referred to in II. iii (2) above;*
- (d) refusal to work with or share work or learning facilities based on any characteristic referred to in II. iii (2) above.*
- (e) inappropriate questions or sharing of information about a person's sexuality or sexual orientation;*
- (f) behaviour stating or implying actual or perceived abilities or inabilities based on any characteristic referred to II. iii (2) above.*

Notwithstanding any other provision of this policy, it is not discrimination or a contravention of this policy to:

- make reasonable accommodation for the special needs of an individual or group, if those special needs are based upon any characteristic referred to in II. iii (2) above;
- plan, advertise, adopt or implement an affirmative action program or other special program that has as its object the amelioration of conditions of disadvantaged individuals or groups, including those who are disadvantaged because of any characteristic referred to in II. iii (2) above.

II. iv Complainant / Respondent

The terms "Complainant" and "Respondent" are used throughout the Procedures section. These terms are chosen because they are descriptive.

- a) The Complainant is the person who is the subject of the behaviour complained of, and makes the complaint.
- b) The Respondent is the person against whom the complaint is made, the person who is called upon to respond to the complaint.

These terms do not assume the outcome of any procedures.

II. v The Centre for Christian Studies

The Centre for Christian Studies means the Centre for Christian Studies Canada, Inc. and is a corporation incorporated pursuant to the Corporations Act of the Province of Manitoba.

II. vi Central Council of the Centre for Christian Studies

The governing council of the Centre for Christian Studies which has authority to act on behalf of the Centre for Christian Studies in matters regarding this policy and its implementation.

II. vii Advisory Committee

A committee appointed by the Central Council to be responsible for the education of the staff, students, and volunteers of the Centre for Christian Studies regarding harassment and this policy statement and for receiving, processing, and acting on complaints under this policy.

II. viii Formal Hearing Committee

A committee appointed by the Central Council at the request of the Advisory Committee to hear a complaint under this policy and to decide whether the complaint has been substantiated and to make recommendations as are appropriate.

II. ix The General Council Congregational, Educational, and Community Ministries Unit

A body of the General Council of The United Church of Canada given authority for the supervision and oversight of theological schools within The United Church of Canada. The United Church will act on behalf of both Anglican and United churches in the event of an appeal.

II. x Appeal Panel

A committee established to determine, on appeal, whether a complaint has been substantiated and to make recommendations as are appropriate.

III. POLICY

The Centre for Christian Studies is committed to providing a harassment-free environment. Complaints of harassment will be taken seriously and dealt with fairly, with a view to preventing further harassment.

The Centre for Christian Studies will not tolerate any behaviour which constitutes harassment perpetrated by any member of CCS community against any other member of CCS community and such behaviour may result in disciplinary action. Any attempt to penalize a Complainant for initiating a complaint or any form of retaliation is prohibited and may be treated as a separate incident which calls for investigation by the Advisory Committee.

IV. ADVISORY COMMITTEE

(1) The Advisory Committee shall include 3 members, at least one of whom shall be female and one of whom shall be male. The Committee members will be appointed by the Central Council, and will not include anyone who is either a student, staff member, Learning Facilitator, or Mentor of CCS, or their immediate family. The members of the committee should be familiar with the issues related to harassment.

(2) The term of office of Advisory Committee members shall normally be two years, renewable twice.

(3) The members of the Advisory Committee shall be appointed by the time of the annual meeting each year when vacancies exist.

(4) Upon appointment, all members of the Advisory Committee are required to become familiar with the issues involved in harassment.

(5) The Advisory Committee shall:

(a) ensure ongoing education regarding harassment and this Statement of Policy and Procedures;

(b) ensure that staff, students and volunteers are aware of the names of the members of the Advisory Committee and how to contact them;

(c) advise Complainants about this Statement of Policy and Procedures (see paragraph IV. B below);

- (d) ensure that both the Complainant and the Respondent have access to pastoral care;
- (e) ensure that the written complaint is delivered to the Respondent and advise the Respondent about this Statement of Policy and Procedures (see paragraph V. C below);
- (f) proceed with action on complaints (see paragraph V. D below);
- (g) report annually to the Central Council;
- (h) considering the circumstances involved and issues of expediency and cost, on a discretionary basis, appoint someone to act on its behalf in a situation where the location of the events in question or the parties may make it impractical to proceed with any part of its responsibilities personally.
- (i) shall request from the Treasurer of the Central Council sufficient resources to enable it to act on a complaint. Upon receipt of such request, the Treasurer will act in a way that maintains as much confidentiality as possible and will only inform the Finance Committee of the expended amounts.

(6) A member of the Advisory Committee, including anyone co-opted to perform any of the tasks of the Advisory Committee, shall, in all matters in which he or she is involved by virtue of this Statement of Policy and Procedure, maintain total and strict confidentiality, imparting any information gathered to no one other than the parties themselves and, where a Formal Hearing is recommended or requested, the Chair of the Formal Hearing Committee (see paragraph V. E below);

(7) Notwithstanding the need for confidentiality, each member of the Advisory Committee shall be responsible to ensure their own needs for pastoral care and support are met;

(8) If it appears that a member of the Advisory Committee, including anyone co-opted to perform any of the tasks of the Advisory Committee, may have a conflict of interest in respect to the Complainant or Respondent, they shall be disqualified from involvement in the process related to this complaint.

V. PROCEDURES

The Centre for Christian Studies has adopted the following procedures to implement its Policy regarding Harassment.

A. OPTIONS WHEN HARASSMENT IS SUSPECTED

The suggestions outlined below do not need to be undertaken in any particular order or at all, nor are they necessarily appropriate in all circumstances.

Persons who believe that they have a concern regarding harassment are encouraged to explore some or all of the following options:

- if possible, identify the offensive behaviour to the individual who is offending and request that the offensive behaviour or action cease, it might be appropriate to have a supportive person present for this conversation
- seek advice of a trusted confidante and/or lawyer
- seek out pastoral care
- keep a written record of the occurrences of offensive behaviour, including times, places, witnesses present, and a record of exactly what happened or was said
- if possible, write a letter identifying the offensive behaviour to the individual who is offending and request that the offensive behaviour or action cease, have the letter delivered by assured delivery, and keep a copy

- report the suspected harassment to a member of the Advisory Committee (see paragraph V. B. below)

B. INITIAL COMPLAINT OR CONSULTATION

(1) A complaint or a request for consultation may be made to any member of the Advisory Committee by a Complainant who has been directly affected by the alleged harassment.

(2) The complaint must be lodged within a reasonable time of the alleged incident(s) as determined by the Advisory Committee.

(3) Any member of the Advisory Committee who receives a complaint or a request for consultation shall contact the Complainant as soon as possible but in any event, within seven days and shall:

- (a) give the Complainant a copy of this Statement of Policy and Procedures;
- (b) ensure that the Complainant has access to pastoral care;
- (c) advise the Complainant that all consultations will be confidential and no action involving any third party will be taken without the express consent of the Complainant;
- (d) review options available to the Complainant, including:
 - (i) consultation and assistance by the Advisory Committee, with the possibility of an informal resolution, which may be attempted by
 - a request for the behaviour to stop
 - mediation with a trained mediator;
 - (ii) file a written complaint;
 - (iii) a Formal Hearing,
 - (iv) withdrawal of the complaint;
 - (v) other formal options, including initiating criminal proceedings, commencing a civil action or utilizing the processes available through the various church denominations, or;
 - (vi) lodging a complaint with the Human Rights Commission in the province or territory in which the offence occurred;
- (e) advise the Complainant that she/he is at liberty at all times to seek legal counsel;
- (f) advise the Complainant that a complaint must be made within a reasonable time of the alleged incident(s);
- (g) ensure that the Complainant is aware that once a written complaint has been filed the Respondent has the right to request a Formal Hearing.

(4) A decision not to proceed after initial consultation might reflect a decision to take no action or that initial contact with the Advisory Committee has provided sufficient support/empowerment to allow the Complainant to respond and deal with the situation assertively without further assistance.

(5) If the Complainant commences proceedings before the Human Rights Commission or the criminal or civil courts or through a denominational church process with respect to the subject matter of a complaint being dealt with under this Statement of Policy and Procedures, any proceedings hereunder will be suspended until the other proceedings are discontinued or concluded, unless good cause is otherwise shown.

(6) If the Human Rights Commission, the courts in a civil proceeding, or a denominational church court renders a judgment on a complaint, that judgment shall be final (subject to either party's right to appeal through the processes of the courts rendering the judgment). If the complaint is substantiated, such will form the basis of disciplinary action taken by the Central Council.

(7) If a complaint of harassment against an employee of CCS is taken to the Human Rights Commission or the courts, the employee may be suspended with or without pay until the procedures are concluded. If the complaint is substantiated then the Central Council will take disciplinary action. If the complaint is not substantiated, then the employee will be re-instated with any wages which were withheld (unless other employment violations are in process of resolution).

C. WRITTEN COMPLAINT

(1) A Complainant who decides to proceed with CCS's Harassment Procedures shall file a written complaint with any member of the Advisory Committee. The Advisory Committee will take no action without a signed written complaint.

(2) A written complaint shall contain authorization to proceed and shall also normally contain the following information: name of the Respondent, nature of the harassment and where and when it allegedly occurred. It shall be signed by the Complainant and dated.

(3) The Complainant has the right to withdraw the complaint at any time prior to the initiation of the Formal Hearing process, subject only to the right of a Respondent to request a Formal Hearing.

(4) Within seven days of receipt of a written complaint, the member of the Advisory Committee with whom the complaint was lodged shall advise the other members of the Advisory Committee that a written complaint has been lodged, and another member of the Advisory Committee shall:

- (a) deliver to the Respondent either personally or by assured delivery, a copy of the written complaint together with a copy of this Statement of Policy and Procedures, and advise the Respondent not to communicate with the Complainant and that retaliation and/or threats of retaliation will not be tolerated;
- (b) insure that the Respondent has access to pastoral care;
- (c) advise the Respondent as to the possible courses of action;
- (d) advise the Respondent that she/he is at liberty at all times to seek legal counsel.

D. ACTING ON THE COMPLAINT

(1) The Advisory Committee, or a member thereof appointed by the Committee as a whole, shall immediately proceed to act upon the complaint, and, as soon as reasonably possible attempt to arrange a meeting with the respondent.

(2) The Advisory Committee action will involve:

- (a) a review and clarification of the complaint;
- (b) a meeting with the Respondent to convey to the Respondent that a complaint has been received and to allow for the Respondent to have the opportunity to respond. A written record of the meeting shall be kept which will include:
 - (i) confirmation that the Respondent has received the written complaint,

- (ii) confirmation that the Respondent has been advised of their right to secure legal counsel
- (iii) confirmation that the Respondent will not communicate with the Complainant about the complaint other than through the process of the Advisory Committee and that retaliation and/or threats of retaliation against the Complainant will not be tolerated.
- (iv) the response of the Respondent, if any;
- (c) delivering a copy of the written record of the meeting to the Complainant;
- (d) communication with the Complainant and Respondent regarding the action taken upon the complaint;
- (e) inquire of the Complainant and the Respondent if they are willing to enter into a process of informal resolution or mediation.

(3) Action upon the complaint may result in:

- (a) a mutually acceptable resolution to which the parties indicate their agreement in writing; or
- (b) a tentative resolution, in which case a reflection period of seven days shall follow. If at the end of the reflection period both parties remain satisfied, then they shall indicate their agreement in writing; or,
- (c) a failure to resolve the complaint, in which case:
 - (i) the Advisory Committee recommends a Formal Hearing; or
 - (ii) the Complainant withdraws the complaint, in which case the Respondent may request a Formal Hearing.

(4) The Advisory Committee will prepare a report at the end of the work. The report should include only the names of the parties, the written complaint, the response, and, if any, the resolution reached. The Advisory Committee shall complete its work and make its report as expeditiously as possible.

(5) If the result of the report of the Advisory Committee is that a formal hearing is not to be held, the complaint, the response and the report of the Advisory Committee shall be delivered to the Principal, who will, if recommended in the report, create a confidential file to be kept in a secured file cabinet (see paragraph V. I below).

(6) One copy of the report shall be delivered to each of the Complainant and the Respondent.

(7) Where the Advisory Committee report indicates that a Formal Hearing is required a copy of the report shall be delivered to the Chair of the Formal Hearing Committee (see paragraph V. E. below).

(8) If there is to be a Formal Hearing, if the Respondent is an employee of CCS, that employee may be suspended with or without pay until procedures are complete. If the complaint is substantiated, then the Central Council or its Executive, will take disciplinary action. If the complaint is not substantiated then the employee will be re-instated with any wages which were withheld (unless other employment violations are in process of resolution).

(9) If the Respondent is a student, that student may be suspended from classes and from Centre for Christian Studies activities until procedures are complete. If the

complaint against a student is substantiated the Central Council or its Executive will take disciplinary action.

(10) If the Respondent is acting in an official capacity for CCS for Christian Studies (such as a Council or committee member or as a program volunteer), that person may be suspended from activities related to CCS until procedures are complete. If the complaint is substantiated, then the Central Council or its Executive will take disciplinary action. If the complaint is not substantiated, then the Respondent shall be reinstated to their prior positions wherever possible.

E. FORMAL HEARING COMMITTEE

(1) Upon request of the Advisory Committee, a Formal Hearing Committee, composed of three persons, including a Chairperson, shall be appointed by the Central Council or its executive.

(2) The Formal Hearing Committee should, as far as possible, be composed of people familiar with the issues of harassment and who are respected in the community for their sense of justice. At least one member shall be male and one member shall be female. Otherwise, the Central Council may follow any recommendations of the Advisory Committee as to the composition of the Formal Hearing Committee.

(3) Upon appointment, all members of the Formal Hearing Committee are required to become familiar with the Policy and the issues involved in harassment.

(4) If it appears that a member of the Formal Hearing Committee may have a conflict of interest with respect to a Complainant or Respondent coming before a Formal Hearing Committee, then the member will immediately withdraw from the Committee, and another member shall be appointed.

F. INITIATION OF FORMAL HEARING

As soon as reasonably possible, following the receipt of a report from the Advisory Committee requesting a Formal Hearing, the Chair of the Formal Hearing Committee shall:

- (1) name a Secretary from within its membership;
- (2) set a date and place for the Hearing, which shall be held as soon as reasonably possible;
- (3) give both parties at least 15 days written notice of the composition of the Formal Hearing Committee and the date and place of the Hearing;
- (4) inform the Executive of the Central Council of the date and place of the Hearing and the names of the parties; request that the Executive make a decision regarding the appropriateness of the Respondent continuing to function in their current capacity pending the outcome of the procedures;
- (5) consult with legal counsel as required concerning appropriate procedures;
- (6) ensure that arrangements are made for the Formal Hearing to be tape recorded.

G. FORMAL HEARING

(1) The Executive of the Central Council shall establish the resources available to the Formal Hearing Committee.

(2) Rules of evidence applicable in the province in which the Formal Hearing is held will be used.

(3) The Formal Hearing shall be closed to anyone other than the Complainant and the Respondent; and their advocates and support persons as approved in advance by the Formal Hearing Committee, unless agreed to by both the Complainant and Respondent.

(4) The Formal Hearing Committee shall decide whether the complaint is substantiated or not substantiated, and respond to any other questions it determines to be appropriate.

(5) The Secretary of the Formal Hearing Committee shall be responsible to ensure that a written decision of the Formal Hearing Committee is made and communicated by assured delivery to the Complainant, the Respondent, and the Executive of the Central Council. The decision may include recommendations to admonish, rebuke, suspend, or expel and/or other recommendations as appropriate to the case.

(6) The Decision of the Formal Hearing Committee shall be the decision of the Central Council, and shall not be the subject of debate by the Central Council. The Decision may be appealed according to the grounds for appeal (see H (3) below). If the complaint is substantiated by the Formal Hearing Committee, the Central Council shall decide the action to be taken.

(7) If the complaint against the Respondent is substantiated, the Central Council, or its Executive, immediately following the receipt of the recommendation of the Formal Hearing Committee shall, if the Respondent is a candidate for ministry or a member of the order of ministry, inform the appropriate body in the Respondent's denomination of the disposition.

(8) If the Complaint is proven, it will be recorded in the permanent record of the Respondent.

(9) The costs of the Complainant and Respondent, may be assessed by the Formal Hearing Committee against the other party, as appropriate.

H. APPEAL

(1) An Appeal may be made against a Decision of the Formal Hearing Committee.

(2) A Notice of Appeal must be sent in writing personally or by assured delivery to the United Church of Canada, Senior Executive Officer of the General Council Congregational, Educational, and Community Ministries Unit within 15 days following receipt of the Decision of the Formal Hearing Committee, with a copy to the Central Council of the Centre for Christian Studies. The Central Council shall forward a copy of the Notice of Appeal to the other party to the Formal Hearing.

(3) Grounds for Appeal are:

- i. the failure of the Body that made the Decision against which the Appeal is being made to consider the matter as completely as practicable;
 - ii. that the Decision was not in accordance with the rules of natural justice;
 - iii. that the Decision was not reasonably able to be reached on the evidence;
- or

iv. the availability of evidence that could not reasonably have been adduced and that might be relevant.

(4) Within 30 days following receipt of the Notice of Appeal, a written statement of the grounds of the Appeal is to be received by the Senior Executive Officer of the General Council Congregational, Educational, and Community Ministries Unit. If the grounds of the Appeal are not received within the 30-day period the Appeal shall be deemed abandoned.

(5) The Congregational, Educational, and Community Ministries Unit Senior Executive Officer shall within a reasonable period of time after the receipt of the grounds of appeal, send by assured delivery a copy of the written statement to the other party to the Formal Hearing and to the Central Council.

(6) If it is the intention of the other party to the Formal Hearing to reply to the written statement of the grounds of appeal, they shall, within 20 days after a copy of the written statement of the grounds of appeal is received, send by assured delivery, a written statement in reply to the Senior Executive Officer of the General Council Congregational, Educational, and Community Ministries Unit.

(7) The Senior Executive Officer of the General Council Congregational, Educational, and Community Ministries Unit, and the staff responsible for the United Church of Canada Sexual Harassment Policy in the Ministry Employment Policies and Services Unit shall review the written statement of the grounds of Appeal and the reply from the other party to the Formal Hearing and decide whether to proceed with the Appeal or refuse to hear the Appeal.

(8) Notice of such decision shall be given in writing to the parties concerned, together with the reasons for such decision.

(9) If the Senior Executive Officer of the General Council Congregational, Educational, and Community Ministries Unit and the staff responsible for the United Church of Canada Sexual Harassment Policy in the Ministry Employment Policies and Services Unit allow the Appeal to proceed, then they shall appoint a Panel of three persons to hear the Appeal.

(10) The Appeal Panel should, as far as possible, be composed of people familiar with the issues of harassment and who are respected in the community for their sense of justice. At least one person shall be female and one male.

(11) Any person or representative appearing before the Appeal Panel shall have the right to appear in person, or by an advocate or legal representative, or accompanied by legal counsel.

(12) The Appeal Panel,

(a) at its discretion shall initially determine whether the appeal shall be by rehearing or by a review of the transcript and other documents from the Formal Hearing, and, if the decision is to hold another Hearing it shall hold a Hearing within a reasonable period of time; and,

(b) shall communicate its Decision to the Senior Executive Officer of the General Council Congregational, Educational, and Community Ministries Unit, the Central Council, and the parties.

(c) The Decision of the Appeal Panel shall be final.

(13) All costs of the Appeal Panel, including the cost of the transcripts, shall be the responsibility of the appellant. Should the Appeal Panel recommend a Hearing, responsibility for the cost of the Hearing will be determined by the Appeal Panel.

I. RECORDS

(1) All of the files of the Advisory Committee relating to a complaint, all of the files of a Formal Hearing Committee, and all the files of an Appeal Panel relating to an appeal by a re-hearing and the transcript and any new documents which have been filed relating to an appeal by transcript shall be retained for a period of ten years.

(a) All such files will be kept in a secured central file cabinet designated for this purpose and not in files relating to any of the staff or the students of CCS who may be involved in proceedings.

(b) No information regarding the Complaint shall be kept in the regular files of the Complainant or Respondent if they are an employee or student of CCS.

(c) If the Complaint is substantiated as the result of a decision of a Formal Hearing Committee or the Appeal Panel, then the complaint and its resolution will also be minuted in the minutes of the Central Council.

(2) The sealed file would only be opened by the Principal (or designate appointed by the Central Council) or someone acting with the express authority of the Principal (and with a second person in attendance), in the situation where there are proceedings filed against CCS (either through the court system or the Human Rights Commission or by way of a complaint filed pursuant to the procedure established by one of the denominations) or where another complaint is filed against the same Respondent and then only once the decision of the Formal Hearing Committee has been rendered. As such, the person who opened the sealed file may disclose the information contained in the sealed file to the Central Council when it is dealing with the recommendations of the Formal Hearing Committee and deciding as to the action to be taken.

(3) No one is to open a sealed file unless a second person is in attendance; the second person being someone who is bound by confidentiality, for example, a member of CCS staff or legal counsel.

(4) At June 30th, or as soon thereafter as possible, following the expiration of the 10 year period, the Principal shall ensure that the file is destroyed unopened.

J. RIGHT TO COUNSEL

The Complainant and the Respondent may at any stage of the procedures outlined in this Statement of Policy and Procedures be represented and/or accompanied by another person of his or her choice who may be a lawyer.

K. CONFIDENTIALITY

All efforts must be made to ensure confidentiality throughout all procedures under this policy. All documentation shall be marked "PERSONAL AND CONFIDENTIAL" and shall be given only to those parties with responsibility to act within this policy. All documentation shall be kept in a safe place throughout the procedures. Minutes and

reports of all procedures will be typed by those with responsibility to act, to further ensure confidentiality.

No person involved in any procedures under this policy, shall disclose any information received in the course of their involvement, except as required under the terms of this policy, in the interests of the safety of either of the parties, or under compulsion of the law.