

INTERNATIONAL BUSINESS UNIVERSITY (IBU)

POLICY CONTROL

Policy Number	1001 (previously 214)
Policy Title	IBU Sexual Harassment and Misconduct Policy
Policy Owner / Responsible Offices	Office of the Registrar
Approval Authority	Board of Directors (Interim)
Applies To	All members of the IBU community: students, staff, faculty, administration, members of the Board of Directors, visitors and guests
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Revision Date/s	–
Revision Implementation Date/s	–

1. INTRODUCTION AND BACKGROUND

Sexual violence is a serious problem that needs attention and intervention throughout society and within institutions. Acts of sexual violence have a significant impact on survivors, their friends and family members, and on those who work closely with survivors as supporters, advocates and educators. It is among the most underreported criminal activities and through many sources, it is known that the number of disclosed or reported incidents on campuses do not reflect the true number of assaults faced by members of the college and universities communities in Ontario.

All members of the IBU community have the right to work and study in an environment that is free from any form of sexual misconduct.

2. PURPOSE

IBU is committed to combating sexual violence in all forms in its community. Sexual violence is unacceptable and will not be tolerated. Individuals and groups who commit or attempt to commit acts of sexual violence will be held accountable through a process that ensures procedural fairness. This policy makes clear this commitment to addressing sexual violence and rape culture through survivor support, awareness, education, training and prevention programs, the appropriate handling of reports or complaints of sexual violence incidents, and to fostering and promoting a culture of consent.

The purpose of this policy is to:

- Outline commitments to raise awareness and educate about sexual violence and misconduct;
- Prevent sexual violence and reduce the risk of sexual violence incidents;
- Promote a culture of consent in which everyone has a responsibility to prevent sexual violence;
- Respond to the needs of survivors in the IBU community for support and empowerment; and
- Outline the process for making reports or complaints to initiate investigation and adjudication processes on campus.

3. POLICY STATEMENT

IBU is committed to timely, accurate, comprehensive, and sensitive communication with the campus community about incidents of campus sexual misconduct that pose a threat to community safety.

Sexual misconduct violates our institutional values, in particular, the right of all individuals to be treated with dignity and respect. IBU has zero tolerance for sexual misconduct and is therefore committed to:

- Ensuring that those who disclose experiences of sexual misconduct of any kind are treated with compassion, dignity and respect;
- Assisting those who have experienced sexual misconduct in obtaining the resources they need, including counselling and medical care (if required), whether on or off campus;
- Providing those who have experienced sexual misconduct with information about reporting options and respecting their choices (whether or not they opt to make reports);
- Ensuring on-campus (internal) investigation procedures are available and the process is understood in the case of sexual misconduct;
- Providing those who experience sexual misconduct with appropriate academic and other accommodation;
- Providing statistical information to the University community as described;
- Educating and training the University community about responding to the disclosure of sexual misconduct;
- Providing education and information to students, faculty and staff about how to assess situations for risk

for sexual misconduct and about how to reduce and prevent these forms of violence and harassment; and

- Working closely with student groups and peer mentors on sexual misconduct prevention.

4. APPLICABILITY

This Policy applies to all members of the university community: students, staff, faculty, administration, members of the Board of Directors, visitors and guests. Supports provided under this policy are available to all members of the university community whether the event occurred on or off-campus.

5. DEFINITIONS

Sexual Violence and Misconduct

Sexual violence means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

Sexual misconduct consists of a range of behaviours that vary in severity. The term includes, but is not limited to, sexual violence, sexual harassment, sexual assault, the threat of sexual assault, criminal harassment (including stalking and cyber harassment), and relationship violence.

Each of these terms is also under "Additional Materials" in this section, which includes a more extensive set of definitions of terms relevant to this policy.

Sexual Violence and Identity

IBU is a diverse community and efforts to address sexual misconduct need to be grounded in an understanding that each person's experience will be affected by many factors including but not limited to sex, ancestry, race, ethnicity, language, ability, faith, age, socioeconomic status, sexual orientation, and gender identity. It must be acknowledged that acts of sexual violence can also be acts of systematic oppression, including but not limited to sexism, racism, colonialism, ableism, homophobia, and/or transphobia.

Sexual misconduct impacts people of all genders. The University recognizes that sexual violence is overwhelmingly committed against women, and in particular women who experience the intersection of multiple identities such as, but not limited to Indigenous women, racialized women, black women, trans women and women with disabilities. Additionally, the University recognizes that those whose gender identity and gender expression does not conform to historical gender norms are also at increased risk of sexual violence. Due to the complexities of violence experienced by people with intersecting identities, the

University adopts an ant oppressive approach in its responses, prevention efforts and supports so that all community members can access these supports and services with care made.

Bystander intervention:

Safe and positive options that may be carried out by an individual or individuals aka a bystander to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Coercion:

Coercion, in the context of sexual misconduct, is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment, to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts.

Complainant:

When a report or complaint is made under this policy for initiating an investigation/ adjudication, the person filing the complaint is referred to as the complainant.

Consent:

The voluntary agreement to engage in the sexual activity in question. Consent must be informed, freely given and active, and ongoing. Consent cannot be given by someone who is incapacitated (such as by drugs or alcohol), unconscious, or otherwise unable to understand and voluntarily given consent.

Disclosure:

When someone chooses to inform a IBU community member about an incident where they were subjected to sexual violence.

First Responder:

The person to whom the survivor initially disclosed. This could be a friend or University employee. They may be significantly affected by the disclosure of sexual violence and may also be in need of support.

Force:

In the context of sexual misconduct, force is the use of physical violence and/or imposing on and/or restricting someone physically to gain sexual access to that person. Force also includes threats of harm to self or others, intimidation, and/or coercion to overcome resistance.

Incapacitation:

Is a state in which someone cannot make rational decisions because the individual lacks the capacity to give consent (to understand the 'who, what, when, where and why' of their sexual interaction). Sexual activity with someone who one knows to be, or based on circumstances should reasonably have known to be, mentally or physically incapacitated (by drug or alcohol use, unconsciousness, or a blackout) constitutes sexual assault. (Evidence of incapacitation may include: Slurred speech; Bloodshot eyes; the smell of alcohol on one's breath; Shakiness; Vomiting; Confusion about self/surroundings etc.; Unusual/strange behavior and/or state of emotional distress; and/or Unconsciousness.) If there is evidence of any of the above, the initiator of sexual activity should always err on the side of assuming a party to be incapacitated, rather than risking committing sexual assault.

Person Accused:

A person who has been accused of committing sexual violence. They are referred to as a respondent when a report or complaint is made against them under this policy.

Procedural Fairness:

Provides parties with a fair process in resolving disputes. The concept requires transparency, equal communication and fairness.

Progressive Discipline:

Decision makers have a range of sanctions to determine how to appropriately address an incident. They will consider a respondent's disciplinary history, the severity of the incident and the impact of the incident when determining sanctions.

Rape Culture:

A culture in which dominant ideas, social practices, media images, and societal institutions implicitly or explicitly condone sexual assault by normalizing or trivializing sexual violence and by blaming survivors for their own abuse.

Report or Complaint:

A report or complaint of an incident of sexual violence for the purposes of initiating investigation/ adjudication on or off campus.

Respondent:

When a report or complaint is made under this policy for initiating an investigation/ adjudication, the person accused and whom the complaint is made against is referred to as the respondent.

Sexual Assault:

Any kind of sexual contact without mutual consent. It can include unwanted kissing, fondling, oral or anal sex, intercourse, or other forms of penetration, or any other unwanted act of a sexual nature.

Sexual Harassment:

A course of unwanted remarks, behaviors, or communications of a sexually oriented nature and/or a course of unwanted remarks, actions that promote gender based violence, or behaviors or communications based on gender – where the person responsible for the remarks, actions, behaviors or communications knows or ought reasonably to know that these are unwelcome. Sexual harassment may consist of unwanted attention of a sexually oriented nature such as personal questions about one’s sex life, persistent requests for a “date”, or unwelcome remarks about someone’s hair, body shape, etc. Sexual harassment may also consist of unwelcome remarks based on gender which are not of a sexual nature but which are demeaning such as derogatory gender-based jokes or comments. All forms of sexual harassment and sex-based harassment are serious offences because these actions create a hostile, intimidating, or offensive working and learning environment.

Sexual Misconduct:

Sexual misconduct consists of a range of behaviors that vary in severity. The term includes, but is not limited to, sexual harassment, sexual assault, the threat of sexual assault, criminal harassment (including stalking and cyber harassment) and relationship violence.

Sexual Violence:

Any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature that is committed, threatened or attempted against a person without the person’s consent. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, sexual exploitation, degrading sexual imagery, distribution of sexual images or video of a community member without their consent, and cyber harassment or cyber stalking of a sexual nature.

Stalking:

Stalking is a form of criminal harassment prohibited by the Criminal Code of Canada, section 264. It involves behaviors that occur on more than one occasion and which collectively instill fear in the target or threaten the target’s safety or mental health. Stalking can also include threats of harm to the target’s friends and/or family. These behaviors include, but are not limited to: Non-consensual communications (face to face, phone, email, social media); Threatening or obscene gestures; Surveillance and pursuit; Sending unsolicited gifts (romantic, bizarre, sinister or sexualized); ‘Creeping’ via social media/cyber-stalking; and Uttering threats.

Survivor:

An individual who has been subjected to sexual violence. They are referred to as a complainant when they file a report or complaint under this policy. For the purposes of this policy, the term “survivor” is used. People who have been subjected to sexual violence have the right to choose how they want to be referred to. There is a lot of debate over the use of victim or survivor; in the end it is up to the individual to choose how they want to be referred to.

IBU Community:

Students, IBU employees, contractors, appointees, volunteers and invited guests.

6. POLICY

6.1 PREVENTION AND TRAINING

Members of the University community are encouraged to contribute to the prevention of, intervention in, and effective response to, sexual misconduct. All members of the University community may play a role in building a safe and just educational environment by learning about sexual misconduct through educational programs, including but not limited to:

- Educational sessions for new students during orientation;
- Specific training for staff;
- On-line training modules for administrators, the Board of Directors, staff and faculty;
- On-line training modules for students;
- Peer support training provided by qualified off-campus personnel;
- Modelling healthy and respectful behaviour in personal and professional relationships;
- Speaking out against behaviour that encourages sexual misconduct and assault, such as sexism, ableism, racism, homophobia and transphobia;
- Speaking out against behaviour which discourages reporting, such as racism and sexism, the perpetuation of rape myths and blaming of the person who has experienced sexual misconduct, and joking about sexual misconduct and gender inequality;
- Developing the skills necessary to be an effective and supportive ally to those who have experienced sexual misconduct;
- Intervening in situations that could lead to sexual misconduct when safe to do so; and
- Upstander training (Interrupting sexual misconduct when it is safe to do so).

IBU staff will take part in mandatory annual training to effectively report and investigate incidents and provide support to individuals who have experienced sexual misconduct. Local agencies are consulted and collaborate in all training programs.

Working with staff, the Vice President, Academic has responsibility for ensuring ongoing awareness programs are offered on campus.

6.2 SECURITY BULLETINS

IBU is committed to timely, accurate, comprehensive, and sensitive communication with the campus community about incidents of campus sexual misconduct that pose a threat to community safety. Such campus wide efforts (e.g. security bulletins) to increase awareness of crime on campus which threaten others' safety, will include incidents of sexual violence. Such security bulletins must be approved by the President (or designate) before being issued, and will be disseminated to the campus community through one or more of the following means: electronic dissemination to campus community members' IBU email accounts; posting on notice boards and town hall meetings as required.

6.3 SURVIVOR SUPPORT

IBU recognizes the challenges faced by those who have experienced sexual misconduct, and urges individuals to make use of the supports available to them. All those who have experienced sexual misconduct have a right to:

- Be believed, and treated with compassion, dignity and respect;
- Be informed about on-campus and off-campus (community) services and resources;
- Decide whether to report the incident to University administration and/or the local police;
- A fair and unbiased on-campus investigation with the full cooperation of the institution;
- Be provided with assistance in formulating a safety plan;
- Be provided with necessary appropriate accommodations to prevent further unwanted contact with the alleged perpetrator if the perpetrator is a member of the campus community; and
- Choose amongst these supports, selecting all, some, or none of the above options.

All members of the IBU community (staff, faculty and students) should expect to receive support if they have experienced sexual misconduct. Survivors will be able to access support regardless of when, where or by whose hand they experienced an incident of sexual violence. University staff will work with individual survivors in determining their support and/or workplace and academic accommodation needs and assist them in accessing these. Survivors need only to disclose their experience to seek support and will not be required or pressured to make a formal report or complaint. Survivors have the right to determine what and how much they choose to disclose or report about their experience and to decide whether to report to police and/or to the University.

IBU reserves the right to initiate an internal investigation and/or inform the local police of the need for a criminal investigation, even without the consent of the individual who experienced sexual misconduct, when the safety of the University community is believed to be at risk or to comply with any legal requirements it may have. The individual will be advised of the disclosure.

This policy includes a list of on-campus and off-campus (community) supports and resources for survivors of sexual violence and misconduct.

6.3.1 ON-CAMPUS RESOURCES

Resource	Description	Hours	Phone	Location
Student Services	Provides referrals to counselling and medical services; safety planning; assistance with academic and workplace accommodations; selfcare resources; advocacy and help in navigating resources. Also provides assistance in making informed decisions about next steps involving reports to authorities within the University or to the police. Delivers education, prevention, training and awareness activities with campus partners.	Hours: (Monday to Friday, 8:00 a.m. to 5:00 p.m. EST)	Email: studentservices@ibu.ca Phone: +1 416 923 1111 EXT. 1305	Location: 655, Bay Street, Toronto

6.3.2 OFF-CAMPUS RESOURCES SERVICES FOR ALL GENDERS

Organization	Description	Hours	Phone	Email/ website	Location / Link
Women's College Hospital Sexual Assault and Domestic Violence Care Centre	For those assaulted within the past week, this support is available 24-hours a day, seven days a week. Women, men, and trans people who are survivors of sexual assault	Hours: Monday to Friday 8:30 a.m. - 4:30 p.m.	416-323-6040	http://www.womenscollegehospital.ca/programs-and-services/sexual-assault-domesticviolence-care-centre/	Location: 76 Grenville St. (Ground floor (in the AACU), Room 1305)

	and/or domestic/intimate partner violence can access this support.				
Victim Services Toronto	Assists people in crisis, 24-hours a day, seven days a week in the immediate aftermath of crime or tragedy.	Hours: 24 hours a day	416-8087066	info@victimservice.toronto.com	
Toronto Police Services	If you are in immediate danger, call 911. For all other safety issues... otherwise call 416-8082222	Hours: 24 hours a day	416-808-2222	https://www.torontopolice.on.ca/	
Family Service Toronto	Provides professional, short-term, individual, couple and family counselling for people who identify as lesbian, gay, bisexual, trans, queer (LGBTQ)	Hours: Monday to Friday 9am-5pm OR Wednesday Walk-in: 3:30-7:30pm	Phone: 416-595-9618	https://familyservicetoronto.org/	Location: 202-128A Sterling Road, Toronto
Central Toronto Youth Services- Pride and	Programs for lesbian, gay, bisexual, trans, queer, Two-Spirit and questioning youth, ages		Phone: 416-9242100	http://www.ctys.org/category/programs/#pride&prejudice	

Prejudice Program	13-24. Includes "Yo-Yoga" which is an 8-week trauma sensitive yoga program				
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6.3.3 SERVICES FOR THOSE WHO SELF-IDENTIFY AS A WOMAN

Organization	Description	Hours	Phone	Email	Location / Link
Assaulted Women's Helpline	24-hour telephone support and counselling available in several languages		416-8630511	http://www.awhl.org/	
Barbara Schlifer Clinic	Provides counselling, legal information, interpreters and referral for women who have been physically or sexually abused.	Hours: Monday to Friday 9 a.m.-5 p.m.	416-323-9149	intake@schliferclinic.com	Location: 489 College St
Fred Victor Centre	24/7 Drop-in for women located in the Adelaide Resource Centre offers a warm, safe and welcoming space with		416-3929292	http://www.awhl.org/	

	access to health services on site.				
Toronto Rape Crisis Centre/Multicultural Woman Against Rape	Crisis intervention, counselling and referral for survivors of rape/sexual assault. Open 24 hours.	Hours: 24 hours a day	416597-8808	crisis@trccmwar.ca	
Women's Support Network of York Region	Provides free, confidential services for women who have experienced sexual violence	Hours: 24 hours a day	905-895-7313	generalinfo@womenssupportnetwork.ca http://www.womenssupportnetwork.ca/	

6.3.4 SERVICES FOR THOSE WHO SELF-IDENTIFY AS A MAN

Organization	Description	Hours	Phone	Location / Link
Support Services for Male Survivors of sexual abuse	Provides help for male survivors of sexual abuse, both recent and historical. The program is the first of its kind in Canada and is delivered by agencies across the province. Survivors also have access to a 24-hour, multilingual, toll-free phone line for immediate crisis and federal services	Hours: 24 hours a day	1-888-887-0015	http://www.oasisfemmes.org/

6.3.5 SERVICES FOR THOSE UNDER 18 YEARS OF AGE

Organization	Description	Hours	Phone	Location / Link
Sick Kids' Suspected Child Abuse and	Care, support and assessment to children and teenagers who may have been maltreated, and	Hours: Monday to Friday,	416-813-6275	Location: 555 University Ave (Room 6427, Black Wing) http://www.sickkids.ca/scan/

Neglect (SCAN) Program	their families. The SCAN program provides a link between SickKids and community doctors and hospitals, Children's Aid Societies, police, schools and other community agencies.	9 a.m. to 5 p.m.		
The Gatehouse	Offers support groups for adult survivors of childhood sexual abuse as well as partners.	Hours: Monday to Friday 9 a.m.- 5 p.m.	416-255-5900	Location: 3101 Lake Shore Blvd West http://www.thegatehouse.org/

6.3.6 SERVICES FOR FRANCOPHONES (WHO SELF-IDENTIFY AS A WOMAN)

Organization	Description	Phone	Location / Link
OASIS Centre des Femmes	Outiller les femmes francophones du Grand Toronto et Halton-Peel, touchées par la violence sous toutes ses formes pour améliorer leur situation et devenir totalement autonomes.	416-591-6565	http://www.oasisfemmes.org/

6.4 ADJUDICATION OF REPORTS OR COMPLAINTS

6.4.1 REPORTS / COMPLAINTS

Community members need only disclose that they are survivors of sexual misconduct to seek support through the University. They also have options for filing a report or complaint in response to an incident of sexual violence in an effort to hold the person accused accountable.

University staff can assist survivors in understanding each of the reporting options and in ensuring that they have all the information that they need in order to make an appropriate decision on next steps.

6.4.1.1 REPORTING OPTIONS

Reporting or not reporting is the survivor's choice. At no point, will survivors be required or pressured to file a formal complaint or report.

Reporting to Police – Reports or complaints can be made to the police in order to pursue criminal charges under the Criminal Code of Canada. This, or some other legal action, is the only option for pursuing an adjudication process or redress for sexual violence perpetrated by someone who is not part of the IBU community. If this is the case, survivors can still access support through the institution which could include the person accused being restricted in their ability to access the campus.

Reporting to IBU – Reports or complaints can be made under this policy when a IBU community member is accused of an incident of sexual misconduct.

6.4.1.2 MAKING A REPORT OR COMPLAINT UNDER THIS POLICY

It is important that a person who reports an incident of sexual misconduct perpetrated by another IBU community member is heard and has access to appropriate support and resources. It should be noted that the use of the term “survivor” in this policy does not suggest that the outcome of any investigation or decision-making process has already been determined, and will not prejudice the outcome of the investigation. For this reason, throughout the adjudication process as outlined in this policy, the survivor will be referred to as the complainant and the person accused will be referred to as the respondent.

The complainant may file a report or complaint in writing via e-mail or letter or may request an in-person meeting to make their report or complaint. University staff do not advocate for any individual or group and cannot take sides on a complaint. The role of the person taking the report or complaint is to listen, clarify details and assess appropriate next steps.

6.4.2 TIMELINESS OF THE PROCESS

This is a difficult process and for many survivors it is a precursor to achieving healing and/or closure. Every effort will be made to expedite the process without compromising appropriate procedural fairness for all parties.

6.4.3 TRANSPARENCY OF THE PROCESS

- Parties will be advised of their rights and responsibilities related to the process;
- Parties will know what to expect from the process;
- Parties will be kept informed about the process and outcome;
- Parties will receive regular updates on the progress of their case, estimated timeframes, and any delays related to the resolution of their case (types and frequency of these updates will be determined through discussion with each complainant); and
- Reasons will be provided for any decision made throughout the process.

6.5 RIGHT TO SUPPORT THROUGH THE INVESTIGATION AND DECISION-MAKING PROCESS

Complainants and respondents will be provided with a support person throughout the investigation and decision-making process by the University. For complainants and respondents who are students, support will be facilitated by the Vice President, Academic. Support for employees (faculty or staff) will be

facilitated by Human Resources staff. Complainants and respondents also have the right to identify an alternate support person or representative of their choosing to accompany them to any meetings or proceedings related to the handling of their case. Support persons may include a friend, family member, legal representative, colleague, etc.

6.6 FAIRNESS OF THE PROCESS

The process will be conducted in an impartial way and is intended to ensure fairness for all parties involved.

6.7 TRAINED PERSONNEL

Personnel involved in the adjudication process will be trained in their roles and in anti-oppressive processes.

6.8 ALTERNATIVE RESOLUTION

In some circumstances, a complainant may be willing to resolve the matter before an investigation is commenced or completed, or before the case is referred to a decision maker. A respondent could also initiate an alternative resolution process by notifying the University.

University staff will follow-up with the complainant and respondent to determine their willingness to participate in an alternative resolution process. For it to be a meaningful process, participants must engage voluntarily and remain free from reprisal. At any stage during the process, the complainant may indicate they would like the complaint to move to an investigation and decision-making process.

Examples include:

Impact Statement/Letter: A complainant may decide to communicate to the respondent that their behaviours, remarks or communications are unwelcome or uncomfortable. The survivor may choose to communicate their concerns directly or indirectly, verbally or in writing with the assistance of the support person.

6.9 FACILITATION

A complainant may request that University staff facilitate a discussion between themselves and the respondent. In such circumstances, a facilitator would try to reach a resolution between the complaint and the respondent by acting as a “go-between.” Neither party is required to attend any face-to-face meetings during this process unless they both agree to do so. This facilitated process may result in a written agreement that could include behavioral expectations, agreement to no contact, or an apology.

6.10 EDUCATION

A respondent may agree to participate in education and training related to antiviolenace, anti-oppression and consent.

6.11 RESTORATIVE JUSTICE

Restorative or transformative justice is an approach used in situations that require a deep understanding of the harm done, the needs of those affected, and the strategies for moving forward as a community and creating lasting change. Using processes such as accountability circles or community conferencing, those who have done harm and various stakeholders are actively engaged in understanding what happened, the impact of a harmful situation and hold those who have done harm accountable and responsible not only for their past actions but for shaping the future.

If the complainant and respondent are able to reach a resolution, a written record of the resolution will be prepared by University staff to be signed by both parties. The signed resolution will be kept by IBU. A copy of the signed agreement will be provided to the complainant and respondent, and may be provided to relevant University administrators if it is required to implement the terms of resolution.

University staff will monitor the implementation and compliance of alternative resolution processes. Failure to comply with the terms of a resolution, may result in the complaint being moved into an investigation and decision-making process.

6.12 FREEDOM FROM REPRISAL

Every member of the IBU community has a right to claim and enforce their rights under this policy, to provide evidence and to participate in proceedings under this policy, without reprisal or threat of reprisal.

All respondents will be informed of the University's position regarding the seriousness of any allegations of reprisal against complainants, witnesses or others involved, and what constitutes reprisal. Any claims of reprisal will also be investigated and responded to.

6.13 WITHDRAWAL OF A COMPLAINT

At any time throughout the process, before a decision is rendered, a complainant may choose to withdraw their complaint. They should communicate, in writing, their decision to withdraw their complaint to University staff. In some circumstances, the University may still pursue the complaint. If a complaint is withdrawn, complainants and respondents can still seek support through the appropriate offices on campus.

6.14 PROCEDURAL FAIRNESS

The University has a duty to be fair with respect to process by which investigations and decisions are made that may result in findings of sexual misconduct and may potentially impose serious consequences against a member of the University community who has engaged in such conduct.

The core element of procedural fairness is that a person against whom allegations are made, must know the allegations and evidence against them, and must be given the opportunity to answer prior to a decision being made. Further to the right to know, complainants and respondents will also have notice of the investigation and decision-making process, and will have the matter decided by an impartial decision maker. If credibility is at issue, complainants and respondents may appear in person and make oral representations to an investigator and decision maker, and comment and ask questions with respect to the evidence in accordance with this policy.

The duty to be fair is context-specific. As such, the University reserves the right to adjust the process to ensure procedural fairness in accordance with the facts of the individual case with notice to the complainant and the respondent.

6.15 CONFIDENTIALITY

Ensuring confidentiality is a key principle in creating an environment and culture where survivors feel safe to disclose and seek support and accommodation. The University is committed to ensuring such an environment exists. As such, all members of the IBU community who receive a disclosure of sexual violence or who are involved in addressing or investigating it, must keep the matter confidential, except in accordance with the terms of this policy, in order to protect the rights of those involved in the allegations, prevent an unjustified invasion of their personal privacy, and preserve the integrity of the investigation.

The University will make every reasonable effort to balance confidentiality with its legal responsibility to provide a campus environment free from sexual violence. The University protects personal information and handles records in accordance with its policies, the Freedom of Information and Protection of Privacy Act, and the Personal Health Information Protection Act.

The general practice of the University is to keep all information confidential except as outlined in this policy, for example where employees require information to carry out their authorized duties under the policy, e.g. conduct investigation, make or implement a decision or interim measures, etc. Complainants, respondents and witnesses are expected to keep the details of any case confidential, outside their circle of support, in order to ensure the integrity of the investigation and decision-making process.

Notwithstanding the above, there are additional circumstances where a staff member may be required to disclose information within or outside the University in order to address safety concerns or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or meet such requirements, will be disclosed. These additional circumstances might include, for example:

- An individual is at risk of life-threatening self-harm;
- An individual is at risk of harming others;

- There is risk to the safety of the University and/or broader community;
- Disclosure is required by law; for instance, under the Child and Family Services Act, reporting is legally required if an incident involves a child 16 or under; or, to comply with the Occupational Health and Safety Act or with human rights legislation; and/or
- Evidence of the disclosed incident of sexual violence is available in the public realm (e.g. video shared publicly on social media).

These above circumstances represent exceptions, not the rule, and are necessary to ensure the University is meeting its legal obligations. If one of these situations applies to an individual, they will be fully informed and supported throughout the process.

6.15 INVESTIGATION PROCESS

6.15.1 PROCESS FOR DETERMINING WHETHER A REPORT OR COMPLAINT WILL BE INVESTIGATED

Once the report or complaint is made to the Vice President, Academic, this individual will make an assessment of the appropriate next steps in responding to the complaint. This will include:

- Determining whether a report or complaint has been made through any other internal or external process as well as through this policy.
- Referring the complainant for support and referral to additional resources.
- Determining the jurisdiction of University staff in proceeding with the report or complaint (i.e. both parties are members of the IBU community).
- Determining whether the sexual misconduct policy is relevant to the complaint and/or if the complaint should be referred for review under a different policy.
- Determining whether the complainant is interested in an alternative resolution, as opposed to the completion of an investigation and decision-making process.
- Consulting appropriate offices in the implementation of interim measures while the complaint is being investigated and while the decision on the complaint is pending.

Once the Vice President, Academic reviews the complaint and it has been assessed, he/she will confirm in writing with all parties whether an investigation or fact-finding based on the complaint will be conducted.

6.15.2 CIRCUMSTANCES WHERE THE UNIVERSITY MAY PROCEED WITHOUT A COMPLAINT

In some cases, the University may be required to or choose to investigate an incident of sexual violence even though the survivor has chosen not to file a report or complaint.

Examples of such circumstances could include, but are not limited to where:

- There is risk to the safety of individuals and/or the broader community (e.g. where repeated allegations have been made about the conduct of the same individual);
- Required by law, such as under the Occupational Health and Safety Act; or
- There is evidence of sexual violence in the public realm (such as a video posted on social media).
- If such a situation applies to the survivor, information and support will be made available throughout the process, even if they choose not to participate.

6.15.3 INITIAL MEETING WITH HUMAN RIGHTS SERVICES

After the Vice President, Academic has indicated that an investigation will be conducted, this individual (or designate) will meet separately with the complainant and respondent.

In these meetings, the designated staff member will:

- Explain to each party their rights in the investigation and decision-making processes;
- Go over the process and answer any questions about what will happen;
- Discuss details of interim measures, if applicable; and
- Determine the outcome that the complainant is seeking.

6.15.4 INTERIM MEASURES DURING INVESTIGATION AND DECISION-MAKING PROCESS

In some instances, it may be necessary to implement interim measures, which are temporary measures put in place to protect the parties and the community, during the investigation and decision-making process. Such measures are without prejudice to the ultimate outcome of the investigation.

Consequences for violating interim measures will be clearly communicated to the respondent at the time they are applied.

Examples of interim measures that might be considered include:

- Restrictions to access campus or parts of campus;
- No contact/communication orders; ☐ Employment/workplace restrictions; and
- Changes to class and/or section enrollments.

6.16 REFERRAL TO AN INVESTIGATOR AND NOTICE OF INVESTIGATION

University staff will appoint an impartial investigator who has knowledge, training and experience in sexual misconduct investigations and related issues, and who has been trained on the terms of this policy. The investigator may be internal or external to the University.

Where the complainant or respondent reasonably believes that the investigator may have a conflict of interest, they may request an alternative investigator. Student Services will consider their concerns to determine whether or not to assign an alternative investigator.

Once an investigator is appointed, University staff will provide a notice of investigation to: 1) the complainant; 2) the respondent; and 3) the investigator.

The notice of investigation will include the following information:

- The name and contact information of the investigator;
- A written account of the complaint;
- Confirmation of the right to a support person or representative during the investigation;
- Any interim measures that will be in place during the investigation;
- A link to this policy and any other related policies; and
- The name and contact information of the University support person designated to each of them.

Once an investigator is appointed, they will contact the parties within seven (7) business days to confirm:

- 1) their appointment;
- 2) the role of the investigator; and
- 3) next steps in the investigation process.

6.17 ROLE OF THE INVESTIGATOR

University staff will determine the scope of the investigation for each case. The investigator works independently. They develop a plan identifying the issues of the case, who will be interviewed, which questions will be posed and which documents will be requested for review.

The investigator conducts all of the interviews. These include interviews with the complainant, respondent and any witnesses.

6.18 CONDUCTING AN INVESTIGATION

After reviewing the written account of the complaint and any relevant documentation, the investigator will contact the complainant and the respondent to arrange separate interview times. At the time of initial contact, the investigator will explain to all parties the investigation process, and their role as investigator.

The investigator will conduct interviews with the complainant and the respondent separately and may need to meet with each party several times during the course of the investigation. The complainant and respondent will have the opportunity to provide the investigator with information, documents, names of witnesses, and other submissions or evidence that they believe are relevant to the complaint.

The University will always aim to complete an investigation as expeditiously and thoroughly as possible. Depending on the complexity of the case and the availability of parties and witnesses, an investigation could take several months.

The investigator will ensure that both the complainant and respondent have had a full opportunity to review and respond to all material aspects of the allegations, and the evidence upon which the investigator will rely, in order to ensure procedural fairness. The investigator will provide the complainant and respondent with the notes from, or a synopsis of, their own respective interviews, and each will have the opportunity to make any clarifications or corrections to their own statements.

The complainant may still request Alternative Resolution of their complaint before the final report is sent to the decision maker, as per this policy.

If there is no request for Alternative Resolution at this time, the investigator will incorporate any relevant details from the further submissions into the final investigation report and submit it to the decision maker.

6.19 DECISION MAKING PROCESS

6.19.1 REFERRAL TO THE DECISION MAKER

The Vice President, Academic will review the investigator's report and provide a recommendation to the President, who will take action as appropriate.

University staff will notify the complainant and respondent by e-mail within five (5) business days of receipt of the final report from the investigator and inform them of who has been appointed the decision maker on their complaint. Where the complainant or respondent reasonably believes that the decision maker may have a conflict of interest they may request an alternative decision maker. University staff will consider their concerns and determine whether or not to assign an alternate decision maker.

6.19.2 THE RENDERING OF THE DECISION

The decision maker will review the final report from the investigator. The decision maker may also request an opportunity to meet with and ask any questions of the investigator, the complainant, the respondent and/or any witnesses separately before rendering a decision. Any in-person meetings will be transcribed so as to document any new evidence presented that does not appear in the investigator's report. If in the course of these meetings, new information is presented by any party, the complainant and respondent will be given the opportunity to respond to or question that new information, in person or in writing before the decision is rendered. The complainant will not be required to appear before a decision maker in the presence of the respondent.

Within ten (10) business days of reviewing the investigator's report and completing all requested meetings with parties involved and reviewing all additional written submissions or questions submitted by either party, the decision maker will render a decision and where applicable assign an appropriate sanction/remedy.

The final decision prepared by the decision maker will indicate whether there has been a breach of the policy or not.

If there is a finding that the policy has been breached, the decision maker may consider the following in determining an appropriate sanction:

- The sanction or remedy sought by the complainant;
- The principle of progressive discipline and the University's role as an educational institution;
- The nature and severity of the incident; and
- Any other relevant factors.

The decision maker will provide both the complainant and the respondent with a summary of the investigation results, their decision, reasons for the decision and any applicable sanctions.

Any request by either party to receive a copy of the investigation report will be subject to restrictions under the Freedom of Information and Protection of Privacy Act.

6.20 REMEDY / SANCTION OPTIONS

Individuals, regardless of seniority or tenure, influence or position, found to have engaged in conduct constituting a breach of this may be disciplined or restricted from access to services provided by the University. Remedies and sanction options could look different depending on the status of the respondent. Consequences or measures in response to sexual misconduct will depend on the circumstances, on the severity of the conduct, on any mitigating factors and on other University policies. Other University offices may become involved in monitoring compliance with sanctions imposed by the decision maker.

Examples of general remedies/sanctions:

- Letter of apology;
- Mandated educational workshops or counselling;
- No communication order between parties;
- Letter of behavioral expectations; or
- Restrictions related to accessing buildings or parts of campus or certain activities.
- Examples of additional remedies/sanctions applicable to student respondents:
 - Community service activities;
 - Removal from a course or section of a course;
 - Relocation in or eviction from University owned and/or operated housing;
 - Suspension from school for a defined period; or
 - Expulsion from the University permanently.
- Examples of additional sanctions/remedies applicable to employees:
 - Change in work assignment;
 - Suspension from work for a set time with or without pay; or
 - Dismissal from employment

6.21 APPEAL PROCESS

An appeal is not an opportunity for the complainant or respondent to repeat information previously provided. The right to an appeal is not automatic and will only be considered in certain situations. There is no appeal of a final decision of the University President.

6.21.1 WHO REVIEWS AND DECIDES APPEALS

Findings, measures, remedies and sanctions may be appealed to the Dispute Resolution Committee of the University.

6.21.2 SUBMISSION OF AN APPEAL

A complainant or respondent wishing to appeal a finding or a remedy/sanction in a case shall submit to Student Services a written request for appeal and an explanation of the basis for the request, within ten (10) business days of communication of the original decision.

6.21.3 GROUNDS FOR APPEAL

The Dispute Resolution Committee will consider appeals based on the following grounds:

- Whether there was a substantial procedural error in the application of the policy
- Whether there is new evidence that could not have reasonably been presented earlier
- Whether the decision maker's finding is consistent with the evidence
- Whether the remedy/sanction are reasonable in the circumstances

If an appeal is filed by one party, other parties to the case will be notified that an appeal has been submitted. They will also be invited to make a written submission for consideration in the review of the appeal. In deciding on the appeal, the President will review the investigation file, the original findings and remedies/sanctions determined by the decision maker and any other relevant documents or information. The President may also interview the parties. The President will communicate the findings of their review in writing to all parties, normally within fifteen (15) business days of commencement of the review.

A decision of the Dispute Resolution Committee is final with respect to the options available within the University. Any party not satisfied with the decision may pursue external avenues for redress.

7. ROLES AND RESPONSIBILITIES

ALL MEMBERS OF THE IBU COMMUNITY:

- Will make themselves aware of the policy and their responsibilities under the policy.
- Will participate in education and training programs made available on campus.
- Respect an individual's right to confidentiality if an incident of sexual violence is disclosed to them by a survivor.
- Will, upon disclosure, refer survivors to the office where the survivor can seek support, accommodations and advice about reporting options.
- Will make themselves aware of the services listed in this policy so that they might refer individuals looking for specific types of assistance and support.
- Report to University administration if they witness sexual violence and do not know the survivor, or become aware of an incident that promotes rape culture.
- University Executive:
 - Maintain and communicate an ongoing commitment to combat the issue of sexual violence.
 - Foster a consent culture on campus.

ACADEMIC FACULTY:

- Provide reasonable academic accommodation to students impacted by sexual violence.
- Student-Led Governing Bodies:
 - Maintain an ongoing commitment to peer-to-peer sexual violence education, training and support, and promotion of a consent culture at all events.

- Work in collaboration with university administration to communicate student concerns in regards to sexual violence and rectifying them.

Promoting a culture of consent is a shared responsibility. It is on us. To recognize that nonconsensual sex is sexual assault. To identify situations in which sexual misconduct may occur. To identify situations where consent has not or cannot be given. To create an environment in which sexual misconduct is unacceptable and survivors are supported.

8. REVIEW

This policy will be reviewed every three years (or as circumstances or legislation warrants) with extensive consultation with members of the University community. This will be done in accordance with the agreement made between the University and representatives of the University's elected student governing bodies, for the provision and consideration of input from a diverse selection of students.

9. COMPLIANCE PROCEDURES

Failure to comply with this policy, including interim measures, investigation requirements, alternative resolution terms, or sanctions/remedies imposed under the policy, may result in institutional consequences consistent with the Remedy / Sanction Options, described in the policy.

10. EVALUATION AND QUALITY ASSURANCE

The Chief Operating Officer will maintain annual statistics on disclosed and reported incidents of sexual misconduct on campus for the purposes of community education and any legislated reporting that may be required. This data would not include any information that would identify any community member. This information will be reflected in the University's internal reporting, and presented as part of the policy review every three years.

11. RELATED DOCUMENTS

- The Ontario Human Rights Code (“Code”)
- The Ontario Occupational Health and Safety Act (“OHSA”)
- The Criminal Code of Canada
- The Freedom of Information and Protection of Privacy Act
- The Personal Health Information Protection Act
- The Child and Family Services Act (as referenced in the policy)