

POLICY CONTROL

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1. INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

All members of the IBU community have a right to work, study and live in an environment that is free from any form of sexual violence including sexual assault and sexual harassment. This policy and the related document Sexual Violence Procedures set out the way in which the university addresses sexual violence. It encourages due diligence in the prevention of sexual violence, ensures that those affected by sexual violence are believed when they seek support from the university and are appropriately accommodated. This policy ensures that the university has a fair and reasonable investigation process that protects the rights of all individuals and holds individuals who have committed an act of sexual violence accountable. It is this policy's intention to make individuals feel comfortable about making a report and/or filing a formal complaint in good faith about sexual violence that they have experienced or witnessed.

1.2 INSTITUTIONAL BACKGROUND AND POLICY FRAMEWORK

This policy forms part of International Business University's broader commitment to student and employee safety, equity, dignity, and respect, and is designed to operate in conjunction with the University's Sexual Violence Procedures and other related institutional policies addressing harassment, discrimination, violence prevention, and incident response.

The policy establishes a comprehensive institutional framework governing prevention, support, reporting, investigation, accountability, confidentiality, and monitoring related to sexual violence. It applies across all academic, administrative, and co-curricular contexts of the University and reflects applicable legislative requirements, sector best practices, and expectations of public accountability in higher education.

2. PURPOSE

2.1 PURPOSE

Sexual violence is unacceptable and will not be tolerated. We are committed to challenging and preventing sexual violence and creating a safe space for anyone in our university community who has been affected by sexual violence. The university is expected to be a safe and positive space where members of the university community feel able to work and study and express themselves in an environment free from sexual violence.

Anyone who has been affected by Sexual Violence has the right to:

- be treated with dignity and respect,
- be believed when they seek support,
- be informed about on- and off-campus services and resources,
- decide whether or not to access available services and to choose those services they feel will be most beneficial,
- decide whether to report to the university's designee and/or local police,
- have an on-campus investigation with the university's institution's full cooperation,
- have a safety plan and,
- have reasonable and necessary actions taken to prevent further unwanted contact with the respondent(s) alleged perpetrator(s).

All reported incidents of sexual violence will be investigated in a manner that ensures due process as per the Sexual Violence Procedures and the Harassment and Discrimination Prevention Procedures.

The university recognizes the intersection of sexual violence with discrimination and harassment, including but not limited to the grounds set out in the Ontario Human Rights Code. The university recognizes that individuals from historically marginalized communities may be disproportionately affected by sexual harassment and sexual violence.

Sexual violence can be committed against any person and is an issue that requires an inclusive response. 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, women with disabilities, and racialized women. Additionally, the university recognizes that those whose gender identity or gender expression does not conform to historical gender norms are also at increased risk of sexual violence.

We are committed to:

- assisting those who have been affected by sexual violence by providing choices, including detailed information and support, such as provision of and/or referral to counselling and medical care, information about legal options, and appropriate academic and other accommodation, as per the Sexual Violence Procedures.
- Ensuring that those who disclose that they have experienced or have been affected by sexual violence are believed when they seek support, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response.
- Ensuring that on-campus (internal) investigation procedures are available in the case of sexual violence, even when the individual chooses not to make a report to the police.
- Engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with university policies, standards and applicable collective agreements, and that ensure fairness and due process.
- Ensuring coordination and communication among the various departments who are most likely to be involved in the response to sexual violence on campus.
- Engaging in public education and prevention activities.
- Providing information to the university community about the policy and the Sexual Violence Procedures.
- Providing appropriate education and training to the university community about responding to the disclosure of sexual violence.
- Contributing to the creation of a campus atmosphere free of sexual violence.
- Monitoring and updating our policies and procedures to ensure that they remain effective and in line with other existing policies and best practices.

2.2 POLICY INTENT

The purpose of this policy is to formally articulate the University's commitment to preventing sexual violence, responding effectively and compassionately to disclosures and reports, and ensuring fair, timely, and procedurally sound institutional responses.

This policy establishes the foundational principles that govern:

- prevention and education,
- survivor-centered support and accommodation,
- reporting and disclosure pathways,
- investigation and adjudication processes, and
- accountability and institutional oversight.

The policy is intended to reduce barriers to disclosure, promote trust in institutional processes, ensure compliance with applicable legal and regulatory obligations, and uphold the dignity, safety, and rights of all members of the University community.

3. POLICY STATEMENT

Sexual violence is unacceptable and will not be tolerated at International Business University.

The University is committed to challenging and preventing sexual violence and to creating a safe and positive environment where members of the university community feel able to work, study, and express themselves free from sexual violence.

All reported incidents of sexual violence will be addressed in a manner that ensures due process, in accordance with the Sexual Violence Procedures and related institutional procedures. The University is committed to procedural fairness for all parties involved and to holding individuals who have committed acts of sexual violence accountable.

The University recognizes that sexual violence may occur between individuals regardless of sexual orientation, gender, gender identity or expression, relationship status, class, or culture, as articulated in the Ontario Human Rights Code. The University further recognizes that sexual violence disproportionately affects women, particularly those experiencing intersecting identities, including but not limited to Indigenous women, women with

disabilities, and racialized women, as well as individuals whose gender identity or gender expression does not conform to historical gender norms.

Individuals affected by sexual violence may experience emotional, academic, professional, or other difficulties. The University is committed to providing appropriate support, accommodation, and referral to services to address such impacts.

The University will engage in education, prevention, coordination, and continuous improvement efforts to ensure that this policy and related procedures remain effective, inclusive, and aligned with legal obligations and best practices.

4. APPLICABILITY

This policy applies to all members of the university community. All members of the university community will be offered appropriate support with respect to issues of sexual violence, regardless of their role in the university or the role of the person against whom an allegation is made.

This policy applies to incidents of sexual violence that occur on university property that involve a member of the university community.

This policy also applies to incidents of sexual violence involving a member of the university community that occur off university property:

- at any university-sanctioned program or event that may or may not pose a subsequent risk to the safety of university community members; or
- at any time (i.e., non-sanctioned program/event or general course of life) and that pose a subsequent risk to the safety of university community members while on university property or which are sufficiently linked to and affect the university community.

This policy relates to acts of sexual violence. Issues of sexual harassment or discrimination and other related misconduct shall also be reviewed and managed under this policy and

cross- referenced when required with the university's Harassment and Discrimination Prevention Policy and Procedures, Violence Prevention Policy and Violent and Criminal Incident Response Procedures.

This policy relies on a centralized system of reporting, investigation and decision-making for complaints of sexual violence in order to avoid actual or perceived conflicts of interest or reasonable apprehension of bias, to preserve privacy, to minimize risk of reprisal, and to ensure coordination and consistency across all academic divisions, campuses, and centralized services.

The reporting procedure and the processes it initiates apply to all incidents of sexual violence in which both the complainant and the respondent are members of the university community, regardless of whether the event occurred on campus, off campus, or using social media or other electronic media. Support will also be made available under this policy to complainants regardless of whether the respondent is a member of the university community.

The university does not have the jurisdiction to address allegations made against a person who is not a member of the university community. However, in the event of such allegations, the university will provide support to complainants who are members of the university community and may be able to take measures such as restricting access to campus by the person against whom allegations are made.

5. DEFINITIONS

Sexual assault: Any type or form of unwanted sexual contact without mutual consent done by one person to another that violates the sexual integrity of the survivor and involves any form of unwanted sexual activity, including but not limited to, kissing, touching, groping, fondling, oral sex and vaginal or anal intercourse. Sexual assault is characterized by a broad range of behaviors that may include, but are not limited to, the use of force, threats, or control towards a person which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented, or is incapable of consenting. A sexual assault can involve situations where sexual activity is obtained by someone abusing a position of trust, power or authority.

Sexual harassment: One or a series of comments, behaviors, communications, or conduct of a gender-related or sexual nature that is/are known or ought reasonably to be known to be

unwelcome, offensive, intimidating, hostile or inappropriate. This includes behavior conducted in whole or in part through electronic means, such as email, web postings, text messaging, and other forms of electronic behavior. Examples include, but are not limited to, gestures, remarks, jokes, slurs, taunting, innuendo, graffiti/songs/chants, non-consensual posting of pictures/videos, aggressive comments and slurs on any form of social media or otherwise, verbal assault, unwanted physical contact, invitations, leering, the display of sexually offensive material, sexual solicitation, advances or demands, unwanted attention, implied or express promise of reward or benefit in return for sexual favors. Sexual harassment also includes a reprisal or a threat of reprisal for the rejection of sexual solicitation or advance, where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

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, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

Consent: The voluntary and explicit agreement to engage in the sexual activity in question. Consenting to one kind of sexual act does not mean that consent is given for another sexual act or kind of activity. Consent is the act of willingly agreeing to engage in specific sexual behavior, and requires that a person is able to freely choose between two options: yes and no. Consent is positive, active and ongoing, and can be revoked at any time. This means that there must be an understandable exchange of affirmative words, which indicates a willingness to participate in mutually agreed-upon sexual activity. It is also imperative that everyone understands the following:

- Silence or non-communication may never be interpreted as consent and a person in a state of diminished judgment cannot consent.
- A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.
- A person who has been threatened or coerced (i.e., is not agreeing voluntarily) into engaging in sexual activity is not consenting to it.
- A person who is drugged is unable to consent.
- A person is unable to give consent when incapacitated by the use of alcohol and/or drugs.
- A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual act(s).
- The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.
- A person can withdraw consent at any time during the course of a sexual encounter.

- A person is incapable of giving consent to a person in a position of trust, power or authority, such as, a faculty member initiating a relationship with a student who they teach or an administrator in a relationship with anyone who reports to that position.
- Consent cannot be given on behalf of another person.
- It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.
- Note: As per the Criminal Code of Canada it is not a defence to an allegation of sexual violence that the respondent believed that the complainant consented to the activity that forms the subject matter of the complaint, where (a) the respondent's belief arose from the respondent's (i) self-induced intoxication; or (ii) recklessness or willful blindness; or (b) the respondent did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting.

Disclosure: When someone affected by sexual violence informs a university community member about an incident of sexual violence on or off campus. A disclosure is distinct from a report or formal complaint.

Employees: Persons who are on the university's payroll and work for or provide services to the university on a permanent, contract, full-time or part-time basis, whether unionized (belonging to a bargaining unit) or not, including administration, faculty and staff.

Formal complaint: When a survivor of sexual violence requests campus security to formally investigate and resolve a complaint of sexual violence.

Member of the university community: Any employee, member of the Board of Governors, student, contractor, supplier of service, individual directly connected to any IBU initiative, volunteer, and visitor.

Report: When someone affected by sexual violence, or a witness or a community member that has received a disclosure, reports the incident to campus security.

Reprisal: Any harassment, intimidation, discipline, demotion, or termination or threat to do so with the intent to compel a university community member to abstain from filing a complaint, disclosing, or reporting an incident of sexual violence or to retaliate against a university community member who has filed a complaint, disclosed, or reported such an incident or who is suspected of doing so.

Student: An individual who has been issued a student number from the university. They may be in the application stage or admitted, formerly enrolled, or registered in either a full-time or part-time course, either credit or non-credit, at the university, including when on a work placement that is part of their academic program, or when active in a program but not currently enrolled in classes. This also includes an individual who was enrolled in a course or program when an alleged incident occurred. In this case

the individual is deemed a student for the purpose of the investigation until the complaint and appeal processes have been completed.

Survivor: Someone who has experienced sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term “victim”. We use the term “survivor” throughout this policy where relevant because someone who has experienced sexual violence may believe they have overcome the violent experience and do not wish to identify with victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.

Acquaintance sexual assault: Sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance. See main definition of sexual assault.

Age of consent for sexual activity: The age at which a person can legally consent to sexual activity. In Canada, children under 12 can never legally consent to sexual acts. Sixteen is the legal age of consent for sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. Twelve and 13 years-old can consent to have sex with other youth who are less than 2 years older than themselves. Youth who are 14 and 15 years old may consent to sexual involvement that is mutual with a person who is less than 5 years older. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

Coercion: In the context of sexual violence, coercion 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.

Cyber sexual violence: Any act that includes but is not limited to knowingly publishing, distributing, transmitting, selling, making available or advertising an intimate image of a person, without obtaining that person’s express consent to that conduct. An intimate image includes but is not limited to a visual recording of a person made by any means, including a photographic, digital or video recording in which the person is nude, exposing their genital organs, anal region or breasts, or is engaged in sexual activity. For the purpose of this policy, sexual violence includes cyber sexual violence.

Cyber sexual harassment: Includes but is not limited to sexual harassment conducted in whole or in part through electronic means, such as email, web postings, text messaging, and other forms of electronic behavior. For the purpose of this policy sexual harassment includes cyber sexual harassment.

Gender-based harassment: Includes but is not limited to engaging in a course of vexatious comment or conduct related to a person’s sex, gender, sexual orientation, gender identity or gender expression that is known or ought reasonably to be known to be unwelcome.

Drug-facilitated sexual assault: The use of alcohol and/or drugs (prescription or non-prescription) by a perpetrator to control, overpower or subdue a person for purposes of sexual assault. See main definition of sexual assault.

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.

Stalking: A form of harassment that involves behaviors that occur on more than one occasion, and which collectively instill fear in the victim or threaten the victim/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; sending unsolicited gifts; "creeping" via social media/cyber- stalking; and uttering threats.

Non-adjudicative resolution: This term refers to a resolution of the matters alleged in a report that is agreed to by both the complainant and the respondent.

6. POLICY

This policy must be read in conjunction with the Sexual Violence Procedures. Only a summary is provided below.

6.1 REPORTING AND RESPONDING TO SEXUAL VIOLENCE AND SEXUAL ASSAULT

- Any member of the University community may report a sexual violence complaint. An allegation of sexual violence may be reported anonymously or by someone other than the complainant.
- All University employees (who are not employed by the University as health care providers) have a duty to and must immediately report incidents of sexual violence involving a member of the University community they witness or have knowledge of, or when they have reason to believe that sexual violence has occurred or may occur.
- Members of the University community who have experienced sexual violence are encouraged to come forward to report as soon as they are able to do so as per the University's Sexual Violence Procedures.
- A disclosure is not the same as a report and may not initiate an investigation process. An individual affected by sexual violence may make a disclosure and choose not to report or may report at a later date.

- All employees of the University in a position of authority, including teaching and support staff, administrators, and other employees directing the activities of others, shall take immediate action to respond to or to prevent sexual violence from occurring.
- When the University becomes aware of incidents of sexual violence that pose a risk to the safety of members of the University community, the University shall take all reasonable steps to ensure the safety of the University community.

6.2 COMPLAINTS AND INVESTIGATIONS

A complaint of sexual violence can be filed under this policy by any member of the University community. The Sexual Violence Procedures set out further details respecting the complaint and report process and the handling of investigations.

The University will seek to provide procedural fairness to both complainants and respondents in dealing with all complaints, as outlined in the Sexual Violence Procedures, the Harassment and Discrimination Prevention Procedures, and the Violent and Criminal Incident Response Procedures.

A complainant has the right to withdraw a complaint or choose not to participate in an investigation at any stage of the process. However, the University may continue to act on the issue identified in the complaint in order to comply with its obligation under this policy and/or its legal obligations.

All members of the University community who have witnessed or have knowledge of sexual violence have a duty to cooperate with a University investigation.

6.3 PROTECTION FROM REPRISALS, RETALIATION, OR THREATS

It is contrary to this policy for anyone to retaliate, engage in reprisals, or threaten to retaliate against a complainant or other individual(s) for:

- Having pursued rights under this policy or other related University policies, procedures, or regulations/laws;
- Having participated or cooperated in an investigation under this policy or other related University policies, procedures, or regulations/laws;
- Having been associated with someone who has pursued rights under this policy or other related University policies, procedures, or regulations/laws.

The University takes reasonable steps to protect persons from reprisal, retaliation, and threats. This may include directing individuals in writing to refrain from engaging in reprisal, retaliation, or threatening retaliation, and sanctioning individuals for a breach of this duty.

The University may also address the potential for reprisal by providing accommodation appropriate in the circumstances.

6.4 UNSUBSTANTIATED OR VEXATIOUS COMPLAINTS

If a person, in good faith, discloses or files a sexual violence or sexual assault complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed.

Disclosures or complaints that are found, following investigation, to be frivolous, vexatious, or made in bad faith—that is, made to purposely annoy, embarrass, or harm the respondent—may result in sanctions and/or discipline against the complainant.

6.5 PRINCIPLES RESPECTING PROCESS

- The University is committed to the provision of a fair process for all parties that respects due process and procedural fairness.
- The University is committed to reducing barriers to disclosure and reporting of incidents of sexual violence. In this regard, complainants will not be asked to repeat their accounts more than is necessary for the implementation of this policy.
- The University process will appropriately accommodate the needs of members of the University community who are affected by sexual violence.
- The University will not tolerate retaliation, through any means including social or other electronic media, against anyone who discloses or reports an incident of sexual violence or who participates in a University process addressing allegations of sexual violence.
- Confidential counselling and support will be made available as quickly as practicable to any member of the University community who experiences an incident of sexual violence.
- The University will respond to disclosures and/or reports of sexual violence fairly and expeditiously.

6.6 CONFIDENTIALITY

The University will treat disclosures and reports of an incident of sexual violence in a confidential manner in accordance with the Freedom of Information and Protection of Privacy Act.

Confidentiality is particularly important to those who have disclosed sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed. The University will restrict routine access to information to individuals with a need to know and will provide education and training to those involved in administering reports and complaints.

The University will limit sharing of information to those within the University who need the information for the purposes of implementing this policy, including providing accommodation, interim conditions and measures, investigation, decision-making, and corrective action. Where a complainant wishes to make a report, fairness to the respondent will require disclosure of the complainant's identity and the material allegations being made.

Confidentiality cannot be assured in the following circumstances:

- An individual is at imminent risk of self-harm;
- An individual is at imminent risk of harming another;
- There are reasonable grounds to believe that others in the University or wider community may be at risk of harm; or
- Reporting or investigation is required by law (including, but not limited to, incidents involving a minor or obligations under occupational health and safety or human rights legislation).

In such circumstances, information will be shared only with necessary services to prevent harm, and the name of the survivor will not be released publicly.

Where the University becomes aware of an allegation of sexual violence by a member of the University community against another member of the University community, the University may have an obligation to act in order to comply with its legal and policy obligations. In

such cases, certain University administrators will be informed on a need-to-know and confidential basis, but not necessarily of the identities of the persons involved.

6.7 MONITORING AND REVIEW

An annual report shall be provided to the IBU Board of Governors and submitted to the Ministry of Colleges and Universities (MCU). The report shall include:

- The number of times support, services, and accommodations related to sexual violence are requested and obtained by employees and students enrolled at IBU, and information about those supports, services, and accommodations;
- Initiatives and programs established to promote awareness of available supports and services;
- The number of incidents and complaints of sexual violence reported by students, and information about those incidents and complaints;
- The implementation and effectiveness of this policy.

This report shall not include personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act, including survivor, respondent, or witness information.

7. ROLES AND RESPONSIBILITIES

7.1 BOARD OF GOVERNORS

The Board of Governors is responsible for institutional oversight of this policy and shall:

- Receive the annual report on sexual violence as required under this policy.
- Ensure that the University complies with its statutory reporting obligations to the Ministry of Colleges and Universities (MCU).
- Ensure that this policy is reviewed and amended as required and at a minimum of every three (3) years

7.2 UNIVERSITY ADMINISTRATION

The University administration is responsible for:

- Ensuring the implementation, administration, and enforcement of this policy and the associated Sexual Violence Procedures.
- Taking all reasonable steps to ensure the safety of members of the University community when incidents of sexual violence pose a risk.
- Ensuring coordination and communication among departments involved in responding to sexual violence.
- Providing appropriate education, training, prevention initiatives, and public awareness activities related to sexual violence.
- Ensuring investigations and decision-making processes are conducted fairly, expeditiously, and in accordance with due process.
- Limiting access to information on a need-to-know basis and ensuring compliance with confidentiality obligations under the Freedom of Information and Protection of Privacy Act.

7.3 EMPLOYEES OF THE UNIVERSITY

All University employees:

Have a duty to immediately report incidents of sexual violence involving a member of the University community that they witness, have knowledge of, or have reason to believe has occurred or may occur.

- Employees in positions of authority, including teaching and support staff, administrators, and others directing the activities of others, shall take immediate action to respond to or to prevent sexual violence from occurring.
- Must cooperate fully with University investigations into incidents of sexual violence.
- Must not engage in retaliation, reprisals, or threats against complainants, respondents, or others involved in reporting or investigation processes.

7.4 MEMBERS OF THE UNIVERSITY COMMUNITY

All members of the University community, including students, faculty, staff, contractors, consultants, volunteers, and visitors:

- May report incidents of sexual violence, including anonymously or on behalf of another person.

- Are encouraged to report incidents of sexual violence as soon as they are able to do so.
- Have a duty to cooperate with University investigations where they have witnessed or have knowledge of sexual violence.
- Must not engage in retaliation, intimidation, or reprisal against individuals who disclose, report, or participate in processes under this policy.

7.5 COMPLAINANTS (SURVIVORS)

Any person affected by sexual violence has the right to:

- Be treated with dignity and respect.
- Be believed when they seek support.
- Be informed about on- and off-campus services and resources.
- Decide whether or not to access available services and to choose those services they feel will be most beneficial.
- Decide whether to report to the University and/or local police.
- Have an on-campus investigation with the University's full cooperation.
- Have a safety plan.
- Have reasonable and necessary actions taken to prevent further unwanted contact with the respondent(s).

A complainant also has the right to withdraw a complaint or choose not to participate in an investigation at any stage, subject to the University's legal obligations.

7.6 RESPONDENTS

Respondents are entitled to:

- Procedural fairness and due process during investigations and decision-making processes.
- Confidentiality in accordance with applicable legislation and University policy.

Respondents are required to:

- Cooperate with University investigations.
- Refrain from retaliation, reprisal, or threats toward complainants or others involved in the process.

7.7 INVESTIGATORS AND DECISION-MAKERS

Individuals responsible for investigation and decision-making under this policy must:

- Conduct investigations fairly, expeditiously, and in accordance with University procedures and applicable laws.
- Ensure procedural fairness for all parties.
- Limit the sharing of information to what is necessary for investigation, accommodation, and decision-making.
- Act in compliance with the Freedom of Information and Protection of Privacy Act and other applicable legislation.

8. REVIEW

This policy and the related procedures shall be reviewed and amended as required to ensure continued effectiveness, legal compliance, and alignment with institutional obligations.

At a minimum, this policy shall be reviewed **every three (3) years**, or earlier if required by:

- Legislative or regulatory changes
- Directions from the Ministry of Colleges and Universities (MCU)
- Identified gaps arising from implementation, reporting, or monitoring activities

The review process shall consider:

- Trends and findings from annual reporting
- The effectiveness of prevention, response, and support measures
- Feedback arising from the application of this policy and associated procedures

Any amendments to this policy require approval through the Board of Governors and their related governance processes of the University.

9. COMPLIANCE PROCEDURES

All reported incidents of sexual violence will be investigated in a manner that ensures due process as per the Sexual Violence Procedures and the Harassment and Discrimination Prevention Procedures.

The university will seek to provide procedural fairness to both complainants and respondents in dealing with all complaints as outlined in the Sexual Violence Procedures, Harassment and Discrimination Prevention Procedures, and Violent and Criminal Incident Response Procedures.

Compliance with this policy is mandatory for all members of the university community.

All reported incidents of sexual violence shall be addressed in accordance with this policy and the accompanying Sexual Violence Procedures, as well as any other applicable institutional procedures, including but not limited to:

- Harassment and Discrimination Prevention Procedures
- Violence Prevention Policy
- Violent and Criminal Incident Response Procedures

9.1 DUTY TO REPORT AND COOPERATE

- Any member of the university community may report an incident of sexual violence.
- Allegations of sexual violence may be reported anonymously or by a person other than the complainant.
- All university employees (excluding those employed as health care providers) have a duty to immediately report incidents of sexual violence involving a member of the university community that they witness, become aware of, or reasonably believe may have occurred or may occur.
- All members of the university community who have witnessed or have knowledge of sexual violence have a duty to cooperate with a university investigation.

9.2 DISCLOSURE VERSUS REPORT

- A disclosure of sexual violence is not the same as a report and may not initiate an investigation.
- An individual affected by sexual violence may choose to make a disclosure without filing a report, may choose not to report, or may report at a later time.

9.3 INVESTIGATIONS AND PROCEDURAL FAIRNESS

- Investigations shall be conducted in a manner that ensures procedural fairness and due process for both complainants and respondents.
- Investigations shall be carried out in accordance with the Sexual Violence Procedures and other applicable institutional procedures.

A complainant has the right to withdraw a complaint or choose not to participate in an investigation at any stage. However, the university may continue to act on the matter where required to fulfill its legal or institutional obligations.

9.4 PROTECTION FROM REPRISALS

- Retaliation, reprisal, or threats of reprisal against any individual who discloses, reports, participates in, or cooperates with a process under this policy is strictly prohibited.
- The university shall take reasonable steps to protect individuals from retaliation, including issuing written directives and imposing sanctions where appropriate.
- Where necessary, appropriate accommodations may be implemented to mitigate risks of reprisal.

9.5 UNSUBSTANTIATED OR BAD FAITH COMPLAINTS

- Complaints made in good faith that are not supported by evidence following investigation shall be dismissed and shall not, in and of themselves, result in sanctions.
- Complaints found to be frivolous, vexatious, or made in bad faith may result in sanctions or disciplinary action against the complainant.

9.6 CONFIDENTIALITY AND INFORMATION SHARING

- Disclosures and reports of sexual violence shall be treated confidentially in accordance with the Freedom of Information and Protection of Privacy Act.
- Confidentiality is particularly important to those who have disclosed sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed, and the university does its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses by restricting routine access to information to individuals with a need for such access and by providing education and training to those who are regularly involved in the administration of reports and complaints.
- The university will limit sharing of information to those within the university who need to know the information for the purposes of implementing this policy, including providing accommodation, interim conditions and interim measures, and

the investigation and decision-making processes; and taking corrective action resulting from those processes. For example, where a complainant wishes to make a report, fairness to the respondent will require disclosure of the complainant's identity and the material allegations being made.

However, confidentiality cannot be assured in the following circumstances:

- an individual is at imminent risk of self-harm;
- an individual is at imminent risk of harming another;
- there are reasonable grounds to believe that others in the university or wider community may be at risk of harm; or,
- reporting or investigation is required by law (for example, but not limited to, an incident involving a minor, or obligations related to occupational health and safety or to human rights legislation).

In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the survivor would not be released to the public. Where the university becomes aware of an allegation of sexual violence by a member of the university community against another member of the university community, the university may also have an obligation to take steps to ensure that the matter is dealt with in order to comply with the university's legal obligation and/or its policies to investigate such allegations. In such cases, certain university administrators will be informed about the reported incident on a "need to know" and confidential basis, but not necessarily of the identities of the persons involved.

10. EVALUATION AND QUALITY ASSURANCE

The University is committed to ongoing evaluation and quality assurance of its response to sexual violence to ensure effectiveness, accountability, and continuous improvement.

10.1 MONITORING AND INSTITUTIONAL OVERSIGHT

The University shall monitor the implementation and effectiveness of this policy and the associated Sexual Violence Procedures on an ongoing basis to ensure alignment with legal obligations, best practices, and institutional commitments.

10.2 ANNUAL REPORTING

An annual report shall be prepared and provided to the IBU Board of Governors and submitted to the Ministry of Colleges and Universities (MCU). The report shall include aggregated, non-identifying information on:

- The number of times supports, services, and accommodations related to sexual violence are requested and accessed by employees and students enrolled at IBU
- Information about the types of supports, services, and accommodations provided
- Initiatives and programs established by the University to promote awareness of available supports and services
- The number of incidents and complaints of sexual violence reported by students, and information about those incidents and complaints
- An assessment of the implementation and effectiveness of this policy

The annual report shall not include personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act, including information that could identify survivors, respondents, or witnesses.

10.3 POLICY REVIEW AND CONTINUOUS IMPROVEMENT

This policy, together with its related procedures, shall be reviewed and amended as required, and at a minimum every three (3) years, to ensure:

- Continued compliance with applicable legislation and regulatory requirements
- Responsiveness to emerging best practices in sexual violence prevention and response
- Ongoing effectiveness in supporting members of the university community
- Alignment with institutional values, risk management, and governance expectations

Findings from monitoring activities, annual reporting, and policy reviews shall inform revisions and enhancements to the policy framework.

11. RELATED DOCUMENTS

- Sexual Violence Procedures
- Harassment and Discrimination Prevention Policy and Procedures
- Violence Prevention Policy
- Violent and Criminal Incident Response Procedures
- Freedom of Information and Protection of Privacy Act

- Ontario Human Rights Code
- Criminal Code of Canada