



# ISU POLICY AGAINST DISCRIMINATION, HARASSMENT & SEXUAL VIOLENCE

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## I. DEFINITIONS

The following definitions are intended to assist in the interpretation of this policy and are listed in alphabetical order.

### A. KEY TERMS AND CONCEPTS

<b>Applicable Law</b>	The laws of the state or country in which the ISU program is located, as well as the laws, policies, rules, or regulations of the host country for ISU’s SSP, SHSSP, Executive Space Course, or other off-campus programs.
<b>Complainant</b>	A member of the University Community who has disclosed or reported an incident of discrimination, harassment, or sexual violence experienced by that person.
<b>Conflict of Interest</b>	For the purposes of this policy, conflict of interest means that a report of discrimination, harassment, or sexual violence should not be handled by someone whose position of professional responsibility, (a) gives them direct power or influence over the person who has been subjected to or who has witnessed an incident of harassment; and/or (b) may give them either a personal or professional interest in the outcome of the decision-making process in a harassment investigation. All reports should be passed along to appropriate authorities within the ISU system. Conflict of interest also applies to the selection of the ISU Designated Contact Person and Investigation Board (as defined in Sections VII and VIII).
<b>Consent</b>	<p>The voluntary agreement of a person to engage in a sexual act. Consent is positive, active and ongoing, and can be revoked at any time. Consenting to one kind of sexual act does not mean that consent is given for another sexual act or kind of activity. Consent is NOT obtained where a person is incapable of consenting – for example due to intoxication, or where a person is induced to engage in the activity by someone abusing a position of trust, power, or authority.</p> <p>It is not a defense 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.</p>
<b>Disclosure</b>	Disclosure occurs when a person shares information with a member of the University Community about an incident of discrimination, harassment, or sexual violence experienced by that person.
<b>Medical Condition</b>	A health impairment resulting from a disease or injury, including a psychiatric disease, relating to a diagnosis, record, or history of cancer, or genetic characteristics. This includes physical disabilities and mental disabilities.
<b>Member(s) of the University (ISU) Community</b>	Includes students, program participants, faculty, visiting faculty/lecturers, librarians, staff, alumni, volunteers, visitors, and all employees of the International Space University. For clarity, faculty includes Central Campus faculty and global faculty (full, adjunct, associate, and emeriti). When used in reference to this policy, the term also includes contractors and members of the Board of Governors and Board of Trustees of the University.

	The term applies to collaborators with and without financial contracts, such as host personnel and supervisors of unpaid student internships or local host site staff and local organizing committees of ISU programs (refer to Section III, Article 12).
<b>Mental Disability</b>	Any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder.
<b>Non-adjudicative Resolution</b>	Refers to a resolution of the matters alleged in a report that is agreed to by both the Complainant and the Respondent.
<b>Physical Disability</b>	Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness. This includes, but is not limited to, epilepsy; diabetes; allergies; asthma; cardiopulmonary conditions; visual, hearing and speech impediments; paralysis; amputation; lack of physical coordination; and physical reliance on a guide dog, service dog, or wheelchair or other remedial appliance or device.
<b>Reporting</b>	The sharing of information by a person with a designated member of the University Community regarding an incident of discrimination, harassment, or sexual violence experienced by that person, with the intention of initiating one of the processes set out in this policy, which could result in disciplinary action being taken against the member of the University Community alleged to have committed discrimination, harassment, or sexual violence.
<b>Respondent</b>	Someone against whom an allegation of discrimination, harassment, or sexual violence has been made.

## B. DISCRIMINATION

<b>Discrimination</b>	Discrimination is the act of making unjustified distinctions between people based on the groups, classes, or other categories to which they belong or are perceived to belong. People may be discriminated on the basis of race, gender, age, religion, disability, or sexual orientation, as well as other categories.
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## C. HARASSMENT

<b>Cyber Harassment</b>	<p>Includes but is not limited to harassment conducted in whole or in part through electronic means, such as email, web postings, text messaging, and other forms of electronic behavior. Any unwelcome, discriminating, intimidating, or offensive use of the internet or social media including, but not limited to, (a) any form of verbal communication (messages, posts, tweets, etc.), and (b) any visual materials (pictures, posters, illustrations, videos, etc.) occurring in the following electronic communications networks: collaborative and teamwork online platforms (e.g., MS Teams); video-conferencing platforms; email; social media platforms; instant messaging apps; chat rooms; blogging platforms; comments sections (such as found on digital news platforms, personal blogs, YouTube pages, Amazon book reviews, etc.); and online polls. For the purpose of this policy, Harassment includes Cyber Harassment.</p> <p>Examples of cyber harassment include, but are not limited to, verbal conduct, such as sending offensive personal or group messages; unwelcome sensitive</p>
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	<p>content of any nature; derogatory comments, slurs, jokes or stories; creating offensive nicknames, chats or groups; sharing of another’s personal information or forwarding of private messages without one’s consent; visual conduct, such as derogatory pictures, posters, cartoons, drawings, videos or gifs. The various common terms for these behaviors include, but are not limited to cyberstalking; message bombing; online impersonation; hateful speech; sharing of non-consensual intimate images and videos; doxing; trolling; initiation of the cyber-mob attacks; as well as unreasonable exclusion from online communities, activities, or groups.</p>
<b>Harassment</b>	<p>Any unwanted, unwelcomed, or uninvited physical or verbal behavior that annoys, threatens, intimidates, demeans, humiliates, alarms, or puts a person in fear of their safety. Harassing behavior may include, but is not limited to, epithets, derogatory comments or slurs and lewd propositions, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Although harassment is often a behavior that persists over time, serious one-time incidents can also be considered to be harassment.</p> <p>Harassment directed at a person may take many forms. Examples include, but are not limited to verbal conduct, such as epithets, derogatory comments, or slurs; visual conduct, such as derogatory posters, cartoons, drawings, or gestures; or physical conduct, such as assault, impeding or blocking movement, or physical interference with normal work or movement. Such conduct may constitute harassment if witnessed or overheard by another person, even if the conduct is not directed at that person, and even if that person is not a member of the protected group (refer to Section 8 under Statement of Commitment) at which the conduct is directed.</p>
<b>Psychological Harassment</b>	<p>Actions that aim at or have the effect of worsening someone’s working or learning conditions, are likely to infringe their rights or dignity, alter their physical or mental health, or compromise their promotion.</p>
<b>Sexual Harassment</b>	<p>Any unwelcome verbal and/or non-verbal behavior of a sexual nature that either infringes someone’s dignity because of its degrading or humiliating nature, or creates an intimidating, hostile or offensive situation. Any serious pressure, even non-repetitive, with the virtual or real aim to obtain an act of a sexual nature, whether the sexual act is sought for themselves or for a third party, is treated as sexual harassment.</p>
<b>This Gender-based Harassment</b>	<p>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.</p>

## D. VIOLENCE

<b>Cyber Sexual Violence</b>	Includes but is not limited to knowingly publishing, distributing, transmitting, selling, making available or advertising an intimate image of a person, knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their 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 and/or engaged in sexual activity. For the purpose of this policy, sexual violence includes cyber sexual violence.
<b>Sexual Assault</b>	Any form of sexual contact without a person's consent, including the threat of sexual contact without consent. A sexual assault can range from unwanted sexual touching to forced sexual intercourse; and a sexual assault can involve situations where sexual activity is obtained by someone abusing a position of trust, power, or authority. Sexual assault is included under the broader term of sexual violence.
<b>Sexual Violence</b>	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.
<b>Violence</b>	The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation.

## II. STATEMENT OF COMMITMENT OF ISU

1. The International Space University (ISU) is committed to providing a workplace and academic environment free from discrimination, harassment, and sexual violence. All members of the ISU community shall have the ability to study, work, and live in a campus environment free from discrimination, harassment, and sexual violence. In keeping with this commitment, ISU strictly prohibits all forms of discrimination, harassment, and sexual violence, including behavior by words or conduct of bias or prejudice based upon a person's protected characteristic(s).
2. Sexual violence is a serious issue that undermines the health, well-being, and security of persons, communities, and society. Addressing the causes and consequences of sexual violence requires the deliberate and collective efforts of governments, institutions, and citizens.
3. Harassment of employees by supervisors, subordinate employees, and coworkers is strictly prohibited. ISU also prohibits harassment of employees by non-employees, as well as harassment by or of members of the University Community, including program participants, students, ISU faculty (including adjunct, associate, and emeritus), teaching assistants, visiting lecturers, agency personnel, sponsors, or other visitors involved in ISU program activities or events.
4. ISU is committed to making available programs and resources to educate its community on the prevention of and response to discrimination, harassment, and sexual violence.

5. ISU is committed to responding to and addressing incidents and complaints of discrimination, harassment, and sexual violence involving its participants, students, staff, and faculty, and to ensuring that those members of the community who are affected receive support.
6. ISU recognizes that discrimination, harassment, and sexual violence can occur between persons regardless of sex, sexual orientation, gender, gender identity or expression, or relationship status.
7. ISU recognizes the intersection of harassment and sexual violence. ISU recognizes that persons from historically marginalized communities may be disproportionately affected by discrimination, harassment, and sexual violence.
8. ISU prohibits any unwelcome verbal and non-verbal behavior that is severe or pervasive and that is directed at any person because of their race, sex (including pregnancy, childbirth, and related medical conditions), ancestry, national origin, disability, age, sexual orientation/preference, ethnicity, marital status, family responsibility, political affiliation, language, creed, religious belief, religious association or activities, physical handicap, color, socioeconomic status, gender, gender identity, and gender expression – actual or perceived. This prohibition applies regardless of whether that conduct rises to the level of severity required for a violation of applicable law in the jurisdiction where the conduct has occurred.
9. Discrimination, harassment, and sexual violence can be committed against any person and is an issue that requires an inclusive response. ISU 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, ISU recognizes that those whose gender identity or gender expression does not conform to historical gender norms are also at increased risk of discrimination, harassment, and sexual violence.
10. ISU recognizes that persons who have experienced discrimination, harassment, or sexual violence experience a range of effects that can profoundly affect their lives.

### III. APPLICATION AND SCOPE

11. This policy applies to all members of the University Community. It includes all persons involved in the organization of programs delivered by ISU as well as all participants in these programs. The University Community includes, but is not limited to, students, non-ISU staff, volunteers (Chairs, Teaching Associates, etc.), and faculty, as defined in Section I.

The Central Campus staff employed by ISU belong to the University Community. However, they have a contract of employment with ISU subject to French law. Consequently, although the principles of this policy apply to them and the organization, any procedure involving them as Complainant or Respondent will be subject to French law.

12. This policy is applicable at locations and sites with ISU jurisdiction. Hosts and institutions providing support to ISU staff, faculty, lecturers and students in the execution of ISU programs may have their own anti-harassment policies and procedures which may supersede ISU's policy. Nevertheless, ISU will always provide, at a minimum, a Designated Contact Person and may opt to execute an investigation according to the disclosure and reporting processes defined in this policy.
13. All members of the University Community will be offered support with respect to issues of discrimination, harassment, and sexual violence, regardless of their role in the University or the role of the person against whom an allegation is made.

14. This policy relies on a centralized system of reporting, investigation, and decision-making for complaints of discrimination, harassment, and sexual violence 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 ISU programs and centralized services.
15. The reporting procedure and the processes it initiates apply to all incidents of discrimination, harassment, and 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 by using social media or other electronic media (also refer to Section 50). Any support under this policy available to Complainants are made regardless of whether the Respondent is a member of the University Community.
16. Any member of the University Community who is found to have violated this policy shall be subject to disciplinary action up to and including immediate termination of their current contract, removal from an ISU program, and/or prosecution in the appropriate court of law.

## IV. EDUCATION, SUPPORT, AND RESOURCES

17. The University provides support to members of the University Community who have experienced harassment or sexual assault and to those who receive a disclosure or report of an incident of discrimination, harassment, or sexual violence.
18. The University provides discrimination, harassment, and sexual violence education and prevention education for all members of the University Community, including training on this policy and awareness programs about harassment, sexual violence, and personal safety.
19. As practicable, the University provides education and training on this policy to members of the University Community who are likely to receive disclosures or reports to support those who disclose with dignity and compassion and to inform them of their options in a safe and supportive manner.
20. The University provides support to members of the University Community who have had an allegation of discrimination, harassment, or sexual violence made against them.
21. Questions about this policy are to be directed as follows:
  - a) Master's and ISP Programs: The ISU Designated Contact for reports, and ISU Human Resources Office.
  - b) SSP and SHSSP Programs, and Executive Space Courses: The ISU Designated Contact for reports, and the Host Site Designated Contact for reports.

The responsibilities of the ISU Designated Contact is defined in Section VII. It is recommended to have multiple ISU Designated Contacts in a program to provide multiple points of access and to manage situations where there may be potential conflicts of interest.

22. The ISU Human Resources and Legal Manager maintains a record of Designated Contacts for each program and a confidential register with the facts reported under this policy and the follow-up actions taken.

## V. PRINCIPLES RESPECTING PROCESS

23. A person who has made a disclosure and/or a report of discrimination, harassment, or sexual violence has autonomy in decision-making, and in particular with respect to whom to disclose; whether to report; whether to pursue recourse to the criminal or civil justice systems; and whether to access support and accommodations as described in “Education, Support, and Resources” (Section IV).
24. The University is committed to the provision of a fair process for all parties and one that respects due process and procedural fairness. The University will respond to disclosures and/or reports of discrimination, harassment, and sexual violence fairly and expeditiously.
25. The University is committed to reducing barriers to disclosure and reporting of incidents of discrimination, harassment, and sexual violence. In that regard, Complainants will not be asked to repeat their accounts more than is necessary for the implementation of this policy.
26. The University process will accommodate the needs of members of the University Community who are affected by discrimination, harassment, or sexual violence.
27. The University will not tolerate any retaliation through any means, including through social or other electronic media against anyone who discloses or reports an incident of discrimination, harassment, or sexual violence, or who participates in a University process that is addressing allegations of discrimination, harassment, or sexual violence against a member of the University Community.
28. Confidential counselling and support will be made available as quickly as practicable to any member of the University Community who experiences an incident of discrimination, harassment, or sexual violence in the scope of this policy.

## VI. CONFIDENTIALITY AND PRIVACY

29. The University will treat disclosures and reports of an incident of discrimination, harassment, or sexual violence in a confidential manner.
30. The University will limit sharing of information within the University to those who need to know the information for the purposes of implementing this policy and/or other relevant university policies, including providing accommodation, interim conditions and interim measures, and the investigation and decision-making processes; and taking corrective action resulting from those processes.
31. Where a Complainant wishes to make a report, fairness to the Respondent may require sharing of the Complainant’s identity and the relevant allegations being made. If this is required, the University will advise a Complainant before it shares this information with the Respondent.
32. Confidentiality cannot be maintained in exceptional circumstances, such as when information needs to be disclosed in order to address a risk to the health and safety of members of the University Community or where the University is obliged by law to disclose the information. For example, confidentiality cannot be maintained where:
  - a) An individual is at risk of imminent and serious harm to themselves or others;
  - b) Members of the University Community may be at risk of harm; and/or

- c) 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).

## VII. DISCLOSURE

- 33. Disclosure and reporting are separate actions that the Complainant can choose to take. Disclosure is the sharing of information by a person with a member of the University Community regarding an incident of discrimination, harassment, or sexual violence experienced by that individual. Reporting is the sharing of information by a person with ISU and in particular, the ISU Designated Contact Person, regarding an incident of discrimination, harassment, or sexual violence experienced by that person, with the intention of initiating one of the processes set out in this policy, which could result in a disciplinary action being taken against the member of the University Community alleged to have committed discrimination, harassment, or sexual violence.
- 34. The University recognizes that a person who has experienced an incident of discrimination, harassment, or sexual violence may require time and reflection before making the decision as to whether or not they wish to make a report of the incident. Notwithstanding those considerations, persons who have experienced an incident of discrimination, harassment, or sexual violence are encouraged to make a disclosure and/or report as soon as they are reasonably able to do so, recognizing that the passage of time may affect the University's ability to address the issues raised by a disclosure or a report.
- 35. A disclosure does not result in a report being made and does not initiate a process to address the incident of discrimination, harassment, or sexual violence. The decision to disclose and the decision to report are separate decisions and are not mutually exclusive and may occur consecutively.
- 36. A disclosure can be made to any member of the University Community. A disclosure may relate to a Respondent who is or is not a member of the University Community.
- 37. The ISU Designated Contact Person is the first point of contact for a member of the University Community affected by an incident of discrimination, harassment, or sexual violence to obtain academic, employment, or other accommodations and services. A member of the University Community who receives a disclosure should inform the Complainant about this policy and direct them to the ISU Designated Contact Person. Refer to Section G on "University's Obligation when Someone Other than the Complainant makes a Report or a Report is made Anonymously".
- 38. The University recognizes that such disclosures are often shared in confidence, that the Complainant may have an expectation of confidentiality, and that in many cases confidentiality is essential for Complainants to come forward. The person to whom the disclosure is made may consult with the ISU Designated Contact Person for advice but except as directed by the Complainant or as indicated by the provisions in Section VI "Confidentiality and Privacy" of this policy, the person is expected to hold such information in confidence.
- 39. Members of the University Community who receive a disclosure of an incident of discrimination, harassment, or sexual violence and who receive the Complainant's permission to do so can provide to the ISU Designated Contact Person the name and contact information of the person who made the disclosure and the date of the disclosure to them for follow-up support and services.

40. The University respects a Complainant's right to choose whether and how to pursue action related to an incident of discrimination, harassment, or sexual violence, subject to the provisions set out in Section VI "Confidentiality and Privacy" of this policy. In particular, when the University is made aware of an incident of discrimination, harassment, or sexual violence that poses a risk to the health and safety of members of the University Community, the University will take steps to maintain their health and safety.
41. As practicable, the University will make support and services, including counselling, access or referrals to medical services, and academic and other accommodations, available to members of the University Community who disclose having been affected by an incident of discrimination, harassment, or sexual violence in the scope of this policy. Support and services will also be made available to members of the University Community who are Respondents as practicable.
42. A Complainant is not required to make a report about an incident of discrimination, harassment, or sexual violence to obtain the services or accommodations referred to in this policy.

## VIII. REPORTING

### A. REPORTING PROCESS

43. ISU and in particular, the ISU Designated Contact Person, are responsible for receiving reports of incidents of discrimination, harassment, or sexual violence involving a member of the University Community in a non-emergency situation.
44. To maintain privacy, a Complainant submitting a report of an incident of discrimination, harassment, or sexual violence may choose to file their report through an ISU Designated Contact Person, whose report will be accepted as documentation of the incident. The Designated Contact(s), for ISU will be appointed for each ISU program by ISU management, while avoiding conflicts of interest.
45. A Complainant should immediately or as soon as reasonable report the facts of the incident or incidents of harassment or sexual assault and the names of the persons involved to the ISU Designated Contact Person, or to the Host Site Designated Contact, if the ISU Designated Contact Person is not available. If neither contact person is available, and if there is no conflict of interest involved, the report may be made to a direct supervisor, a Program Director, or to the ISU Human Resources Office.
46. In an emergency, local campus or municipal emergency services should be the first point of contact. In case of emergency, incidents of sexual violence should be reported to municipal police services and subsequently to ISU. A report can be made at a later date following the incident.
47. Reporting can be initiated in person, by phone, or online. A Complainant can also request that the ISU Designated Contact Person file a report on their behalf. ISU will maintain a confidential database of reports received.
48. The University has the jurisdiction to investigate reports of discrimination, harassment, or sexual violence made against a member of the University Community under this policy.
49. The University does not have the jurisdiction to address allegations made against a person who is not a member of the University Community (also refer to Section 14). However, in the event of such allegations, the University will provide support to Complainants who are members of the University Community (see Section IV entitled "Education, Support, and Resources") and may be

able to take measures such as restricting access to campus by the person against whom allegations are made.

50. A Complainant is not precluded from reporting an incident of discrimination, harassment, or sexual violence to municipal police services if they have reported the incident to the University. A Complainant is not precluded from reporting an incident of discrimination, harassment, or sexual violence to the University if they have reported the incident to municipal police services. A Complainant may choose to report to one or the other, to neither or to both.
51. Once a Complainant has made a report of an incident of discrimination, harassment, or sexual violence to the ISU Designated Contact Person, the Complainant has initiated the University's reporting process. The intention of this policy is for the reporting process and each of its steps to be completed as expeditiously as practicable. There is no requirement that a witness or witnesses must be named before a report of an incident of discrimination, harassment, or sexual violence can be made.
52. Both the Complainant and the Respondent have the right to be accompanied by a support person at any point during the reporting process and subsequent processes under this policy. The support person, whether or not a member of the University Community, is expected to adhere to the provisions outlined in Section VI "Confidentiality and Privacy" of this policy.
53. Confidentiality requirements may change once the Complainant or the University decides to report under this policy. In addition to the provisions outlined in Section VI "Confidentiality and Privacy" of this policy, all members of the University Community who are involved in receiving a report of an incident of discrimination, harassment, or sexual violence or who are involved in addressing or investigating it should treat the matter as discreetly and confidentially as practicable, within the context of their roles in implementing this policy. Information will only be shared to the extent necessary to carry out responsibilities under this policy or as required to provide a fair and impartial process during the investigation and decision-making process.
54. The University will take reasonable steps as described below to protect Complainants and others who participate in a University process that is addressing allegations of discrimination, harassment, or sexual violence from retaliation, including: advising persons in writing of their duty to refrain from committing an act of reprisal, and sanctioning persons for a breach of that duty.
  - a) Any member of the University Community who believes that they have been or are being retaliated against should immediately report such conduct to the ISU Designated Contact Person (for ISU or the Host site, as appropriate). If there is no conflict of interest, the affected person can report the retaliation to their direct supervisor, the Human Resources Office, or the Office of the ISU President, so that a prompt investigation can be conducted.
  - b) Any member of the University Community involved with an ISU program, who is found to have engaged in retaliation related to a report of harassment or sexual assault will be subject to disciplinary action (in accordance with the ISU Code of Conduct and Ethics and ISU Academic Handbook), such as a warning and/or up to and including expulsion from the ISU program or termination of employment, as applicable.
55. Reports or other information must be provided in good faith. It is a violation of this policy when a person knowingly or recklessly alleges a false complaint of discrimination, harassment, and/or related retaliation, or provides false information during the course of an investigation, and violators may be subject to disciplinary action (in accordance with the ISU Code of Conduct and Ethics and ISU Academic Handbook), up to and including expulsion from the ISU program or termination of employment, as applicable. This provision does not apply to reports made or information provided in good faith, even if, at a later date, the facts alleged in the report prove to be unsubstantiated.

56. ISU supports the use of confidential resources so that victims of discrimination, harassment, and/or related retaliation can provide information about such misconduct confidentially and receive support and accommodations as necessary through the ISU Designated Contact Person(s) that will be assigned per ISU program.

## B. UNIVERSITY RESPONSE

57. When the ISU Designated Contact Person receives a report of an incident of discrimination, harassment, or sexual violence, they will take steps to engage as soon as practicable in an intake discussion with the Complainant.

58. At the intake discussion, the ISU Designated Contact Person will provide assistance to the Complainant and will discuss with the Complainant the potential available options. The ISU Designated Contact Person will outline information about available support and services, including information about accommodations, interim conditions and interim measures that may be available to address the immediate situation.

59. The ISU Designated Contact Person together with the Complainant will evaluate the situation and will decide on further actions. Further actions could be (in the order of increasing escalation steps):

- a) Complainant defers action or declines to proceed.
- b) Recommend issue resolution on a personal level between the parties involved.
- c) Setting up a mediation process between the parties involved to try to find one or more mutually acceptable solutions, and implementing these solutions.
- d) Filing a formal report in writing with at least the names of the involved parties and other details, such as the nature, location, and time of the Incident. The report may also include additional available information, such as witness statements and evidence.

60. If a report requires further assessment and investigation, the Complainant may be contacted to supply additional information, regardless of the reporting mechanism.

61. The ISU Designated Contact Person can, on a confidential basis, consult or seek the assistance of other internal personnel or resources of the University for direction, and can consult or seek the assistance of external parties relevant to the particular incident being reported.

62. Some of the options or accommodations that may be made available to the Complainant at the first point of contact following submission of a report include, but are not limited to:

- a) referral to contacts for suitable support, services or resources available within and outside the University and in the municipality
- b) where appropriate, communication with the person said to have engaged in discrimination, harassment, or sexual violence to inform them that the conduct is unwelcome and to note the no-retaliation provisions of this policy
- c) availability of academic accommodation, interim conditions, and interim measures, including those provided for under and in accordance with other University policies such as the ISU Code of Conduct and Ethics, employment agreements, and human resources policies and guidelines:

- i. Examples of such measures for participants or students include separation of the parties, exam or assignment deferral, class and/or schedule changes, and/or housing changes;
    - ii. Examples of such measures for employees include making changes that are not disciplinary but precautionary to avoid contact between parties.
  - d) information about the investigation and decision-making processes that may occur, depending on the role of the Respondent within the University Community.
63. ISU will be responsible for coordinating the implementation of accommodations, interim conditions, and interim measures as expeditiously as practicable, including referrals as appropriate for the purposes of addressing any non-compliance.

## C. ASSESSMENT AND APPOINTMENT OF AN INVESTIGATION BOARD

### a) ASSESSMENT

64. The ISU Designated Point of Contact will assess the report to determine whether the matter falls within the scope of this policy. If it is determined that the matter falls within the scope of this policy, the ISU Dean or designate will be informed about the formal complaint and will decide whether to commence a formal investigation.
65. The Complainant can choose not to request an investigation by the University and has the right not to participate in any investigation that may occur. Where a choice not to participate in an investigation is made, the Complainant will be advised that this may affect the nature of the investigation and the ability to draw conclusions from any investigation report. For further clarity about what will occur in this situation, see the section of this policy entitled “University’s Obligation when a Complainant Requests No Investigation or Chooses Not to Participate.”
66. If the ISU Dean or designate makes the determination that the Report does not appear to fall within the scope of this policy, or decides not to commence an investigation, the Complainant will be notified of this determination. The ISU Dean or designate will also determine whether or not to disclose the fact that allegations were made and any other information to the Respondent.
67. If there is a determination that a report will not be investigated, the Complainant may seek a review of that decision by making a request in writing within 14 days after receiving notice of the decision to the ISU President or designate, who will review the matter and advise the Complainant of their decision in writing.

### b) APPOINTMENT OF AN INVESTIGATION BOARD

68. Once a determination has been made to commence an investigation, the ISU Dean or designate are informed about the formal complaint and will decide on the formation and membership of an official Investigation Board.
69. The Investigation Board will consist of at least three persons with the appropriate skills, training and/or experience, who will be appointed to conduct the investigation. The investigators will either be members of the University Community or external to the University, as appropriate to the circumstances.

70. The Investigation Board will select a Chair. The Investigation Board will review the report and provided evidence to assess that there is sufficient information available to conduct a formal investigation. The Chair will inform the ISU Dean or designate about initiating a formal investigation process, or else defer the case back to the ISU Designated Contact Person for providing additional information or to offer alternate actions for issue resolution, as previously described in the "University Response" section.
71. The ISU Dean or designate will send written notice to the Respondent that an investigation of a report of discrimination, harassment, or sexual violence under this policy is being initiated and provide the name of the Investigation Board Chair. This notice will include the particulars of the incident reported and indicate that the Respondent will have opportunities to respond to the allegations. The notice will indicate that the Respondent has the right to seek legal advice and to bring a support person, including legal counsel, to any meetings during the investigation.

#### D. INVESTIGATION

72. The investigation must be completed in a timely manner, taking into consideration the circumstances of the particular matter including its complexity and the requirements of fairness and due process.
73. The Investigation Board will provide the Respondent with a reasonable opportunity to respond in writing or orally to the allegations. If the response is oral, the Investigation Board should normally confirm the content of the response with the Respondent in writing. If the Respondent does not respond within a reasonable timeframe set by the Investigation Board, or chooses not to participate in the investigation, the Investigation Board may proceed in the absence of their response.
74. The Investigation Board will provide the written particulars of the response from the Respondent, if received, to the Complainant. The Complainant may submit a reply to the response within a reasonable timeframe set by the Investigation Board. If no written reply is received within the time requested, the Investigation Board can proceed in the absence of a reply. The Investigation Board will provide the written particulars of the reply from the Complainant, if received, to the Respondent.
75. The Complainant and Respondent may choose to submit additional information to the Investigation Board, including the names of any potential witnesses.
76. The Investigation Board may choose to conduct interviews with either or all parties at any time during the investigative process at the Investigation Board's discretion or at the request of a party. The Investigation Board may also choose to seek witness information. During the investigation process, University employees and the investigators will not ask the Complainant irrelevant questions, such as those relating to the Complainant's sexual orientation/preference or past sexual history.
77. The Investigation Board will act in a timely, fair, impartial, and professional manner. It will hold meetings and hearings as necessary. The Investigation Board will treat the information gathered during the investigation in a confidential manner in accordance with the requirements of this policy.
78. The Investigation Board will remind persons contacted of the provisions outlined in Section VI "Confidentiality and Privacy" of this policy and keep confidential the personal information of the people contacted.

79. Following the completion of the investigation, the Investigation Board will provide to the ISU Dean or designate a written confidential report containing a summary of the information gathered during the investigation and the findings of fact made based on the balance of probabilities.
80. The ISU Dean or designate decides on possible disciplinary actions and/or sanctions.
81. The ISU Dean or designate will inform the Complainant and the Respondent (and/or their designated representatives) in writing of the results of the investigation, with a reminder as to the provisions outlined in Section VI “Confidentiality and Privacy” of this policy.

## E. DECISION-MAKING AND APPEAL PROCESS

82. In the case of a student, program participant, staff, or faculty Respondent, the investigation report will be reviewed by the ISU Dean or delegate to determine whether or not the matter will be referred for a hearing (in accordance with the ISU Code of Conduct and Ethics and ISU Academic Handbook) to determine whether or not discrimination, harassment, or sexual violence occurred and, if so, the appropriate penalty or remedies.
83. The Respondent will be notified in writing of the decision and any discipline or sanction imposed.
84. A determination that a member of the University Community has committed an act of discrimination, harassment, or sexual violence may result in a number of possible outcomes, including the imposition of education and training, corrective action such as relocation or change of duties or supervision, reprimand, suspension, termination or expulsion, commensurate with the nature of the incident complained of and taking into account all other relevant considerations and in accordance with the applicable University policies and procedures or employment contract.
85. Refer to the ISU Academic Handbook, Chapter V on “Rights and Duties of ISU Faculty, Staff, Students and Participants” for disciplinary actions in case of misconduct or violation of the Code of Conduct and Ethics or policy against discrimination, harassment, and sexual violence.
86. Appeals against the decision of the ISU Dean may be made to the ISU President and Chair of the ISU Board of Trustees. An appeal committee will be formed consisting of three members, including the ISU President or the Chair of the ISU Board of Trustees either as the Chair or a member of the appeal committee. The appeal committee will operate similarly as another Investigation Board and conduct an investigation in line with the processes defined in Section VIII(D).
87. If the Respondent’s relationship to the University ends and that person is no longer a member of the University Community (including alumni, as defined in Section I), the University may choose to suspend the processes under this policy or may continue with the investigation. If the Respondent becomes a member of the University Community again, the University can reinstate the process with notice to the Complainant and Respondent. A leave of absence or any other temporary break from the University does not constitute the end of a relationship with the University for the purposes of this policy.

## F. UNIVERSITY’S OBLIGATION WHEN A COMPLAINANT REQUESTS NO INVESTIGATION OR CHOOSES NOT TO PARTICIPATE

88. The Complainant can choose not to request an investigation by the University and has the right not to participate in any investigation that may occur.

89. If a Complainant requests that the University not investigate or act on their disclosure or report of an incident of discrimination, harassment, or sexual violence, the University will consider that person's request but may decide to proceed, having regard to the health and safety of members of the University Community and its obligations and responsibilities. In such cases, the Complainant has a right to choose not to participate in such an investigation.
90. The Complainant is entitled to receive other support outlined in this policy regardless of whether they decide to request an investigation or choose not to participate in one.
91. If requested by the Complainant, subject to any applicable legal obligations and access to information and privacy legislation, the Complainant will be informed of the outcome of such an investigation.

## G. UNIVERSITY'S OBLIGATION WHEN SOMEONE OTHER THAN THE COMPLAINANT MAKES A REPORT OR A REPORT IS MADE ANONYMOUSLY

92. An allegation of discrimination, harassment, or sexual violence made by someone other than the Complainant can also be reported to the University. However, the University's ability to address the allegation will depend on a number of factors regarding the information available and the Complainant's decision respecting whether or not to participate in a university process.
93. It may transpire that an allegation of discrimination, harassment, or sexual violence is reported to the University anonymously. The University's ability to address the allegation will be dependent on a number of factors, including the information available to substantiate the allegation and to permit a fair process.
94. In such circumstances, the University will determine under the section of this policy entitled "Assessment and Appointment of an Investigation Board."

## IX. REVIEW

95. The University will produce and submit an annual report to the Board of Trustees, which provides aggregate statistical information, without names or personal information, about discrimination, harassment, and sexual violence at the University. This report will be available internally to members of the University Community upon request.
96. The University recognizes that appropriately addressing discrimination, harassment, and sexual violence on campus and in the programs is an evolving issue and that the University will revisit this policy and its associated resources and other related and existing University policies on a regular basis.
97. The University will conduct a review of this policy every three years (or less) that will include consultation with members of the University Community including students, participants, staff, faculty, and alumni, and will amend the policy as appropriate.