



Policy on Prohibition of Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority

Approved by the Directors of the University for Peace at the Session celebrated at UPEACE HQ in San Jose, Costa Rica on April 24, 2024

Section 1: Definitions

1.1 Discrimination is any unfair treatment or arbitrary distinction based on a person's race, sex, sexual orientation, gender identity, religion, nationality, ethnic origin, disability, age, language, social origin, appearance, political opinion, economic background or any other analogous condition for discrimination. Discrimination may be an isolated event, policy, decision, conduct, omission or a series of them affecting one person or a group of persons similarly situated and may manifest itself through harassment or abuse of authority.

1.2 Harassment is any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person.

Harassment may take the form of words, gestures, actions or other conduct which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create an intimidating, hostile or offensive work or study environment and is looking for the aggrieved individual to leave their job or studies or to affect the aggrieved individual's condition for work or study. While typically involving a pattern of behaviour, it can take the form of a single incident, if the gravity and the seriousness of the incident reasonably causes offence or humiliation. Disagreement on work performance is normally not considered harassment and is not dealt with under this policy but under the Staff Manual of the University. Similarly, disagreement on academic performance is not normally considered harassment and is not dealt with under this policy but under the Student Handbook of the University.

1.3 Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work or study, is made a condition of employment, enrolment, or academic performance, or creates an intimidating, hostile or offensive work or study environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of different or same sex. Persons of any sex, gender identities, or sexual orientations can be either the victims or the offenders.

With respect to Costa Rican staff of the University whose employment conditions are governed by Costa Rican labour laws, the Law No. 7476 titled 'Ley Contra El Hostigamiento Sexual en el Empleo y la Docencia, as amended by Law No. 8805 titled 'Modificacion de law Ley Contra el Hostigamiento Sexual en el Empleo y La Docencia, N° 7476', including with any amendments, supplements or replacements thereto as may be made from time to time, shall be applicable. The present policy shall also be applicable to the extent it is not inconsistent with the said law.

1.4 Abuse of authority is the improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses their influence, power or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion. It is equally serious when an academic or non-academic staff member uses their influence, power or



authority to improperly influence the career or academic conditions of a student or alumnus. Resident and Visiting faculty of the University are expected to exercise reasonable academic quality control over performance by students, and therefore, their actions or decisions relating to assignment of grades, extension of deadlines, supervision of academic work, feedbacks, amongst others, will not normally constitute abuse of authority. Abuse of authority may also include conduct that creates a hostile or offensive work environment which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion. Discrimination and harassment, including sexual harassment, are particularly serious when accompanied by abuse of authority.

1.5 For the purposes of the present policy, discrimination, harassment, including sexual harassment, and abuse of authority shall individually and collectively be referred to as "prohibited conduct". It is possible for the same act or omission to constitute more than one prohibited conduct at the same time.

1.6 Sexual harassment claims will be subject to an eight-year statute of limitations, counted from moment that the last incident that constituted the prohibited conduct occurred or upon the moment that a justified fact that impeded the victim to file a claim ceased. For the rest of the prohibited conduct, the statute of limitations will be of five years. The statute of limitations period will be interrupted if the aggrieved individual or a party that has direct knowledge asks for an informal procedure or files a formal claim in accordance with the provisions set forth in Section 5 of this policy.

Section 2: General principles

2.1 Every staff member (including resident faculty and administrative staff), student, intern, consultant, visiting faculty, visiting scholar, and contractor has the right to be treated with dignity and respect, and to work and study in an environment free from discrimination, harassment and abuse. Consequently, any form of discrimination, harassment, including sexual harassment, or abuse of authority is prohibited.

2.2 The University has the duty to take all appropriate measures to ensure a harmonious work and study environment, and to protect its staff and students from exposure to any form of prohibited conduct, through preventive measures and the provision of effective remedies when prevention has failed.

2.3 In their interactions with others, all staff members, students, interns, consultants, visiting faculty, visiting scholars, contractors, and other persons to whom the present policies apply, are expected to act with tolerance, sensitivity and respect for differences. Any form of prohibited conduct at the University or in connection with its activities is a violation of these principles and may lead to disciplinary action, whether the prohibited conduct takes place at the University, in the course of official travel, an official mission, or authorized field course, or in other settings in which it may have an impact on the University.

2.4 The present policy shall apply to all staff and students of the University. The University shall make the present policy applicable also to all visiting faculty, scholars, and interns, by incorporation in contracts. Similarly, the policy shall apply to all other consultants, contractors, and other service providers in whose contracts the present policy has been incorporated. The University, through its Legal and Human Resources Department, shall make sure that the clause stating that the policy is applicable is included in the aforementioned contracts.

2.5 Complaints of prohibited conduct may be filed by any staff member, student, visiting faculty,



visiting scholar, consultant, contractor, *gratis* personnel, including interns, or any other person who may have been subject to prohibited conduct on the part of any person to whom this policy applies in a work-related or study-related situation, in accordance with Section 5 below. A Report of prohibited conduct may also be submitted by a third party who has direct knowledge of the situation, in accordance with Clause 5.11 below.

Section 3: Duties of Stakeholders

3.1 All staff members, students, visiting scholars, visiting faculty, interns, contractors and other persons to whom this policy applies have the obligation to ensure that they do not engage in or condone behaviour which would constitute prohibited conduct with respect to their peers, supervisors, supervisees, students and all other individuals present on campus or involved in the University's activities, performing duties for the University or studying at the University.

3.2 Managers, supervisors, heads of departments, and coordinators of academic programmes, including those in the academic departments and programmes, have the duty to take all appropriate measures to promote a harmonious work and study environment, free of intimidation, hostility, offence and any form of prohibited conduct. They must act as role models by upholding the highest standards of conduct. Managers and supervisors, including in the academic departments and programmes, have the obligation to ensure that complaints of prohibited conduct are promptly addressed in a fair and impartial manner in accordance with Section 5 below. Failure on the part of managers and supervisors to fulfil their obligations under the present policy may be considered a breach of duty, which, if established, shall be reflected in their annual performance appraisal, and may result in administrative or disciplinary action, as appropriate.

Section 4: Preventive measures

4.1 Prevention of prohibited conduct is an essential component of the action to be taken by the University. In the discharge of its duty to take all appropriate measures to ensure a harmonious work and study environment and to protect its staff and students from any form of prohibited conduct, the following preventive measures will be used.

4.2 The University shall conduct regular and mandatory awareness programmes for all staff and students to raise awareness of the University's zero tolerance of prohibited conduct, to provide guidance on the relevant policy and procedures and to foster the creation of a harmonious working and study environment, free from intimidation, hostility, offence and any form of prohibited conduct or retaliation. In particular, all staff members and students shall be required to complete a mandatory online training programme on prevention of discrimination, harassment, sexual harassment and abuse of authority. The successful completion of this programme shall be reflected in staff members' performance appraisal. Only students who successfully complete the programme shall be entitled to graduate or receive transcripts from the University.

4.3 Other programmes will continue to be offered to all persons to whom this policy applies, including during orientation for students and professional development sessions for staff. Specific training will be provided to those involved in informal resolution and the formal procedures set out in Section 5 below.

4.4 The Head of Human Resources office shall ensure that staff, visiting faculty, visiting scholars, interns, consultants and contractors are provided with a copy of this policy upon commencement of their appointments/services. Similarly, the Director for Academic Administration shall ensure that all students are provided with a copy of this policy upon commencement of their academic



studies at UPEACE.

4.5 Staff members, students, visiting scholars, visiting faculty, interns, consultants, contractors, and any other persons to whom this policy applies are responsible for familiarizing themselves with the University's policy on prohibited conduct and with the various options and internal channels available for addressing such conduct.

4.6 In order to resolve problems which could potentially give rise to instances of prohibited conduct, managers, supervisors, heads of departments, and coordinators of programmes shall maintain open channels of communication and ensure that staff members or students who wish to raise concerns can do so freely and without fear of adverse consequences.

4.7 If there is a need for confidential guidance or advice on matters which could give rise to instances of prohibited conduct, staff members, students, visiting scholars, visiting faculty, interns, consultants and contractors may consult the Ombudsperson/s, who are bound by strict rules of confidentiality under their terms of reference. Staff members, students and other stakeholders may also consult any of the other officials listed in section 5 below.

Section 5: Corrective measures

5.1 Individuals who believe they are victims of prohibited conduct are encouraged to deal with the problem as early as possible after they become aware that it has occurred. The aggrieved individual may choose an informal or a formal resolution process, as explained below. Regardless of the choice made, the aggrieved individual is encouraged to prepare and keep a written record of events, noting dates, places, a description of what happened and the names of any witnesses and of anyone who may have information concerning the incident or situation at issue.

5.2 All reports and allegations of prohibited conduct shall be handled with sensitivity, in order to protect the privacy of the individuals concerned and ensure confidentiality to the maximum extent possible.

5.3 Managers and supervisors, including those in the academic departments and programmes, have the duty to take prompt and concrete action in response to reports and allegations of prohibited conduct. Failure to take action may be considered a breach of duty and may result in administrative action and/or the institution of disciplinary proceedings.

5.4 Persons accused of prohibited conduct may seek assistance from any of the persons listed in Clause 5.6 below.

Informal Procedures

5.5 In many cases, the situation can be resolved informally. An informal approach, including Restorative Justice, offers the opportunity to resolve a complaint or grievance in a non-threatening and non-contentious manner. Aggrieved individuals may notify the offender of their complaint or grievance and ask them to stop the conduct that gives rise to the said complaint or grievance, as, in some instances, the alleged offender may not be aware that their behaviour is offensive. However, disparity in power or status or other considerations may make direct communication or confrontation difficult, and aggrieved individuals are not required to confront the offender. In no circumstances can informal approach be forced onto either the aggrieved individual or the alleged offender. Where the prohibited conduct complained of might also constitute a criminal offence, such as in aggravated forms of sexual harassment, informal resolution cannot



be a substitute for formal procedures, although they may take place in addition to such formal procedures. Given that, in these cases, the competent authorities might not have yet qualified the conduct as a criminal offense, the Ombudsperson should document the reasoning on why this conduct was considered as a potential criminal offense, as well as the actions taken to encourage the individual to submit either a formal procedure or a direct claim before the competent national authorities.

5.6 Aggrieved individuals may ask for assistance from a third party in seeking informal resolution, including mediation and/or Restorative Justice. Depending on the situation and on their level of comfort with one official rather than another, they may seek the assistance of any of the following:

- (a) the Ombudsperson/s;
- (b) the Head of the Department concerned or any other staff member in such department;
- (c) the Head of Human Resources;
- (d) the Secretary of the Governing Council of the University;
- (e) the Registrar of the University;
- (f) a member of the Rector's, Vice-Rector or Deans' offices;
- (g) a member of the students' representative body.

The enlisted individuals should grant guidance for the aggrieved individual(s) and encourage them to seek assistance from the Ombudsperson. They should not apply the Restorative Justice or mediate the situation directly. To maintain confidentiality, they can only share the details of the situation with the Ombudsperson in case the aggrieved individual expressly consents them to or in case they have direct knowledge of the situation. When the prohibited conduct may also constitute a criminal offence (e.g. aggravated forms of sexual harassment), the officials listed in Clause 5.6 from whom assistance has been sought shall encourage the aggrieved party to submit an official complaint in accordance with Clause 5.11 of the present policy and shall also proceed to submit a report under the said Clause.

5.7 Once the assistance of the Ombudsperson(s) is requested, the Ombudsperson(s) may, with the consent of the aggrieved individual, meet informally with the alleged offender to apprise them of the situation and discuss the manner in which it might be resolved to the satisfaction of all concerned. After that, with the consent and willingness of all involved parties, the Ombudsperson(s) may summon all parties to a meeting, so that the Ombudsperson may mediate a solution that the parties directly reach.

5.8 All involved in the informal resolution process must recognize the need to treat the situation with the necessary sensitivity and confidentiality. Failure to comply with this obligation may entail the execution of applicable disciplinary actions.

5.9 Regardless of the outcome, the Ombudsperson shall provide continuing support to the aggrieved party at every stage of the process taking into account the positive or negative consequences of the proposed course of action. If the temporary assignment of the aggrieved party or the alleged offender to another position is proposed, this may not take place without the consent of the individual concerned.

5.10 An unsuccessful attempt to resolve the matter informally does not preclude it from being pursued formally under the following provisions.



Formal procedures

5.11 In circumstances where informal resolution is not desired or deemed appropriate by any of the parties involved in the informal procedures, or the same has been unsuccessful, or where the prohibited misconduct complained of may also constitute a criminal offence, the aggrieved individual may submit a written complaint or electronic complaint to the Ombudsperson, or in case the position is held jointly, then to either or both of the Co- Ombudspersons. In case the complaint is against one of the Co-Ombudspersons, then the written or electronic complaint may be submitted either to the other Ombudsperson or to the Rector of the University. Formal resolution may also be initiated by the submission of a written or electronic report of prohibited conduct from a third party who has direct knowledge of the situation to the Ombudsperson, or in case the position is held jointly, then to either or both of the Co- Ombudspersons (and/or to the Rector, in case of a report against one of the Co-Ombudspersons). For the purposes of this policy, direct knowledge shall mean that the third party had first-hand experience with the incident and directly observed or was personally involved with the or situation that has surpassed. In other words, the third party had direct access to the information, as they witnessed it directly. Formal procedures cannot be based on claims filed by a third party that obtained their information through an additional individual or based on rumors or hearsay.

Complaints or Reports against the Rector should be submitted to the Ombudsperson or directly to the President of the Governing Council. In case the formal claim is submitted to the Ombudsperson, the Ombudsperson must refer the case directly to the President of the Governing Council, once the formalities described on Clause 5.12 are met. Such complaints/reports shall be dealt with by the Governing Council under procedures it may deem appropriate. In exceptional cases where the complainant or the third party is not in a position to do so, complaints or reports may also be accepted orally by the Ombudsperson/s or the Rector, as the case may be. However, in such cases, the oral complaints or reports must be converted in a five business-day term into written format by the Ombudsperson/s or the Rector as the case may be, including information mentioned in Clause 5.12 below, and the said document must be signed by the complainant or the third party before it can be considered to be part of a formal procedure.

5.12 The complaint or report should describe the incident(s) of alleged prohibited conduct in detail and any additional evidence and information relevant to the matter should be submitted. The complaint or report should include:

- (a) Full name(s) of the aggrieved individual(s) and the alleged offender(s), and their ID numbers. If the aggrieved individual does not have the alleged offender's ID number, it is not necessary to include it, as long as the individual can provide elements that make it possible to identify the alleged offender with absolute certainty (for example, position that the individual holds, physical description, among others);
- (b) Date(s) and location(s) of incident(s);
- (c) Detailed description of incident(s) (it is key to mention the specific words, actions or omissions and the date in which they occurred);
- (d) Name(s) of witness(es), if any;
- (e) Names of person(s) aware of incident(s), if any;
- (f) Any other relevant information, including documentary evidence if available;
- (g) Date of submission and signature of the aggrieved individual or third party making the report.



(h) Email address that will serve as a mean to receive formal notification for any future proceedings that the formal procedure entails.

5.13 Upon receipt of a formal complaint or report, the Ombudsperson/s will promptly review the complaint or report, to assess whether it appears to have been made in good faith and whether there are sufficient grounds to warrant a formal investigation. If that is the case, the Ombudsperson/s, in conjunction with the Disciplinary Authority, shall promptly, and in any case, no later than within five business-days, appoint a panel (hereafter referred to as the 'Panel') of at least three individuals from the University or, if necessary, from outside the University, in accordance with Clause 5.14 below. The decision on who to appoint should be taken jointly by both the Ombudsperson and the Disciplinary Authority, in the same terms as defined within sections 5.21 and 5.22. In case of complaint against one of the Co-Ombudspersons, the role of the said Ombudsperson for the purpose of the formal procedures applicable to that case shall be taken over by the Disciplinary Authority, exclusively.

5.14 In selecting the members of the Panel, the Ombudsperson/s and/or the Disciplinary Authority, as the case may be, shall take into consideration the nature of the alleged prohibited conduct, the need for neutrality and impartiality of the Panel members with respect to both the aggrieved individual and the alleged offender, and the ability of each member in discharging the duty assigned with competence and due diligence. The Ombudsperson should preside the Panel, unless there is a justifiable reason on why this should not be the case. The Panel shall showcase diversity within its members. In cases involving sexual harassment where the aggrieved individual that identifies as a woman, then the Panel shall have two female members. In case the Panel is established for a complaint or report involving a student as either a victim or an alleged offender, then one member of the Panel shall be a representative of the student body. The student member shall be nominated by the Ombudsperson/s. The Panel members should treat the situation with the necessary and appropriate sensitivity and confidentiality.

5.15 All proceedings shall be governed by the general principles of due process, proportionality, probity and impartiality. In cases of sexual harassment, a pro-victim approach will be adopted, which for the purposes of this policy, includes the principle that in case of doubt, an interpretation in favour of the victim should be preferred.

The aggrieved individual(s) may withdraw their claim at any time during the investigation. This will not restrain the Panel from continuing the investigation, depending on the stage of the investigation and the seriousness of the alleged facts. The decision to continue with the investigation, in spite of the withdrawal of the claim must be duly motivated and would only apply for those cases in which the interests that are being protected surpass those of the individual that filed the claim. This decision should also be justified in the purposes, values and principles of the United Nations and the University's Code of Conduct. In case the Panel continues with the investigation, the Disciplinary Authority shall resolve the case in line with Clause 5.22 and sanction, if applicable, the prohibited conducts that are identified and determined throughout the investigation.

5.16 At the request of a party or of its own motion and at any point of the investigation, the Panel may impose precautionary measures, always on a duly justified basis. In case the complaint is against an Ombudsperson/s, the Rector may on their own motion and based on a reasoned decision, also impose precautionary measures. The following precautionary measures may be adopted:

a) The staff member or student that is being accused may be relocated for a renewable



period of up to three months, provided that the conditions reasonably permit it. It would also be possible to modify their work or study modality, so they continue working or studying remotely (i.e. online), if the conditions reasonably permit this change. In case the alleged offender is a student, choice between relocation to a programme or course other than that of the victim, or taking alternative courses in the online modality will be presented to the alleged offender, who shall be entitled to choose between the two options provided.

b) In exceptional cases where the presence of the alleged offender on campus may vitiate the work or study environment, a staff member may be suspended from work with pay. In case the alleged offender is a student, in exceptional cases where the presence of the alleged offender on campus or in online courses may vitiate the study or work environment, the student may be suspended from participation in academic coursework at the University. Except where the student concerned is determined to have committed a prohibited conduct in accordance with this policy, the University shall guarantee enrolment in the courses missed during the period of suspension, or alternative courses in case the coordinator of the programme and the student concerned agree, when they are so offered in the next academic year.

c) The alleged offender may be directed to refrain from contacting or communicating, directly or indirectly, with the aggrieved individual or other members of the University's community.

d) The alleged offender may be directed to refrain from interfering with the work or study of the aggrieved individual.

e) Any other precautionary measures, as may be deemed necessary by the Rector, may be imposed to ensure physical and mental safety and security of the aggrieved individual.

Any decision regarding precautionary measures is not subject to appeal, unless there is a significant variation of the facts that were analyzed and used as a basis for imposing these measures initially.

5.17 The aggrieved individual and the alleged offender shall be informed of the establishment of the Panel in up to three business-days. This notice shall be signed by all members of the Panel, although any other future notice may have the signature of only the person who presides the Panel and/or the Ombudsperson. The Panel shall notify the aggrieved individual in the means of notification included in their formal written claim. The alleged offender shall be served notice and be informed of the nature of the allegation(s) against them. The notice shall include the following: an updated copy of present policy and the UPEACE Policy on Protection against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations, as well as a complete or partial copy of the complaint and evidence submitted. This initial notification shall be done in person or to the formal email address assigned to that person by the University. In order to preserve the integrity of the process, information that may result in intimidation or retaliation shall not be disclosed to the alleged offender at that point. This is limited to the names of witnesses. The particular details of incidents must be shared, so that the alleged offender is guaranteed the right to a proper defense.

The alleged offender (s) shall have up to eight-business days, depending on the complexity of the accusation, to submit a written response along with any testimonies or documentary evidence in support of their case. In the response, the alleged offender must include the email address that will be their means for future notifications. Failure to comply with this obligation entails that the procedure will continue its due course and the alleged offender will be considered served and



notified of any future communications and/or resolutions.

It is also possible that, in their response, the alleged offender(s) may partially or totally accept the charges raised against them. If there is a total acceptance of the charges, the Panel may opt to directly issue the Final Resolution mentioned in Clause 5.20 of these policy.

5.18 After the alleged offender's term to respond has expired, the Panel, within three business days, shall convene to determine the place and dates for the hearing(s), and the procedures to be followed, in accordance with this policy. The hearing(s) may be scheduled to take place virtually or in-person.

Such hearing shall be scheduled within ten business-days after the alleged offender's term to respond has expired, unless there is a justified reason that precludes the Panel from scheduling the hearing within this term.

5.19 The hearing(s) shall include interviews with the aggrieved individual, the alleged offender, and any other individuals who may have relevant information about the conduct alleged, including any witnesses which the parties may name. The aggrieved individuals and alleged offenders are entitled to be represented by lawyers in such hearings and they may also be accompanied by one psychological and/or emotional witness at the hearing. The Panel will let the parties know the date in which the witnesses are expected to testify; however, the parties are directly responsible to notify the witnesses whose testimonies they wish to produce in the hearing(s). All individuals interviewed in the course of the investigation shall be reminded of the UPEACE Policy on Protection against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations.

5.20 The Panel may conduct as many hearings as are required for completion of the investigation. After the conclusion of the hearings, both parties (the aggrieved individual and the alleged offender) may submit their final arguments in up to three business days.

Once that three-day term transpires, the Panel shall prepare a detailed resolution within a period of ten business-days, giving a full account of the facts that the Panel has ascertained and considering all evidence, such as written statements by witnesses or any other documents or records relevant to the alleged prohibited conduct, as well as the parties' final arguments.

5.21 Within a period of five business days from the submission of the final arguments, the Panel shall submit its Final Resolution with its recommendation to the Disciplinary Authority, as defined in clause 5.22. The Final Resolution of the Panel shall contain the following:

- a) the names and positions in relation to the University of the aggrieved individual and alleged offender;
- b) the names and addresses of the lawyers, in case any party is so represented;
- c) facts which have been established along with evidence and reasoning in support of such findings;
- d) a statement of the unfounded allegations, if any, along with reasoning in support of such findings;
- e) the recommendations of the Panel;



f) dissenting Opinions of member/s of the Panel, if any; and

g) date and place of the Final Resolution, and the signatures of all members of the Panel.

A copy of the Final Resolution shall be provided by the Panel to the Disciplinary Authority, aggrieved individual and the alleged offender.

5.22 For the purpose of the present policy, the Disciplinary Authority shall be as follows:

a) In case the complaint or report is against a staff member or a student, the Dean or the Academic Vice-Rector. In case there is more than one Dean or Vice-Rector, then the Rector shall designate the Disciplinary Authority on a case-by-case basis.

b) In case the complaint or report is against the Dean/s, the Academic Vice-Rector or the Ombudsperson/s, the Rector.

5.23 After taking into account the findings and recommendations of the Panel, the Disciplinary Authority shall make a final decision on the case within a period of five business-days. The final decision along with detailed reasons shall be promptly communicated to the aggrieved individual and the alleged offender. In case the Disciplinary Authority is the Dean/s or Vice-Rector/s, then the final decision shall be communicated at the same time to the Rector and the Ombudsperson/s.

5.24 The aggrieved individual or the alleged offender may submit an appeal against the decision of the Disciplinary Authority within five business-days from the communication of such decision, to the Rector. In case the Disciplinary Authority is the Rector, then appeal may be submitted to the President of the Governing Council of the University. Appeals shall be decided within a period of ten-business-days from the date of such submission. Decisions on appeals shall be communicated to the aggrieved individual and the alleged offender at the same time.

5.25 On the basis of the final decision of the Disciplinary Authority or the Appellate Authority one of the following courses of actions should be executed within a period of five-business days:

(a) If the final decision is that no prohibited conduct took place, the Rector will close the case and so inform the alleged offender and the aggrieved individual in writing.

(b) If the final decision is that there was a factual basis for the allegations and that, while not sufficient to justify disciplinary action against the alleged offender, the facts would warrant some other form of corrective or preventive action, the Rector shall determine the type of action to be taken and inform the alleged offender of such proposed action. Such action may include mandatory training, reprimand, a change of functions or responsibilities, counselling or other appropriate corrective measures. The aggrieved individual shall be promptly informed of the final measures determined as appropriate.

(c) If the final decision is that the allegations were well-founded and that the conduct in question amounted to prohibited conduct, the Rector shall determine what disciplinary action may be necessary.

i) Disciplinary action against staff members to whom Costa Rican labour laws are applicable, shall proceed in accordance with such laws. Without prejudice to the applicable laws, such disciplinary action may include written reprimand of misdemeanour reflected in work performance appraisal, suspension without pay for an appropriate period, or dismissal without any liability on the part of the University,



amongst others.

ii) With respect to staff members to whom Costa Rican labour laws are not applicable, the disciplinary actions mentioned in sub-clause (i) above, amongst others, may be taken.

iii) With respect to students, disciplinary actions may include written reprimand of misdemeanour reflected in academic transcripts, suspension from the University for an appropriate period without any liability on the part of the University, or expulsion from the programme of studies and/or the University without any liability on the part of the University, amongst others.

iv) Disciplinary action against any visiting faculty, visiting scholar, consultant, or intern, may include written reprimand of misdemeanour reflected in work performance appraisal, suspension without pay for a period determined appropriate, or termination of contract without any liability of the University, amongst others.

v) Disciplinary action against any contractor or staff of contractor may include suspension or termination of the contractual obligations, amongst other options, as may be applicable in terms of the contract.

The decision of the Rector or the President of the Governing Council of the University shall be final for the purposes of this policy. In all cases, the aggrieved individual shall be informed by the corresponding authority of the outcome of the investigation and of the action taken.

5.26 If the final decision is that the allegations of prohibited conduct were unfounded and based on malicious intent, the Rector shall decide whether disciplinary or other appropriate action should be initiated against the person who made the complaint or report.

5.27 The timelines mentioned in this Section shall be diligently followed, unless extension is properly justified in an objective manner. For all cases, the investigation shall not be extended for more than three months from the date of complaint or report, unless in duly justified cases that prevents this.

5.28 In case the University has more than one Ombudsperson jointly holding responsibilities, the Co-Ombudspersons shall make all decisions and recommendations required by this Section jointly. In cases where Co-Ombudspersons (or in cases of complaint against one of the Co-Ombudspersons, then the Rector and the other Co-Ombudsperson) cannot come to a consensus on any of their joint tasks under this Section, a third member may be appointed by the Rector on a case-by-case basis as necessary.

Section 6: Monitoring

General

6.1 The Ombudsperson/s shall provide annual report to the Rector and the Governing Council, which shall include an overview of all preventive, corrective, disciplinary, and other measures taken with a view to implementing the present policy.

Monitoring during the investigation



6.2 Where an investigation is initiated following receipt of a formal complaint or report of prohibited conduct, appropriate measures shall be taken by the Ombudsperson/s to monitor the status of the aggrieved party, the alleged offender and the work unit(s) concerned and/or student and student groups that may be affected until such time as the Panel's Final Report has been submitted in accordance with Clause 5.23. The purpose of such monitoring shall be to ensure that all parties comply with their duty to cooperate with the investigation and that no party is subjected to retaliation as a result of the complaint or the investigation. Where retaliation is detected, the Ombudsperson/s or the Rector as the case may be, shall be promptly notified and the matter shall be handled in accordance with the UPEACE Policy on Protection against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations.

Post-investigation review

6.3 Once corrective measures or disciplinary action have been taken, the immediate academic or administrative supervisors, as applicable, shall keep the situation under review. These measures may include, but are not limited to, the following:

- (a) monitoring the status of the aggrieved party, the alleged offender, the work unit(s) concerned, and/or student and student groups that may be affected, at regular intervals in order to ensure that no party is subjected to retaliation as a consequence of the investigation, its findings or the outcome. Where retaliation is detected, the Ombudsperson/s shall be promptly notified in accordance with the UPEACE Policy on Protection against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations.
- (b) ensuring that administrative or disciplinary measures taken as a result of the investigation have been duly implemented;
- (c) identifying other appropriate action, in particular preventative action, to be taken in order to ensure that the objectives of the present policy are fulfilled.

Section 7: Final provisions

7.1 The present policy shall enter into force upon approval by the Directors and/or Governing Council of the University.