

HEC MONTRÉAL

**Politique en vue d'assurer
un milieu de travail et
d'étude exempt de toute
forme de harcèlement**

**Policy to ensure a work
and study environment
free from all forms of
harassment**

Adoptée le 1^{er} janvier 2005

Adopted on January 1, 2005



1. Foreword

HEC Montréal recognizes that all members of the University community have the right to respect for their dignity and physical and psychological integrity. All forms of harassment are a violation of this right and will not be tolerated. HEC Montréal therefore pledges to take reasonable means to create a work and study environment that fosters mutual respect and that is free of all forms of harassment.

This policy complements the legislative provisions governing the rights and obligations related to harassment, notably the Charter of Rights and Freedoms, the Civil Code of Québec, the Criminal Code, the Act Respecting Occupational Health and Safety and the Act Respecting Labour Standards.

This policy does not limit the scope of the provisions and administrative and academic rules, policies and management rights of HEC Montréal.

This foreword is an integral part of the present policy.

2. Objective

Through this policy, HEC Montréal wishes to maintain a respectful work and study environment that is free of all forms of harassment.

To attain this objective, HEC Montréal is committed to:

- taking reasonable means to prevent all forms of harassment, notably by creating, as needed, awareness, information and training programs for members of the university community;
- putting in place mechanisms to process requests for consultation and to choose the appropriate response to allegations of harassment;
- taking reasonable means to put an end to all harassment brought to its attention, specifically by introducing equitable and impartial problem-solving mechanisms and, where needed, support or corrective measures (administrative or disciplinary).

3. Definitions

In the present policy, the word harassment means:

Any vexatious behaviour in the form of repeated hostile or unwanted behaviours, verbal comments, actions or gestures that affect the dignity or psychological or physical integrity of a person, and that may result in a harmful work or study environment.

A single serious incidence of such behaviour that has a lasting harmful effect on such an individual may also constitute harassment.

Members of the HEC Montréal university community are:

- staff members, including administrative employees (senior managers, professionals) support staff (clerical workers, technicians and tradespeople), and the faculty of HEC Montréal
- HEC Montréal students.

A **third party** is any individual who has a relationship with staff members and students at HEC Montréal: supplier, contractor, user, guest.

4. Scope

Any form of harassment toward one or more members of the university community, arising from an act by one or more members of the university community or a third-party, which occurs in a site occupied by HEC Montréal or elsewhere in a setting related to employment or studies shall be considered a violation of the present policy.

5. Means made available to individuals who believe they are victims of harassment

HEC Montréal encourages all members of the university community to express their disapproval of any form of harassment by reporting in good faith all incidents of harassment that they experienced or witnessed, in keeping with this policy, without fear of reprisal. Any act of reprisal against a member of the community who applies this policy constitutes a violation of the policy and will be penalized.

All members of the university community have the right to be treated fairly and equitably in a situation of real or presumed harassment. HEC Montréal pledges to take reasonable means to initiate appropriate informal or formal procedures in a timely manner as part of the present policy.

All information regarding a procedure taken under this policy will be disseminated only to the extent required to apply the policy. The people involved in each step of a procedure are bound to respect the confidentiality of information to which they have access.

At all steps in the present policy, individuals who feel they were victims of harassment may withdraw from an informal or formal procedure that they initiated. However, HEC Montréal reserves the right to pursue an investigation and apply any measure it deems necessary given the situation, including the implementation, if applicable, of interim measures to protect the harassment complainant.

When necessary, depending on the conduct in question and the preferences of the person who experienced harassment or believed they did, there are different procedures that members of the university community can use to settle any harassment-related problems internally. The sections below describe the procedures available.

5.1 Informal consultation

Consultation – Staff member

Individuals who believe they have experienced harassment may contact their immediate supervisor for information, to try to identify and pinpoint the nature and scope of the situation, and explore possible solutions, including orientation toward other resources, if necessary. Such individuals may also decide not

to bring the situation to the attention of their immediate supervisor if they feel they have valid reasons for doing so, and may then informally contact an authority at a higher hierarchical level.

It is up to the authority (senior manager, supervisor or manager) contacted to determine whether the situation reported is covered by this policy. If it is not, the complainant must be directed toward appropriate resources. The authority may also refuse to act if he or she believes that the allegations are unjustified or made in bad faith.

Following a consultation procedure, individuals who believe they are victims of harassment may agree with the authority not to take the matter further or choose one of the approaches below to correct the situation:

- the complainant attempts to communicate to the presumed harasser that he or she did not appreciate that person's conduct and wants it to stop;
- indirect intervention by the supervisor to sensitize the immediate working environment;
- direct intervention by the supervisor to stop the harassment;
- initiation by the supervisor of a reconciliation procedure between the parties concerned to try to find one or more acceptable solutions for them and correct the situation.

If the object of the harassment allegations refuses to participate in the reconciliation process or if there is no agreement between the individuals concerned, once a reconciliation process is in progress, the alleged harassment victim may also decide to submit a formal complaint according to the procedure foreseen in section 5.2.

Consultation – Student

Students who believe they may have been victims of harassment may contact their Advisor - help and individual support at Student Services for information, to try to identify and pinpoint the nature and scope of the situation, and explore possible solutions, including orientation toward other resources, if necessary.

5.2 Formal procedure

Submission and treatment of a formal complaint

All members of the university community who feel they were victims of harassment may submit a formal complaint in writing. No formal procedure may be undertaken without a written and signed complaint.

Formal complaints may be submitted to the Department concerned:

- Human Resources Department if the complainant is a member of the administrative or support staff;
- Office of Faculty Affairs if the complainant is a faculty member;
- Office of the Academic Programs if the complainant is a student.

The onus is on the Office concerned to determine whether the situation reported is covered by this policy. If it is not, the complainant must be directed toward appropriate resources. The authority may also refuse to act if they believe that the allegations are unjustified or made in bad faith.

A formal complaint must be filed in a timely manner because it is often difficult to trace the facts of incidents long after they occurred. Apart from exceptional circumstances, a formal complaint issued more than six months after the latest presumed incident will be rejected.

The formal complaint must be submitted in writing and must specify the following elements:

- date of the incident(s)
- name of the person or persons covered by the complaint
- nature of the alleged facts, stated thoroughly and in detail
- if applicable, pertinent documents including a list of people who witnessed the acts
- corrective measure or solution sought by the complainant
- signature of the complainant.

By submitting a formal complaint, the complainant authorizes disclosure of his or her identity (first name and last name only) and the content of the complaint to the object of the complaint and to any individual to whom disclosure is necessary to give the present policy full effect.

The Office that receives the formal complaint shall transmit it diligently to the object of the complaint. It asks that person to reply to the complaint in writing within 10 business days. Upon receipt of the response to the complaint, the Office transmits a copy to the complainant. If the object does not reply to the complaint, the Office shall notify the complainant. Similarly, the Office shall transmit a copy of the documents to the director of HEC Montréal.

The director of HEC Montréal first evaluates the merits of the formal complaints and determines the initial step to take:

- reject the complaint if it is considered without merit or made in bad faith, and close the file;
- start a mediation process between the people concerned, by appointing a mediator who is internal or external to HEC Montréal;
- conduct an investigation of the allegations contained in the complaint.

The director of HEC Montréal shall inform the parties concerned of the option selected.

An investigation can also be started when:

- the parties concerned do not agree to use the mediation process;
- the mediation process has failed;
- the agreement between the two parties following the mediation process has not been honoured.

Mediation

Mediation is a process designed to help the parties concerned reach an agreement by finding one or more acceptable solutions that correct the situation.

The mediator shall contact the parties concerned to enlist their participation in reaching an agreement. If a satisfactory agreement is reached by the individuals concerned, the terms of the agreement are recorded in

a document signed by the two parties and entered in the file kept by the Human Resources Department at HEC Montréal.

The mediator shall inform the director of HEC Montréal of the outcome and ensure that the support and corrective measures stated in the agreement are applied.

The mediator may also decide that an investigation is necessary or that it would be preferable not to take the matter further when:

- one of the parties concerned refuses to participate in the mediation process;
- there is no agreement between the individuals concerned, in the case of an ongoing mediation process;
- the agreement signed by the two parties following the mediation process is not honoured.

If applicable, the mediator reports to the Director of HEC Montréal.

Investigation

When necessary, the director of HEC Montréal appoints an investigator or investigation committee, depending on the situation. In the case of an investigation committee, the director of HEC Montréal shall designate one of the committee members to chair the committee. The investigator or committee members may be internal or external to HEC Montréal, and carry out this function only during the investigation for which they were appointed.

The mandate of an investigator or investigation committee is to:

- conduct research related to the harassment complaint with due diligence;
- conclude whether or not a harassment situation exists;
- write a report.

To obtain information that confirms or clarifies the circumstances of the complaint, the following people are met with: the complainant, the object of the complaint and any person who may have witnessed the alleged acts.

The investigator or investigation committee shall remit a report to the director of HEC Montréal containing the following information:

- description of mandate
- allegations by the complainant and response by the object of the complaint
- summary of pertinent proof - facts and testimonials (signed documents)
- conclusion (if harassment occurred or not)
- any other questions raised as part of the mandate.

The contents of the report are protected by the provisions of the Act respecting access to documents held by public bodies and the Protection of personal information. This report is placed in a file kept by the Human Resources Department at HEC Montréal.

6. Decision

If applicable, the director of HEC Montréal determines and applies corrective and support measures.

The complainant and the object of the complaint shall be informed in writing of the decision by the director of HEC Montréal.

Well founded complaint

If the director of HEC Montréal thinks the formal complaint is well founded, he or she will take reasonable measures to ensure that the complainant can regain a work or study climate conducive to ensuring respect for his or her dignity and physical and psychological integrity. A person who is found guilty of harassment will face, depending on the circumstances, a corrective or support measure considered reasonable based on the act committed and the harm suffered by the complainant.

Corrective measures may include:

- for staff members: a warning, a request to write a written apology, suspension or dismissal;
- for students: a warning, a request to write a written apology, suspension, cancellation of registration for the semester or expulsion;
- for third parties: a warning, a request to write a written apology, a report to that person's employer or loss of access or privileges.

Support measures may include: training in appropriate behaviour at the workplace or school, consultation with resource persons, professional, assistance, etc.

Unfounded complaint

If a person submits in good faith a formal complaint whose merit is not confirmed by the proof gathered, this complaint shall be rejected and no punitive action will be taken against the object of the complaint or the complainant. The department concerned may invite the complainant to submit a written apology to the object of the complaint.

Complaint made in bad faith

When a complaint is considered abusive, frivolous, made in bad faith or filed with malicious intent, the complainant may then face corrective measures (administrative or disciplinary) as described above.

7. Responsibilities and application of the policy

The members of the University community

- are responsible for contributing to the creation and maintenance of a respectful work and study environment in compliance with the objectives of the present policy;
- must report in good faith any incident of harassment that they experience or witness.

The director of HEC Montréal

- shall ensure that the present policy is applied.

Managers

- are responsible for applying the present policy in their administrative unit;
- are obliged to act quickly and take all reasonable means to prevent harassment, and when such conduct is brought to their attention, to put an end to it;
- if applicable, ensure that they take the necessary means to inform a third party of the present policy.

Director, Office of Faculty Affairs

Director, Office of the Academic Programs

Human Resources Department

- coordinate the implementation and promotion of the present policy;
- support managers in the application of the present policy;
- if applicable, undertake actions to ensure compliance with this policy when the director of HEC Montréal delegates this responsibility to them.

Human Resources Department

- conserves files on harassment according to the established calendar.

8. Coming into force

The present policy comes into force on January 1, 2005.

APPENDIX

Resource persons, June 1, 2014

Informal consultation procedure

Employees	Immediate supervisor
Students	Office of Student services (514) 340-3820 sae.info@hec.ca

Formal procedure: submission of an official complaint

Employees (Administrative or support staff)	Marc Beauparlant Director of Human Resources (514) 340-7135 marc.beuparlant@hec.ca
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Employees (Faculty)	Claude Laurin Director of Faculty Affairs (514) 340-6536 claudelaurin@hec.ca
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Students	Michèle Breton Director of the Academic Programs (514) 340-6490 michele.breton@hec.ca
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Conservation of documents related to the filing of an official complaint

Employees and students	Marc Beauparlant Director of Human Resources (514) 340-7135 marc.beuparlant@hec.ca
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Adopted by the Director of HEC Montréal on January 1, 2005