

HEC MONTRÉAL

**Policy for a Respectful,
Harassment-free Study,
Work and Campus Life
Environment**

**Adopted by the Board of Directors on
February 6, 2020**



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1. Guiding principles

- 1.1. HEC Montréal acknowledges the fundamental importance of ensuring that all members of its academic community, whether it be its students, employees (faculty or non-faculty), or administrators, can study, work and live in a safe and healthy environment.
- 1.2. HEC Montréal recognizes that all members of its community have the right to respect for their dignity and physical and psychological integrity. All forms of psychological harassment are a violation of this right and is not tolerated.
- 1.3. HEC Montréal wants to ensure that the integrity of the relationship between any person having a pedagogical relationship with or a position of authority or power over a student is maintained, as well as the integrity of professional relationships between an employee having a position of authority or power over another employee. HEC Montréal wants to avoid the possibility of abuse of power or any form of harassment, as the risk of such situations could be higher in all these cases.
- 1.4. This policy complements the legislative provisions governing the rights and obligations related to psychological 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.
- 1.5. This policy does not limit the scope of the provisions and administrative and academic rules, policies and management rights of HEC Montréal.

2. Commitments

- 2.1 With regard to the above principles, HEC Montréal is committed to:
 - 2.1.1 fostering a work and study environment free from all forms of psychological violence where all members of its community feel safe;
 - 2.1.2 taking reasonable means to prevent all forms of psychological harassment, notably by creating, as needed, awareness, information and training programs for members of its community;
 - 2.1.3 developing and implementing intervention mechanisms to address requests for consultations or reports related to potential situations of psychological harassment and to also address psychological harassment complaints;
 - 2.1.4 taking reasonable means to put an end to all psychological harassment brought to its attention, and, where needed, support or corrective measures (administrative or disciplinary);

- 2.1.5 ensuring that no measures are taken to silence an individual under this Policy, for any reason whatsoever;
 - 2.1.6 ensuring that the presumption of innocence as well as support for community members affected by psychological harassment are considered equitably in all of the procedures set out in this Policy;
 - 2.1.7 disseminate this Policy widely in order to make it accessible to its entire community.
- 2.2 All members of the HEC Montréal's community have the right to be treated fairly and equitably in a situation of real or presumed harassment. HEC Montréal undertakes to treat all the parties involved fairly, and to take reasonable steps to ensure processing as soon as possible.
- 2.3 In order to counter any sort of psychological harassment in its community, HEC Montréal requires the participation of all its members. Officers, faculty and non-faculty employees, students and third parties dealing with all these individuals must play an active role to prevent psychological harassment of any kind.

3. Scope

- 3.1 This Policy applies to all members of the HEC Montréal community, whether studying or working on or off campus, as well as third parties dealing with HEC Montréal or with any of its units.
- 3.2. This Policy applies to any form of psychological harassment that occurs:
- 3.2.1. in the context of academic activities such as those related to teaching, research, or social, cultural, sports or philanthropic activities, or subsequent to one of these activities, whether they are organized by HEC Montréal, by one of its units, by a student association or interest group recognized by HEC Montréal, or by any third party that is contractually linked to one of the above-mentioned entities, either on or off campus;
 - 3.2.2. in the context where people find themselves as part of their job, at their place of work or even during meetings, training sessions, trips or social activities organized by HEC Montréal as an employer or by any third party that is contractually linked to HEC Montréal;
 - 3.2.3. in the context of digital communication or through any other means of communication.
- 3.3. If the potential conduct of psychological harassment is of a sexual nature, the rules which are applicable are those laid down in the *Policy to Prevent and Fight Sexual Violence at HEC Montréal*.

4. Definitions

4.1. “Author of a report”

Anyone who thinks that they are a victim or a witness to harassing behaviour or psychological harassment and who reports an incident that could lead to actions on the part of HEC Montréal. A report can be filed by one or more than one person.

4.2. “BIMH”

The “Bureau d’intervention en matière de harcèlement” (Centre for Harassment Intervention), serving both l’Université de Montréal and HEC Montréal, is the body mandated by HEC Montréal to help it fulfill its commitments described in Article 2, and to serve as the single point of contact for any member of the HEC Montréal community affected by any sort of psychological harassment.

4.3. “Complainant”

The person who files a formal complaint with the BIMH. Such a complaint may be filed by one or more than one person.

4.4. “Formal Complaint”

A formal process which aims to denounce in writing a situation at HEC Montréal involving psychological harassment, according to the terms and conditions stipulated in subsection 8.3 of this Policy.

4.5. “HEC Montréal Community”

Students, faculty and non-faculty members, as well as the HEC Montréal administration.

4.6. “Pedagogical Relationship”

Is a pedagogical relationship any interdependent link between a student and a person within the HEC Montréal community whose tasks involve teaching, mentoring, supervising, assisting, evaluating, doing research, creating, innovating, advising or any other teaching-related task.

Individuals in a teaching relationship with a student mainly include members of the Academic Council, faculty, as well as persons acting as directors or supervisors of students’ work (e.g., theses, dissertations, supervised projects and tutorials).

Graduate students who supervise students (as interns, for example), academic advisors or coaches are also recognized as being in a pedagogical relationship with said students.

4.7. “Psychological harassment”

Any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects the dignity or psychological or physical integrity of a person, and that results in a harmful study, work or campus life environment for that person. Specifically, psychological harassment includes such behaviour in the form of verbal comments, actions or gestures of a sexual nature. A single serious incident of such behaviour that has a lasting harmful effect on such an individual may also constitute psychological harassment.*

Discrimination based on any of the grounds listed in Article 10 of the *Charter of Human Rights and Freedoms* may also constitute harassment: race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political beliefs, language, ethnic or national origin, social condition, disability or use of any means to overcome this disability.

For example, the following behaviours could be considered as vexatious behaviour constituting harassment if they meet all the criteria of the Act:

- Behaviours that may be related to psychological harassment:
 - intimidation, cyber-bullying, threats, isolation;
 - offensive or defamatory words or gestures towards a person or their work;
 - verbal abuse;
 - disparagement.
- Behaviours that may be related to sexual harassment:
 - any form of unwanted attention or advance with sexual overtones, for example: insistent solicitation, looks, kissing or touching, sexist insults, coarse language;
 - words, jokes or images of a sexual nature by any means, technological or otherwise.

The notion of harassment should be distinguished from other situations such as interpersonal conflict, work-related stress, difficult professional constraints and the normal exercise of management rights (for example, managing work attendance, organization of work, disciplinary measures, etc.).

*Article 81.18, Act Respecting Labour Standards

4.8. “Relationship of authority or power”

Is a relationship of authority or power any interdependent link between two people when one is in a position of authority over the other, with or without a hierarchical or functional link, whether it be in a situation of management, supervision, integration, invigilation, information, advising, granting of a scholarship or promotion, coaching or support, or the exercise of any similar role, and applies to both students and employees of HEC Montréal.

4.9. “Report”

The act of disclosing information about a situation of psychological harassment, which, although not a formal complaint, aims to report or denounce a situation that could lead HEC Montréal to take action. Reporting is done confidentially to a BIMH employee. A report can be anonymous; it may be filed by the alleged victim or by a witness.

4.10. “Respondent”

The individual named in the psychological harassment allegations. Such an allegation may name one or more than one person.

4.11. “Student of HEC Montréal”

Person admitted to HEC Montréal or enrolled in at least one course offered by HEC Montréal, participating in an internship (including postdoctoral internships) or any other pedagogical or research activity at HEC Montréal. Included in this definition are the participants in programs offered by all HEC Montréal units, such as the Executive Education.

4.12. “Third Party”

Any third party to HEC Montréal or any of its units (including anyone employed by this third party, contractors, clients, visitors, service providers, guests, consultants, sponsors, volunteers, external organizations, or all other similar relations) which is affiliated to HEC Montréal, or to one of its units.

5. Roles and responsibilities

5.1. General expectations and responsibilities

- 5.1.1. All members of the HEC Montréal community and third parties having a contractual link with HEC Montréal must be aware of this Policy, including its appendix, and comply with the requirements and obligations contained therein.
- 5.1.2. When a member of the HEC Montréal community is told by a victim of his or her experience or if this member witnesses a psychological harassment situation, he or she must assist the impacted person and refer him or her to the BIMH in order to receive the appropriate care in accordance with the Policy.
- 5.1.3. In the case of a minor victim or an alleged minor victim, if any member of the HEC Montréal community or any individual in a professional position who provides care or any other form of assistance has reasonable grounds to believe that the safety or development of the latter is or could be compromised, they shall be required to immediately inform the Secretary General, so that the latter immediately reports the situation to the Youth Protection Branch, in accordance with Article 39 of the *Youth Protection Act*.

5.2. “BIMH” or Bureau d’intervention en matière de harcèlement (Centre for Harassment Intervention)

5.2.1. The BIMH offers support to all members of the HEC Montréal community who report any form of psychological harassment or file a complaint to this effect, whether the respondent is a member of the university community or not. BIMH staff shall provide the necessary advice, support and guidance to reporters, complainants, respondents, witnesses and any other person of the HEC Montréal community affected by an incident of psychological harassment. They shall inform the latter about their options vis-à-vis the incident, and also about the processing of the report or formal complaint. BIMH staff shall ensure that the confidentiality of the parties is safeguarded, that all parties involved are treated fairly and they will take reasonable measures to ensure treatment as soon as possible.

5.2.2. When an incident of psychological harassment is reported or a formal complaint is filed, the BIMH resource who receives the report or complaint is duty-bound to direct all those affected by the potential incident of psychological harassment, towards personalized reception, referral, psychosocial and support services provided by specialized resources in this area.

5.2.3. In collaboration with the Human Resources Office and the Student Services Office of HEC Montréal, the BIMH may be called upon to provide training on psychological harassment to the officers, members of the teaching or non-teaching staff, and students of HEC Montréal.

5.3. HEC Montréal Community

5.3.1. Members of the HEC Montréal community must be vigilant and report any incident of psychological harassment to the BIMH.

5.4. Director of Faculty Affairs, Academic Programs, Research and Knowledge Transfer, Human Resources and Student Services

5.4.1. When processing formal complaints, the directors of these offices and services may be called upon to support the Secretary General in recommending administrative measures and sanctions to be imposed on the respondent by the Office of HEC Montréal.

5.4.2. The Office of the Academic Programs Director, through the Registrar’s Office, ensures the conservation of decisions on the measures or sanctions applied against a student, as per the schedule established with the Document and Archives Management Services Office.

5.4.3. The Human Resources Office ensures the conservation of decisions on the measures or sanctions applied against a member of the teaching or non-teaching staff, as per the schedule established with the Document and Archives Management Services Office.

5.5. Director of Human Resources

5.5.1. The Director of Human Resources works closely with the BIMH to primarily prevent incidents of psychological harassment, plan training sessions for HEC Montréal's officers and staff members and provide support to the employees affected by incidents of psychological harassment.

5.6. Officers of HEC Montréal and Secretary General

5.6.1. The Management of HEC Montréal ensures the application of this policy and is represented by the Secretary General of HEC Montréal, who is responsible for implementing this policy and handling formal complaints.

5.7. Student Services (SAÉ)

5.7.1. The SAÉ works closely with the BIMH to primarily prevent incidents of psychological harassment, plan training sessions for HEC Montréal students, and provide support to those who are affected by such incidents.

5.8. Third Party

5.8.1. Third parties that are contractually bound with HEC Montréal or one of its units or representatives, as well as third-party subcontractors, representatives or employees, must abide by this Policy and its appendix.

6. Prohibited behaviours

6.1. Psychological harassment

6.1.1. For the purposes of this Policy, psychological harassment shall include any repeatedly hostile or unwanted behaviour, comment, act or gesture which undermines the dignity or the psychological or physical integrity of an individual and which results in a harmful work, study or campus life environment. Article 4.7 of this Policy provides examples and details of the different types of conduct that may be considered psychological harassment.

6.2. Reprisals

6.2.1. No person should suffer reprisals or threats of reprisals for having denounced conduct he or she experienced or for having intervened to help stop an inappropriate behavior stated in this Policy. There can be several categories of reprisals including academic, professional, defamatory, financial, among others. These reprisals can occur at any time, and not just after a report or the filing of a complaint by an alleged victim.

6.2.2. HEC Montréal shall not tolerate any reprisals, brought about in any manner whatsoever, especially through social network or electronic media, against whoever has disclosed an information, reported an incident or filed a complaint regarding a behaviour prohibited by this Policy, or against someone who

participates in the processing of a report or formal complaint.

6.2.3. HEC Montréal intends to take all the necessary measures to protect the victims and the other members of HEC Montréal community against reprisals. These protection measures can take various forms and can be adapted to each situation; they could, for example, limit contact between the victim and the respondent following a report of a formal complaint.

6.2.4. HEC Montréal will take the necessary sanctions or disciplinary measures, including any appropriate procedures in accordance with the applicable rules, against any person who has committed or has attempted to commit an act of reprisal as described above.

7. Personalized services and accommodation measures

7.1. When an incident of psychological harassment is reported to one of the BIMH resources, the latter is duty-bound to direct all those individuals affected by this report, towards reception, referral, psychosocial and support services provided by specialized resources in this area, during the entire process of reporting, mediation and complaint, where applicable.

7.2. In certain cases, the circumstances surrounding the alleged situation of psychological harassment may require the adoption of temporary accommodation measures in order to adequately address the issue and preserve the safety and integrity of those involved. In such cases, the BIMH resource who received the report must inform the Secretary General of HEC Montréal, so that the latter ensures the implementation of such measures for the period deemed necessary by the BIMH resource. While implementing these temporary accommodation measures, the Secretary General may be assisted by the following offices: Faculty Affairs, Academic Programs, Research and Knowledge Transfer, Human Resources and Student Services.

7.3. Temporary accommodation measures that might be offered to anyone who thinks that they are a victim of an incident of psychological harassment or a respondent in such an incident include:

7.3.1. Support services such as those offered by the BIMH, as well as the Employee Assistance Program for employees, and psychological counseling and other personalized support services for students offered by Student Services;

7.3.2. For students: separation of the parties involved; deferral of exams; change of premises, courses or residence; probation with or without conditions;

7.3.3. For employees: separation of the parties involved, change of workplace and/or schedule, temporary administrative suspension of the respondent from the workplace;

- 7.3.4. For students, employees and any other person involved: restricted access of the respondent to certain places or a ban on participating in one or more activities, including classes, when there are reasonable grounds to believe that, in the circumstances, this person poses a threat to the health and safety of the studying, working and living environment; these measures may be applied for as long as the situation warrants.

8. Report, mediation and complaint

8.1. Report

- 8.1.1. Where the context so allows, if anyone thinks that they are a victim of prohibited behaviour, they can try to resolve the situation by communicating their discomfort to the other person, by specifying the nature of the alleged conduct, the negative effect it has on them, and their wish for the person to change their behaviour.
- 8.1.2. If anyone who thinks that they are a victim of prohibited behaviour is unable to resolve the situation themselves, they can report it to a BIMH resource to try and identify the nature and extent of said situation, to explore possible solutions and be referred, if necessary, to other resources. This step shall be taken with the utmost discretion and without any obligation to pursue a formal complaint process. This person can also file a report by sending an email to the address provided for this purpose (harcelement@hec.ca), which will be received in confidence by a BIMH resource specialized in this area who will take the matter forward with the person in question.
- 8.1.3. The report is not subject to any formality and can be filed at any time, there being no applicable time limit. A report may even be anonymous, except as provided in subsection 10 of this Policy.
- 8.1.4. In order to correct the situation, the BIMH can propose the following approaches to persons who think that they are victims of psychological harassment:
- 8.1.4.1. Indirect intervention, aimed at raising awareness in the immediate study and work environment by the person who received the report, in collaboration, depending on the parties involved, with the concerned office(s) of HEC Montréal;
- 8.1.4.2. Direct intervention, depending on the parties involved, with the concerned office(s) of HEC Montréal, in order to put an end to the alleged conduct;
- 8.1.4.3. Setting up a mediation process between the parties involved to try to find one or more acceptable solutions for them, and correcting the situation; this

initiative will be proposed by the BIMH in collaboration with the General Secretary and the concerned office(s) of HEC Montréal;

8.1.4.4. Filing a formal complaint, while providing the author of the report with support services in this process.

8.1.5. On receiving a report through the BIMH, HEC Montréal may be justified in undertaking the processing of the incident, even if no formal complaint has been filed, if there are reasonable grounds to believe in a potential incident of psychological harassment, given its obligation to provide a work and study environment free from psychological harassment.

8.2. Mediation

8.2.1. Where the context so allows and if the parties agree, preference should be given to seeking an agreement through mediation in order to find one or more acceptable solutions for the parties concerned, and correcting the situation.

8.2.2. If the parties agree to mediation, the Secretary General will initiate the mediation process by appointing a mediator who is not part of HEC Montréal's community.

8.2.3. 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.

8.2.4. The mediator will send the agreement between the parties to the Secretary General of HEC Montréal so that the latter can ensure the implementation of the support or corrective measures set out in the agreement.

8.2.5. If one of the parties refuses mediation or does not respect the agreement that is reached at the end of the mediation, or if mediation fails, the Secretary General can initiate an investigation process, as described in Articles 8.3.12 et seq.

8.3. Formal complaint

8.3.1. Anyone who thinks that they are a victim of psychological harassment can file a formal complaint, regardless of whether they had or had not previously reported the incident, or if, after having consulted a BIMH staff member, they deemed the procedures set out in Articles 8.1 and 8.2 to be inadequate or unsatisfactory.

8.3.2. Anyone wishing to file a complaint with HEC Montréal should get in touch with one of the BIMH resources, who will assist them with this procedure and will receive the complaint on behalf of HEC Montréal.

- 8.3.3. When anyone files a formal complaint with the BIMH, they authorize the disclosure of their identity and any other information required for processing the incident to the respondent and to any person for whom disclosure is necessary, to give full effect to this Policy.
- 8.3.4. Any member of the teaching or non-teaching staff of HEC Montréal who considers themselves to be the victim of an incident of psychological harassment may exercise any other recourse available to them, especially from the Commission des normes du travail, whether or not they have reported the incident or filed a formal complaint with HEC Montréal through the BIMH.
- 8.3.5. Anyone who thinks that they are a victim of psychological harassment can, at any time, withdraw from a process that they initiated under this Policy. 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 temporary accommodation measures to protect the psychological harassment complainant.

Admissibility analysis

- 8.3.6. Once the complaint is received by the BIMH, it shall be forwarded to the Secretary General of HEC Montréal, who will entrust an external investigator with the mandate of assessing the admissibility of the complaint as soon as possible.
- 8.3.7. In case the Secretary General is named in a formal complaint, the BIMH shall forward it to the Director of HEC Montréal, who will then appoint a person to replace the Secretary General for processing this complaint.
- 8.3.8. In case the Director of HEC Montréal is named in a formal complaint, the BIMH shall forward it to the Secretary General, who must, upon reception, send it to the Chairperson of the HEC Montréal's Board of Directors. The Chairperson of the Board will then form a committee comprising three board members who will be in charge of processing the complaint. This committee shall entrust an external investigator with the mandate of assessing the admissibility of the complaint as soon as possible and shall deal with the complaint as the Secretary General would do in Articles 8.3.6 and 8.3.9 to 8.3.16. Upon receipt of the investigation report, the committee shall proceed in the same manner as adopted by the Secretary General and persons mentioned in Articles 8.3.15 and 8.3.16. Where applicable, the committee shall make recommendations for administrative measures or sanctions to the Chairperson of the Board of Directors, who will decide which measures or sanctions to impose. The investigation report is submitted to the Chairperson of the Board of Directors in order to make them aware of the recommendations and the risk factors present in the environment, and highlighted in the report.

- 8.3.9. If the formal complaint is deemed inadmissible, the Secretary General shall inform the complainant of this finding and implement measures to ensure that the study, work and campus life environment of the parties to the complaint is healthy, respectful and safe. The respondent shall not be informed of the existence of the complaint.
- 8.3.10. If the formal complaint is made in bad faith or with malicious intent, the Secretary General will meet the complainant and will inform them that one of the sanctions provided for in Article 9 may be imposed on them. The respondent shall not be informed of the existence of this complaint.
- 8.3.11. If the complaint is deemed admissible, the Secretary General shall:
- 8.3.11.1. inform the complainant of the finding;
 - 8.3.11.2. inform the respondent that a complaint has been filed against them under this Policy and that this complaint has been deemed admissible;
 - 8.3.11.3. ask the complainant and the respondent, in case this has not already been attempted and if circumstances allow, whether they wish to choose mediation to resolve the complaint, as provided for in Article 8.2.

Investigation and findings

- 8.3.12. In all cases where a complaint of psychological harassment is deemed admissible under Article 8.3.6, if a process of mediation between the parties fails or if an agreement subsequent to mediation is not respected, the Secretary General shall appoint an external investigator and entrust them with the mandate to:
- 8.3.12.1. gather information relating to the complaint of psychological harassment with all due diligence, and hear the parties and all relevant witnesses;
 - and
 - 8.3.12.2. conclude whether or not the complaint is valid.
- 8.3.13. The Secretary General shall inform the complainant and the respondent about the formal investigation being conducted, the mandate given to the external investigator, and also about the option of being accompanied by someone of their choice during their meeting with the investigator. It will be pointed out however, that this person will not be able to intervene during this meeting or in the investigation process.

- 8.3.14. A report of the investigator's findings and recommendations shall be handed over to the Secretary General.
- 8.3.15. If the report's findings reveal that there is no incident of psychological harassment, the parties will then be directed by the Secretary General to the appropriate resources to restore the relationship or to make the accommodations required for re-establishing a respectful and peaceful study, work and campus life environment for both parties. To do this, the Secretary General may seek the collaboration of a two-person committee composed either of the Director of the Office of Faculty Affairs, Academic Programs, Research and Knowledge Transfer, Human Resources, Student Services, or a competent external resource.
- 8.3.16. If the report's findings reveal that there is an incident of psychological harassment, the Secretary General shall appoint a two-person committee composed of the Director of the Office of Faculty Affairs, Academic Programs, Research and Knowledge Transfer, Human Resources, Student Services and shall, together with this committee:
- 8.3.16.1. meet the respondent to convey the results of the investigation and allow them to be heard in the matter;
 - 8.3.16.2. establish recommendations for measures or sanctions they will propose to the Director of HEC Montréal, in accordance with Article 9;
 - 8.3.16.3. transmit their recommendations to the Director of HEC Montréal who will impose the measures and sanctions on the respondent;
 - 8.3.16.4. meet and inform the complainant of the findings, without disclosing the measures or sanctions adopted;
 - 8.3.16.5. offer the support services of the BIMH to both parties, according to the measures and sanctions recommended;
 - 8.3.16.6. provide the accommodations required for re-establishing a respectful and peaceful study, work and campus life environment for both parties.
- 8.3.17. If the situation involves a member of the teaching or non-teaching staff, the investigation report shall be kept confidential by the Director of the Human Resources Office. If the situation involves a student, the report shall be attached to their academic file, and if the situation involves a third party, the report shall be kept by the Financial Office.

8.3.18. Whatever the outcome of the investigation, a copy of the investigation report shall be submitted to the Director of HEC Montréal, in order to make them aware of the recommendations and the risk factors present in the environment, and highlighted in the report.

9. Administrative measures and sanctions

- 9.1. Following the investigation report, if the Secretary General, along with the two-person committee described in Article 8.3.16, conclude that any prohibited behaviour mentioned in this Policy has been committed, the respondent may be subject to administrative measures or sanctions which take into account the nature of the breach, its severity and its repetitive pattern.
- 9.2. HEC Montréal will take the necessary sanctions or disciplinary measures, including any appropriate procedures under the applicable rules, against any person who has made a report or has attempted to make a report, or has filed a formal complaint or has attempted to file a formal complaint in an abusive or frivolous manner, in bad faith or based on false allegations with the intention of harming the respondent.
- 9.3. If the respondent is a member of the teaching or non-teaching staff at HEC Montréal, the Secretary General, along with the two-person committee described in Article 8.3.16, shall make recommendations to the Director of HEC Montréal, so that he or she can decide on the measures or sanctions to be imposed, such as:
 - 9.3.1. A warning letter delivered by the Director of HEC Montréal, which will also be added to the employee's file, with no other immediate consequence;
 - 9.3.2. Suspension with or without pay;
 - 9.3.3. Dismissal of the employee while taking into consideration that only the Board of Directors can authorize the dismissal of a professor who is a member of the Professors' Assembly;
 - 9.3.4. Any other sanction judged to be appropriate.

In any case, the measures and sanctions chosen are attached to the employee's file.

- 9.4. If the respondent is a student, the Secretary General, along with the two-person committee described in Article 8.3.16, shall make recommendations to the Director of HEC Montréal, so that he or she can decide on the measures or sanctions to be imposed, such as:
 - 9.4.1. A warning note placed in the student's academic file without any other immediate consequence;

- 9.4.2. Suspension of the student who will not be allowed to enroll in courses or a program for a period of time that is determined when the sanction is handed down; this period may not exceed two years;
- 9.4.3. Permanent expulsion of the student who will not be admitted or readmitted to any HEC Montréal program or course, nor obtain any degrees or certificates.
- 9.4.4. Any other sanction judged to be appropriate.

In any case, the measures and sanctions chosen are attached to the student's academic file.

- 9.5. If the respondent is a third party, the Secretary General, along with the two-person committee described in Article 8.3.16, shall make recommendations to the Director of HEC Montréal, so that he or she can decide on the measures or sanctions to be imposed, such as:
 - 9.5.1. A written warning;
 - 9.5.2. A request to write a written apology;
 - 9.5.3. A report to the employer;
 - 9.5.4. The loss of access or privileges;
 - 9.5.5. The loss of any business relationship with HEC Montréal for the third party and its employer.

In all cases, decisions on the measures or sanctions adopted against a third party shall be preserved in the unit that has done business with this third party as well as in the Financial Office.

- 9.6. When there is a sanction, subsequent to the decision of the School Director, the Secretary General must:
 - 9.6.1. Notify the complainant of the findings of the investigation without revealing any confidential information related to the respondent's file, while reminding them of their confidentiality obligations;
 - 9.6.2. Notify the respondent of the decision and the measures and sanctions chosen;
 - 9.6.3. Notify the Human Resources Office of the measures or sanctions adopted, in all cases where the respondent is a member of the teaching or non-teaching staff;

- 9.6.4. Notify both the Director of Faculty Affairs and the Director of the Academic Programs of the measures and measures chosen, if the respondent is a professor;
- 9.6.5. Notify Student Services and the Office of the Registrar if the respondent is a student;
- 9.6.6. Notify the Director of the unit related to the third party being sanctioned if the respondent is a third party of HEC Montréal.

10. Confidentiality

- 10.1. All information relating to reports, mediation processes or complaints as well as the identity of those involved, shall be treated confidentially by all parties involved, except when the disclosure of such information, always made in a restrictive manner, is required for adopting accommodation measures, processing complaints, imposing administrative measures or sanctions, or where there is reasonable cause to believe that there is a serious and immediate risk to the life, health or safety of a person or another member of the community or a threat to this effect which inspires a sense of urgency.
- 10.2. All members of the HEC Montréal community shall be subject to this confidentiality obligation, whether or not they are involved in the report, mediation process or complaint.
- 10.3. Any breach of confidentiality will be treated in accordance with Articles 9.2 to 9.6.

11. Time limits

- 11.1. A report or complaint made in accordance with this Policy, can be filed any time and no time limit is applicable. However, members of the HEC Montréal community who are affected by any of the prohibited behaviours under this Policy are encouraged to make a report or file a complaint with the BIMH as soon as possible, as the passage of time could adversely affect the means available to HEC Montréal to adequately address the situation.

12. Application of the Policy

- 12.1. The Secretary General has the overall responsibility of implementing this Policy.

13.Accountability report

- 13.1. The Secretary General shall provide the Board of Directors with an annual report on the implementation of this policy, in which he or she will describe:
 - 13.1.1. The prevention and awareness-raising measures or training activities that have been implemented during the year;
 - 13.1.2. The number of reports of psychological harassment, successful mediations or complaints of psychological harassment received by the BIMH and their processing times;
 - 13.1.3. The actions taken and the types of sanctions applied.

14.Effective date and review

- 14.1. This Policy was adopted by the Board of Directors of HEC Montréal on February 6, 2020, and it came into effect on the same day.
- 14.2. This Policy fully replaces the *Policy to Ensure a Work and Study Environment Free from all Forms of Harassment* that came into effect on January 1, 2005.
- 14.3. HEC Montréal undertakes to review this Policy at least once every four years.

Appendix 1 – Resource Persons

(as of February 6, 2020)

