

The image shows a modern, multi-story building with a grid of windows, illuminated at night. A street lamp is visible in the foreground, casting a glow. The building has a distinctive architectural style with a mix of materials and a prominent entrance area.

**HEC MONTRÉAL**

**Politique visant à prévenir  
et combattre les violences  
à caractère sexuel au sein  
de toute la communauté  
de HEC Montréal**

**Policy to Prevent and Fight  
Sexual Violence within the  
Whole of the HEC Montréal  
Community**

**Adoptée par le Conseil d'administration  
le 27 novembre 2018**

**En vigueur le 1er janvier 2019**

**Adopted by the Board of Directors on  
November 27, 2018**

**In force as of January 1, 2019**

# Table of Contents

1.	Guiding Principles .....	3
2.	Commitments.....	4
3.	Scope .....	5
4.	Definitions.....	6
5.	Roles and Responsibilities .....	8
6.	Standing Committee .....	11
7.	Prohibited Conduct .....	12
8.	Personalized Services and Accommodation Measures .....	12
9.	Reports and Complaints.....	14
10.	Administrative Measures and Sanctions .....	19
11.	Confidentiality .....	20
12.	Protection Against Reprisals.....	21
13.	Time Limits and Schedules .....	22
14.	Application of the Policy .....	23
15.	Accountability Report .....	23
16.	Effective Date and Review.....	23
17.	<b>APPENDIX A</b> – Code of Conduct for Relationships between Employees and with Students.....	24
18.	<b>APPENDIX B</b> – Resource Persons .....	26

# 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 live, work and study in a safe and healthy environment. With this policy, HEC Montréal is intensifying its efforts to prevent and fight all forms of sexual violence within its community.
- 1.2. This Policy applies to all members of the HEC Montréal community. HEC Montréal acknowledges that sexual violence can impact all members of society, particularly women, as well as persons from minorities, such as sexual or gender minorities, from cultural or Native communities or persons with disabilities who may suffer more serious consequences.
- 1.3. HEC Montréal cannot prevent intimate consensual relationships, such as amorous or sexual relationships, between members of its community, whether they be mature students or employees. However, in order to maintain objective, impartial, honest, and respectful pedagogical relationships or relationships of authority, and in order to protect these relationships from any potential abuse of power, trust, authority or sexual violence, HEC Montréal does not accept and seeks to avoid the concurrence of a pedagogical relationship or of a relationship of authority, and an intimate relationship, whether amorous or sexual, between the members of its community, either mature students or employees.
- 1.4. With this Policy, HEC Montréal:
  - 1.4.1. Provides for preventive and educational measures to counter sexual violence. These measures include training and support for all members of the HEC Montréal community impacted by sexual violence;
  - 1.4.2. Provides for the creation and maintenance of a standing committee the role of which is to, not only develop the present policy, but also review it and ensure compliance;
  - 1.4.3. Establishes a procedure for the processing of sexual violence reports and the processing of complaints about sexual violence; and
  - 1.4.4. Provides for a code of conduct establishing a framework for the relationships between the various members of the HEC Montréal community who concurrently maintain intimate relationships, such as amorous or sexual, and pedagogical relationships or relationships of authority or power.

## 2. Commitments

- 2.1. With regard to the above principles, HEC Montréal is committed to:
  - 2.1.1. Fostering a living, working and studying environment where all members of its community will feel safe and protected from all forms of violent acts committed through sexual practices or through the targeting of sexuality;
  - 2.1.2. Ensuring that its infrastructure is safe for all of its community members and that necessary adjustments are made as required;
  - 2.1.3. Ensuring compliance with the Code of Conduct provided in Appendix A;
  - 2.1.4. Ensuring that all social and orientation activities organized for its community members and by its community members or groups of members (e.g. student associations, interest groups, sports teams, research units, administrative units) or any third party are organized and take place in a healthy and safe manner, free from sexual violence as stipulated in this Policy and its Code of Conduct, and that all other regulations, policies, guidelines and codes applicable to the community are scrupulously respected;
  - 2.1.5. Offering support, within the legal time frame, to its community members impacted by sexual violence, especially for those most at risk of being victims of sexual violence such as people from sexual or gender minorities, cultural or Native communities, foreign students and persons with disabilities, who would make use of this Policy in order to receive fair treatment.
  - 2.1.6. Ensuring that no measures are taken to silence an individual under this Policy, for any reason whatsoever;
  - 2.1.7. Ensuring that support of community members impacted by sexual violence and presumption of innocence are considered equitably in all of the present Policy's procedures;
  - 2.1.8. Immediately notifying the Director of Youth Protection about any situation where there are reasonable grounds to believe that the safety or development of a minor is or could be compromised;
  - 2.1.9. Using all the means at its disposal to disseminate this Policy to the entire academic community, including bringing it to the attention of each employee and student, and to offer the mandatory annual training activities required by law

- 2.2. In order to counter sexual violence in its community, HEC Montréal requires the participation of all its members, all of whom are required to comply with the requirements and obligations set out in this Policy. Officers, faculty and non-faculty members, student association representatives, as well as students and third parties dealing with all these individuals must be actively involved in preventing and fighting sexual violence.

In this regard, HEC Montréal strongly encourages anyone impacted by sexual violence, including any person who witnesses a sexually violent act to make use of this Policy.

## 3. Scope

- 3.1. This Policy applies to:

- 3.1.1. Every member of the HEC Montréal community, whether living, working or studying on or off campus, as well as third parties dealing with HEC Montréal, any of its departments or services; and
- 3.1.2. Any sexual violence that has occurred during academic activities, namely activities related to teaching, research, or to social, cultural, sports or philanthropic activities organized by HEC Montréal, by a student association or an interest group recognized by HEC Montréal, on or off campus, including through the use of technology.

## 4. Definitions

### 4.1. “Act”

*Act to Prevent and Fight Sexual Violence in Higher Education Institutions, R.L.R.Q., c. P-22.1.*

### 4.2. “Act of Sexual Violence”

All forms of violence committed through sexual practices or by targeting sexuality, including sexual assault and sexual harassment. It also covers any other misconduct, expressed, for example, through unwanted sexually connoted actions, words, behaviors or attitudes including those relating to sexual and gender diversity, expressed directly or indirectly, including through the use of technology. For example, sexual violence can occur in person, over the phone, verbally or in writing, and through electronic means such as the Internet and social media.

### 4.3. “BIMH”

The Center for Harassment Intervention (*Bureau d’intervention en matière de harcèlement*) of the Université de Montréal and HEC Montréal is the body that has been mandated by HEC Montréal to assist in taking on the roles and responsibilities as described in section 5 of the Policy and to serve as the single point of contact for any member of the HEC Montréal community impacted by sexual violence.

### 4.4. “Complainant”

The person who files a formal complaint with the BIMH.

### 4.5. “Criminal Complaint”

The act of filing a complaint with the police which will launch a police investigation process and subsequent legal proceedings. A criminal complaint is processed by the judicial system and not by the provisions of this Policy.

### 4.6. “Formal Complaint”

A formal process which aims to denounce in writing a situation at HEC Montréal involving sexual violence, according to the terms and conditions stipulated in subsection 9.2 of this Policy.

### 4.7. “HEC Montréal Community”

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

#### 4.8. “HEC Montréal Student”

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 activity at HEC Montréal. Included in this definition are the participants in programs offered by all HEC Montréal units, such as the Executive Education.

#### 4.9. “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 pedagogical relationship with a student include, for example, 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 directed studies).

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

#### 4.10. “Relationship of Authority”

Is a relationship of authority 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, or the exercise of any similar role and applies to both students and employees of HEC Montréal.

#### 4.11. “Report”

The act of disclosing information about an act of sexual violence, 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.

#### 4.12. “Respondent”

The individual named in the sexual violence allegations.

#### 4.13. “Standing Committee”

The committee established under section 6 of this Policy.

#### 4.14. "Third Party"

Any third party to HEC Montréal or any of its departments or services, including any employee of this third party (contractors, clients, visitors, service providers, guests, consultants, sponsors, volunteers, external agencies, or all other similar relations) that is affiliated to HEC Montréal, or to one of its departments or services.

## 5. Roles and Responsibilities

All the members of the academic community and third parties having a contractual link with HEC Montréal must be aware of this Policy, including its appendices, and comply with the requirements and obligations contained therein.

When a member of the HEC Montréal community is told by a victim of his or her experience or if this member witnesses a sexually violent act, 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. Center for Harassment Intervention, Université de Montréal and HEC Montréal (BIMH)

Through the BIMH, HEC Montréal offers assistance to those who report or to complainants who are members of the HEC Montréal community, regardless of whether the respondent is a member of this community or not. BIMH staff offer the necessary counselling, support and assistance to those who report, to complainants, respondents, witnesses and anyone in the HEC Montréal community impacted by an incident of sexual violence, by informing them about their options in their present situation, and providing them with the details on how reports or formal complaints are processed, all the while ensuring the confidentiality of the parties and their right to a fair process.

In collaboration with Student Services and the Human Resources Department of HEC Montréal, the BIMH provides mandatory annual training on sexual violence to the officers, employees and representatives of student associations of HEC Montréal.

Through various means the aim of which is to reach each of these individuals in the most efficient manner, the BIMH, in collaboration with HEC Montréal, disseminates throughout the entire academic community, all the legal information required to fully understand this Policy, including the definitions for consent and act of sexual violence, as well as the steps involved in reporting, in filing a formal complaint and a criminal complaint.



## 5.2. Standing Committee

The standing committee has the mandate to develop and review this Policy and ensure the follow up to it. It must implement a process to ensure that students, the officers and employees (faculty and non-faculty) are consulted during the development and review processes of the Policy.

## 5.3. The Director of Faculty Affairs

The Director of Faculty Affairs plays a role in the management of formal complaints with the Secretary General and the Director of Human Resources.

## 5.4. Director of Human Resources

The Director of Human Resources works in conjunction with the BIMH, in particular, to prevent sexual violence, to plan the mandatory annual trainings for HEC officers, as well as faculty and non-faculty employees, and to provide support for School employees impacted by this violence. The Director of Human Resources plays a role in the management of formal complaints with the Secretary General and the Director of Human Resources.

## 5.5. The School Administration and the Secretary General

The HEC Montréal administration ensures the implementation of this Policy through its representative, the Secretary General of HEC Montréal, who is also in charge of managing formal complaints in collaboration with the Director of Faculty Affairs and the Director of Human Resources. The Secretary General is responsible for the annual accountability as required by law and he or she chairs the standing committee.

## 5.6. Students

Students must abide by the Code of Conduct for HEC Montréal Students and comply with the Policy's requirements and obligations.

#### 5.7. Members or Groups of Members of the HEC Montréal Community or Third Parties Dealing with Them

Members of the HEC Montréal community must be vigilant and report any incident of sexual violence to the BIMH or the Secretary General. Everyone must be aware of the importance of acting promptly.

All members or groups of members of the HEC Montréal community (e.g., student associations, interest groups, sports teams, research units, administrative units, program departments), particularly those who organize social or welcoming activities, must ensure that the events are planned and conducted in a healthy and safe manner, free from sexual violence in accordance with this Policy and its Code of Conduct; that no game, joke or activity compromises the physical and psychological integrity of individuals and that all the applicable regulations, policies, guidelines and codes are complied with.

#### 5.8. Representatives of Student Associations

Representatives of student associations and their committees must abide by the rules governing social and welcoming activities as described in subsection 5.7 above, participate in the selection and dissemination of training and awareness-raising activities available through the BIMH and attend the mandatory annual trainings as required by law.

#### 5.9. Student Services

The Student Services and BIMH work in conjunction to prevent sexual violence, plan mandatory annual training sessions for HEC Montréal students and provide support to those HEC Montréal students impacted by sexual violence.

#### 5.10. Third Party

Third parties that are contractually bound with HEC Montréal, one of its units or a university community representative, as well as third-party subcontractors, representatives or employees, must abide by this Policy and its appendices. All third parties who organize social or welcoming activities for members of the HEC Montréal community must ensure that the events are planned and conducted in a healthy and safe manner, free from sexual violence in accordance with this Policy and its Code of Conduct, and that all the applicable regulations, policies, guidelines and codes are scrupulously complied with.

## 6. Standing Committee

- 6.1. The standing committee has the mandate to develop and review the Policy and ensure its follow up. It must implement a process to ensure that students, officers and employees (faculty and non-faculty) are consulted during the development and review processes of the Policy.

The standing committee is periodically informed as to the status and evolution of reports and complaints submitted to the BIMH, and as to the monitoring of these by HEC Montréal, while maintaining confidentiality, as required by this Policy.

- 6.2. Standing committee members are selected in accordance with objective criteria such as gender parity and representation, wherever possible, of minorities present at HEC Montréal, as well as equal representation between the various School communities, i.e., students, employees (faculty and non-faculty). Expertise in matters of sexual violence, harassment or other regulations similar to this Policy is also a criterion considered in member selection.
- 6.3. The Director of HEC Montréal appoints the following persons as members of the standing committee:
  - 6.3.1. The Secretary General of HEC Montréal, who is also the chairperson of the standing committee;
  - 6.3.2. Two professors appointed on recommendation of the chair of the Professors' Assembly;
  - 6.3.3. A full-time lecturer or lecturer appointed on recommendation of the Faculty Affairs Office;
  - 6.3.4. Two students, including one with a research profile, appointed on recommendation of the student associations;
  - 6.3.5. Two non-faculty employees, one which represents Student Services and is appointed on recommendation of the Director of this service, and another who is appointed on recommendation of the Human Resources Department;
  - 6.3.6. A representative of the BIMH appointed on recommendation of the BIMH Office.
- 6.4. Standing committee members who are employees serve for three years and students serve for one year.

- 6.5. If a standing committee member is the respondent in a report, a formal and/or criminal complaint, the member is automatically removed from the committee during the processing of the report or complaint; if this member is the Secretary General, the Director of HEC Montréal appoints another standing committee president from among the committee members.
- 6.6. The standing committee can avail itself of any person who can provide assistance or support during the mandate.

## **7. Prohibited Conduct**

- 7.1. For the purposes of this Policy, prohibited conduct includes any act of violence committed through sexual practices or by targeting sexuality, including sexual assault and harassment, as well as any other misconduct, including that relating to sexual and gender diversity, in such forms as unwanted gestures, comments, behaviors or attitudes with sexual connotations, expressed directly or indirectly, including by a technological means.

## **8. Personalized Services and Accommodation Measures**

- 8.1. HEC Montréal, through the office of the Secretary General, will adopt all the necessary measures to ensure a healthy and safe environment in which to live, work and study for anyone impacted by sexual violence.
- 8.2. When an act of sexual violence is disclosed to a BIMH employee, this employee must offer reception, referral, psychosocial assistance and support services to all those impacted by the report by way of resources specialized in this area of expertise

In certain cases, the circumstances surrounding the alleged incident may require the adoption of temporary accommodation measures in order to adequately address the situation and preserve the safety and integrity of those involved, in accordance with subsection 8.4 below.

In such cases, a BIMH representative must inform the Secretary General of HEC Montréal, so he or she can ensure that such measures are put in place for the time period deemed necessary by the BIMH representative. In order to implement the accommodation measures in cases where students are involved, the Secretary General can be assisted by the Student Services. In cases where professors are involved, the Secretary General can be assisted by the Director of Faculty Affairs, and in cases where non-faculty employees are involved, the Secretary General can be assisted by the Human Resources Department.

- 8.3. The temporary accommodation measures that can be provided to an individual who claims to be a victim of sexual violence or to an individual who is accused of this act include, for example:
  - 8.3.1. 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;
  - 8.3.2. For students: separation of the parties involved; deferral of exams; change of premises, courses or residence; probation with or without conditions;
  - 8.3.3. For employees: separation of the parties involved, change of workplace and/or schedule, administrative suspension of the respondent from the workplace during the investigation;
  - 8.3.4. 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 living, working or studying environment; these measures may be applied for as long as the situation warrants;
- 8.4. Depending on the university community members involved, the decision pertaining to temporary accommodation measures is made by the competent academic authorities and/or the Human Resources Department and/or the Director, Office of Faculty Affairs and/or the immediate supervisor, in collaboration with the Office of the Secretary General.
- 8.5. Any decision pertaining to temporary accommodation measures as mentioned above must be made within the timeframe set out in section 13.

# 9. Reports and Complaints

## 9.1. Report

- 9.1.1. Any person who believes he or she is a victim of sexual violence and wants to consult someone in this regard or has any information to provide regarding the situation may inform a BIMH employee in complete confidentiality and without any obligation to launch a formal complaint process. To avoid a face-to face meeting with a BIMH employee, this person can also send an e-mail to the address provided for this purpose (harcelement@hec.ca), which will be received confidentially by a BIMH resource specialized in this area.
- 9.1.2. 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 11.2.2 of this Policy.
- 9.1.3. The BIMH resource that receives the report must follow these guidelines, whether the report is made by an alleged victim or a person wanting to provide information on an incident of sexual violence that he or she became aware of either directly or indirectly:
  - 9.1.3.1. Listen to the person without judging;
  - 9.1.3.2. Openly accept the narrative of events as reported, without questioning it;
  - 9.1.3.3. Respect the person's intervention choices, particularly as to filing or not a formal or criminal complaint;
  - 9.1.3.4. Not minimize or excuse the actions of the respondent, or insinuate that the alleged victim is partly responsible for the incident that occurred;
  - 9.1.3.5. Ensure that the report is treated in compliance with the principles of confidentiality set out in section 11 of this Policy.
- 9.1.4. While a report is being made, the BIMH resource may, with the consent of the person providing the report:
  - 9.1.4.1. Recommend that the person consult other internal/external resources at HEC Montréal;
  - 9.1.4.2. Encourage the person to file a formal and/or criminal complaint, and offer support services during these processes;
  - 9.1.4.3. Propose that the police be informed of the situation.

- 9.1.5. Within the 7 day time frame set out in section 13, the BIMH resource:
- 9.1.5.1. Offers the person filing the report the personalized services and accommodation measures set out in section 8 above:
  - 9.1.5.2. Can ask the Secretary General to temporarily provide any accommodation measures likely to mitigate the impacts on the academic or professional and personal life of the person filing the report, so as to restore a healthy and safe living, working and studying environment for the person and the HEC Montréal community;
- 9.1.6. In the case of an anonymous report, if it concerns individuals employed by HEC Montréal and if there is sufficient information, or if this information corresponds to the sexual harassment criteria as described in subsection 81.18 of the *Act Respecting Labor Standards* and of paragraph 11.2.2 of this policy, the BIMH resource that receives the report informs the Secretary General who calls on an external investigator, as stated in subsection 9.2.9 of this Policy.

## 9.2. Formal Complaint

- 9.2.1. Any person subject to this Policy who deems himself or herself a victim of sexual violence or who witnessed sexual violence can file a formal complaint in writing to the BIMH regardless of whether or not the person previously reported the situation.
- The formal complaint is filed by sending the form, which can be found at the following address: [plainteformelleVACS.hec.ca](mailto:plainteformelleVACS.hec.ca), according to one of the following methods:
- By email to [harcelement@hec.ca](mailto:harcelement@hec.ca);
  - By mail, on a confidential basis, to:  
Center for Harassment Intervention,  
Université de Montréal and HEC Montréal (BIMH)  
PO Box 6128, Centre-ville Station  
Montréal (Québec) H3C 3J7
  - In person at the BIMH office at  
3333, Queen-Mary Road (corner Decelles),  
Office 543, Montréal.

In the event that the Secretary General, the Director of Human Resources or the Director of Faculty Affairs were the subject of a formal complaint, this complaint would be transmitted by the BIMH to the Director of HEC Montréal. The latter would appoint a replacement for the person who is the subject of the complaint and the complaint could then be processed.

Under no circumstance can the BIMH or HEC Montréal supersede the police in their work. Any person subject to this Policy who is impacted by any form of sexual

violence can file a complaint with the police, regardless of whether or not the person previously reported the situation or filed a formal complaint with the BIMH.

- 9.2.2. A formal complaint can be filed at any time, as there is no applicable time limit.
- 9.2.3. The only formality required in the filing of a complaint is the completion of an online form available for this purpose and dated the day the complaint is filed. The BIMH can assist the complainant in completing the form; if this assistance is not provided, the BIMH can suggest that it meet with the complainant. This meeting could be required in the event that an investigation is launched.
- 9.2.4. Upon reception of the complaint, the BIMH transmits it to the Secretary General who mandates an external investigator to determine, without delay, the admissibility of the complaint.
- 9.2.5. In parallel, within the 7 day time frame set out in section 13, the BIMH resource:
  - 9.2.5.1. Provides the complainant with reception, referral, psychological assistance and support services offered by trained resources with an expertise in sexual violence;
  - 9.2.5.2. Can call on the Secretary General to temporarily provide any accommodation measures likely to mitigate the impacts on the academic or professional and personal life of the complainant, so as to restore a healthy and safe environment in which this person and the HEC Montréal community can live, work and study;
- 9.2.6. Upon reception of the external investigator's report on the admissibility of the complaint, the Secretary General:
  - 9.2.6.1. Transmits the report (if the complaint is judged admissible) to the Director of Human Resources and the Director of Faculty Affairs who, together, will:
    - Mandate an external investigator with the task of completing a thorough investigation. The investigator must provide a report to the Secretary General as soon as possible;
    - Inform the respondent, offer reception and referral services, psychological support and assistance through the BIMH;
    - Can provide, for the duration of the investigation, any measure which may mitigate the impacts of the investigation on the professional life of the respondent;



9.2.6.2. If the complaint is deemed inadmissible, inform the complainant and the BIMH in writing as to the reasons for its inadmissibility, offer the complainant the support of the BIMH, state the reasons for the inadmissibility of the complaint on the complaint form and file it in the archives; if there is no problematic situation or conflict, the respondent is not informed of the complaint.

Despite the formal complaint having been deemed inadmissible, the Secretary General, with the Director of Human Resources and the Director of Faculty Affairs could determine that measures such as awareness raising or training of the respondent are warranted. They could also recommend mediation to the parties involved, as well as accommodation measures.

9.2.7. At the end of the investigation, a report is submitted to the Secretary General:

9.2.7.1. If the report concludes that the allegations of sexual violence are not founded, the Secretary General, with the Director of Human Resources and the Director of Faculty Affairs:

- Determine, based on the available information, if the complaint was filed in good faith or in bad faith;
- If the complaint is deemed to have been filed in good faith, the file is closed and the complainant and respondent are contacted in writing as to the complaint's having been deemed unfounded and the justification; this information is included in the complaint form and archived in the file;
- If the complaint is deemed to have been filed in bad faith, they inform the complainant and respondent in writing, determine whether sanctions as provided in section 10 are to be imposed on the complainant and transmit their recommendations to the Director of HEC Montréal who will impose the sanctions on the complainant;

9.2.7.2. If the investigation report concludes that the allegations of sexual violence are founded, the Secretary General, with the Director of Human Resources and the Director of Faculty Affairs:

- Determine which measures or sanctions to recommend to the Director of HEC Montréal from among those sanctions provided in section 10 and depending on the nature of the act of sexual violence which was posed;
- Transmit their recommendations to the Director of HEC Montréal who will impose the measures and sanctions on the respondent;
- Inform the complainant as to the conclusions, without necessarily revealing the measures and sanctions which were recommended;
- Offer the support services of the BIMH to the complaining party, according to the measures and sanctions recommended.

9.2.8. With the complainant's consent, the Secretary General, with the Director of Human Resources and the Director of Faculty Affairs can, in addition to the measures and sanctions provided in section 10, encourage the complainant to inform the police about the situation and to file a criminal complaint.

9.2.9. At any time, if the Secretary General having been informed by the BIMH, by any School body or anonymously, of an issue related to sexual violence in the HEC Montréal community, he or she can, with the Director of Human Resources and the Director of Faculty Affairs, request an investigation by an external investigator, even if a formal complaint has not been filed; the conclusions of the investigation report are processed as per the above subsection 9.7.2.

### 9.3. Criminal Complaint

9.3.1. At any time, anyone who is the subject of this Policy and impacted by any form of sexual violence may file a criminal complaint with the police, regardless of whether or not they have reported the situation or filed a formal complaint with the BIMH.

9.3.2. All the services offered by HEC Montréal in section 8 of this Policy are available to the person who files a criminal complaint, regardless of whether or not the person reported the situation or filed a formal complaint or had started receiving such services before filing the criminal complaint.

# 10. Administrative Measures and Sanctions

- 10.1. If the Secretary General, with the Director of Human Resources and the Director of Faculty Affairs determine that there has been a violation of the Policy or the Code of Conduct, administrative measures can be taken against and sanctions imposed on the respondent, measures and sanctions that depend on the nature of the violation, its seriousness and its frequency; the same applies to any person who would coerce another person under this Policy to remain silent, for whatever reason.
  
- 10.2. If the respondent is an HEC Montréal employee, the Secretary General, with the Director of Human Resources and the Director of Faculty Affairs make recommendations to the School's administration, recommendations upon which the Director of HEC Montréal can base the choice of which measures and sanctions to impose, such as:
  - 10.2.1. 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;
  - 10.2.2. Suspension with or without pay;
  - 10.2.3. 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;
  - 10.2.4. Any other sanction judged to be appropriate.
  
- 10.3. If the respondent is an HEC Montréal student, the Secretary General, with the Director of Human Resources and the Director of Faculty Affairs make recommendations to the School administration, recommendations upon which the Director of HEC Montréal can base the choice of which measures and sanctions to impose, such as:
  - 10.3.1. A warning note placed in the student's academic file without any other immediate consequence;
  - 10.3.2. 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;
  - 10.3.3. 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;
  - 10.3.4. In addition to these sanctions, the Secretary General, with the Director of Human Resources and the Director of Faculty Affairs can recommend any other measure deemed appropriate in the circumstances, including suspending access to the School's IT systems for a period of time determined when the warning is issued or during the suspension;
  - 10.3.5. In any case, the measures and sanctions chosen are attached to the student's academic file.

- 10.4. If the respondent is a third party, the Secretary General, with the Director of Human Resources and the Director of Faculty Affairs make recommendations to the School administration, recommendations upon which the Director of HEC Montréal can base the choice of which measures and sanctions to impose.
- 10.5. In the case of a sanction, the Secretary General must, following the HEC Montréal Director`s decision:
  - 10.5.1. Notify the complainant of the decision and inform him or her about the duty of confidentiality;
  - 10.5.2. Notify the respondent of the decision and the measures and sanctions chosen;
  - 10.5.3. Notify the Human Resources Department of the measures and sanctions chosen, for each case in which the respondent is an employee;
  - 10.5.4. Notify the Director of Faculty Affairs of the measures and measures chosen, if the respondent is a professor;
  - 10.5.5. Notify Student Services and the Office of the Registrar if the respondent is a student;
  - 10.5.6. Notify the School administration or the unit related to the third party being sanctioned if the respondent is a third party of HEC Montréal.

## 11. Confidentiality

- 11.1. Any report or filing of a formal complaint will be treated confidentially in compliance with the applicable regulatory framework.
- 11.2. However, the confidentiality of the respondent will not be maintained when information has to be disclosed, especially in the following cases:
  - 11.2.1. There are reasonable grounds to believe that there is a serious and immediate risk to the life, health and safety of a person or other member of the community, or any similar threat that generates a sense of urgency; in such cases, HEC Montréal will quickly contact the police and specialized resources;

- 11.2.2. Reported conduct, anonymous or not, or in the course of a complaint regarding a person employed by HEC Montréal that corresponds precisely with the psychological or sexual harassment criteria, as provided in subsection 81.18 of the *Act Respecting Labour Standards*, that is to say, offensive conduct characterized by repeated behaviors, comments or gestures that are hostile or unwanted, which cause prejudice to the dignity, the psychological or physical integrity of the person and which lead to a harmful study or work environment for this person; to be more specific, psychological harassment includes such conduct when such words, such actions or such gestures of a sexual nature are manifested. A single serious gesture can also constitute psychological or sexual harassment if it causes prejudicial and harmful lasting effects on the person;
  - 11.2.3. An investigation or a disclosure of information is required by law (e.g., the obligations to stop psychological harassment under the *Act Respecting Labour Standards*);
  - 11.2.4. There are reasonable grounds to believe that the safety or development of a minor is or could be compromised with respect to a situation under this Policy; such a case will immediately be reported to the Director of Youth Protection by the Secretary General, in accordance with section 39 of the Youth Protection Act.
- 11.3. In the case of a formal complaint, the confidentiality of the complainant may not be maintained if compliance with procedural fairness towards the respondent requires disclosure of the complainant's identity and allegations.

## 12. Protection Against Reprisals

- 12.1. No person should suffer reprisals or threats of reprisals for having denounced conduct he or she experienced or for having intervened to help stop inappropriate behavior. HEC Montréal intends to take all the necessary measures to protect the victims and the other members of the School community against reprisals.

The protection measures against reprisals at HEC Montréal 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 formal complaint or they could financially compensate a lost scholarship opportunity.

12.2. HEC Montréal will not tolerate any reprisals, irrespective of how they are conveyed, including via social networks or electronic media, against anyone who has disclosed information, made a report or filed a formal or criminal complaint, for an act of sexual violence, or against anyone who is involved in the processing of a report or of a formal complaint.

These reprisals can be of various categories: academic, professional, financial (for example the stripping of a scholarship awarded by a faculty member to a graduate student under his or her supervision, loss of a job or a contract, or a downgrade), defamatory, etc. These reprisals can occur at any time and not solely following the filing of a complaint by the alleged victim.

12.3. HEC Montréal will take the necessary 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.

12.4. HEC Montréal will also take the necessary 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.

## 13. Time Limits and Schedules

13.1. A report or a complaint, whether formal and/or criminal, can be filed at any time and there is no applicable time limit. However, the members of the HEC Montréal community impacted by sexual violence are strongly encouraged to make a report or file a formal complaint with the BIMH as soon as possible, as the passage of time can impede the measures at HEC Montréal's disposal to adequately manage the situation.

13.2. The provision of reception, referral, psychological assistance and support services by trained resources with an expertise in sexual violence must be made within a period of 7 days from the time the information is brought to notice, or from the time it is reported to one of the BIMH employees or, from the date a complaint is filed with the BIMH.

13.3. The time frame for intervention applicable to any accommodation measures that are offered following the receipt of information, reports or complaints cannot exceed 7 days from the time the information is brought to notice, or from the time it is reported to one of the BIMH employees or from the date a complaint is filed with the BIMH.

13.4. The time frame for the processing of a formal complaint must not exceed 90 days from the date it is filed with the BIMH.

13.5. The above time frame is counted in calendar days. If the deadline is a statutory holiday, a Saturday or a Sunday, it is extended to the next working day.

## 14. Application of the Policy

- 14.1. The Secretary General has the overall responsibility of implementing this Policy.
- 14.2. The Secretary General transmits the Policy in HEC Montréal's name to the relevant Minister as soon as it is adopted or when it is modified.

## 15. Accountability Report

- 15.1. HEC Montréal accounts for the implementation of this Policy in an annual report that outlines:
  - 15.1.1. The prevention and awareness-raising measures that were adopted, including training activities offered to students;
  - 15.1.2. The training activities followed by officers, staff members and student association representatives;
  - 15.1.3. The safety measures adopted;
  - 15.1.4. The number of complaints and reports received and their processing times;
  - 15.1.5. The actions taken, and the types of sanctions applied;
  - 15.1.6. The consultation process used during the development of the Policy or its modification.

## 16. Effective Date and Review

- 16.1. This Policy was adopted by the HEC Montréal Board of Directors on November 27, 2018, to be implemented January 1, 2019.
- 16.2. HEC Montréal must review the Policy for the first time one year after its implementation, and then once every two years, in accordance with the process established by the Standing Committee that ensures students, officers and employees (faculty and non-faculty) are consulted as part of any review process of the Policy.

## Code of Conduct for Relationships between Employees and with Students

By virtue of the right to privacy embedded in the Quebec and Canadian Charters of Rights and Freedoms, HEC Montréal cannot prevent consensual intimate relationships, such as amorous or sexual, between mature students and the other members of its community.

However, in accordance with the *Act to Prevent and Fight Sexual Violence in Higher Education Institutions*, HEC Montréal must set guidelines for these intimate relationships between its students and its employees. With this Code of Conduct, HEC Montréal extends the reach of its guidelines to relationships between all of its employees.

1. Relationships between persons in a pedagogical relationship with a student, or in a relationship of authority or power with a student, as well as relationships between persons in professional relationships amongst themselves, must be based on respect and courtesy in order to foster a healthy and safe environment in which to live, work and study, an environment that is favorable to the accomplishment of HEC Montréal's mission.
2. Intimate relationships, such as amorous or sexual, between a student and a person involved in a pedagogical relationship together, or between a student and a person in a relationship of authority or power over that student, can damage the integrity of the academic or professional link between these persons. In the same way, intimate relationships, such as amorous or sexual, between two HEC Montréal employees, with one having a relationship of authority or power over the other, can damage the integrity of the professional relationship between these persons. According to HEC Montréal, the concurrence of intimate relations between persons who are also in a pedagogical relationship, or in a relationship of authority or of power, is unacceptable.
3. HEC Montréal wants to ensure it maintains the integrity of the relationship of any person in a pedagogical relationship with a student, or in a relationship of authority or power with a student, as well as the integrity of the professional relationship between any employee in a relationship of authority or power with another employee. HEC Montréal wants to avoid any possibility for abuse of power or use of sexual violence, where the risks could be higher in all these cases.

If a person is in a pedagogical relationship or in a relationship of authority or power, HEC Montréal strongly discourages any intimate relationship such as amorous or sexual, between a student and a person in a pedagogical relationship, or between a student and a person in a relationship of authority or power with that student. Are also included here, in addition to professors, graduate students who supervise undergraduate students, thesis and dissertation supervisors, program heads, pedagogical advisors or coaches, and sports coaches.

If an intimate relationship develops, such as amorous or sexual, between two members of the HEC Montréal community, with one in a pedagogical relationship with the other, or in a relationship of power or authority over the other, the person with power or authority or in a pedagogical role must disclose the relationship at the start of the concurrence in order to rapidly find an accommodation to



end the pedagogical relationship, or the relationship of power or authority. The disclosure should be made by choosing one of the following persons: a BIMH resource, the Director of Student Services or the Director of Human Resources; in each case, the individuals will inform the Secretary General to determine how to implement the accommodation measures. L'autre personne impliquée dans la relation pourrait aussi, en tout temps, divulguer la concomitance à l'une des personnes ci-dessus.

The other person involved in the relationship could also disclose the concurrence, at any time, to one of the persons mentioned above.

In each case, the person receiving the disclosure must meet the other party in the relationship in order to reveal the disclosure and ensure that the accommodation measures to end the pedagogical relationship, or the relationship of power or authority, are suitable. In addition to holding this meeting and informing the Secretary General to determine accommodation measures, the person who receives the disclosure has a very important duty of confidentiality, with the exception of those cases provided for under section 11 of the HEC Montréal Policy to prevent and fight sexual violence.

4. The measures which can be implemented to end the pedagogical relationship, or relationship of power or authority can include, for example, transferring the student to another group of the same course but offered by another professor, assigning another group to the professor, having exams or assignments corrected by another professor, assigning or transferring the student to another professional, changing the work group or class group, assigning another thesis or dissertation supervisor, assigning another method of evaluation, changing the composition of a jury, assigning another part-time job, having follow-ups completed by another professional. In all cases where a pedagogical relationship or a relationship of power or authority is ended, the prejudice incurred by the student or employee who was subjected to the relationship of authority or power will have to be evaluated in order to ensure the measures implemented lessen or eliminate this prejudice.
5. If an intimate relationship, such as amorous or sexual, developed between two members of the HEC Montréal community before one had a pedagogical link with the other, or a relationship of power or authority over the other, the person with power or authority or in a pedagogical role must disclose the amorous or sexual relationship as soon as the pedagogical relationship or relationship of power or authority begins, regardless of whether or not the amorous or sexual relationship has ended, in order to implement measures to end the pedagogical relationship, or the relationship of power or authority. The disclosure must be done according to item 3 above.

The other person involved in the relationship could also, at any time, disclose to any of the persons mentioned above the concurrence of the intimate relationship, even if it has ended, and of the pedagogical relationship or relationship of power or authority.

The measures which can be implemented in such a case include, for example, measures such as those mentioned in item 4 above.

6. Any breach of this Code of Conduct can result in administrative measures being taken and sanctions being imposed as per the nature, seriousness and frequency of the breach according to section 10 of the Policy to Prevent and Fight Sexual Violence at HEC Montréal.

# Resource Persons

[on November 1, 2018]

