

Policy to Prevent and Fight Sexual Violence at HEC Montréal

Responsable de son application : Secrétariat général

Date d'entrée en vigueur : 1er janvier 2019

Période pour laquelle le document est en vigueur : Jusqu'à la révision du document

Révision du document : Septembre 2026

Adoption (instance/autorité)

Conseil d'administration

Date d'adoption

27 novembre 2018

Numéro de résolution

2018-11-27-12.0

Historique

--

Amendements ou abrogation

Conseil d'administration

Date d'adoption

15 septembre 2022

Numéro de résolution

2022-09-15-11.0

Conseil d'administration

6 février 2020

2020-02-06-15.1.0

Classification

A01-02 Cadre normatif – Milieu de vie

Numéro du document

Service de gestion de l'information institutionnelle et es archives

Responsable de sa diffusion

Direction des communications et des relations gouvernementales

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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. 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 the members of HEC Montréal community. Although violence can affect the entire population, HEC Montréal recognizes that those who are most at risk are women, young women and girls, members of Native communities and cultural communities, people of sexual and gender diversity, members of the international student community, and people with disabilities.
- 1.3 HEC Montréal cannot prevent intimate consensual exchanges, 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 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.

2. COMMITMENTS

- 2.1 With regard to the above principles, HEC Montréal is committed to:
 - 2.1.1 Fostering a study, work and living 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 upheld;

2.1.5 Offering support, within the time frame, to its community members impacted by sexual violence, especially for those most at risk of being subjected to sexual violence such as people from sexual or gender minorities, cultural communities or Native communities, international students and persons with disabilities, who would make use of this Policy in order to receive fair treatment.

2.1.6 Taking reasonable steps at its disposal to prevent psychological harassment and any form of sexual violence that may affect some members of its student community during an internship as part of their studies at HEC Montréal as well as protect the interns at HEC Montréal and, if such conducts are brought up to its attention, to put a stop to them.

2.1.7 Ensuring that no measures are taken to silence an individual under this Policy, for any reason whatsoever;

2.1.8 Ensuring that both the support of community members impacted by sexual violence and the presumption of innocence are considered equitably in the application of this Policy;

2.1.9 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;

2.1.10 Ensuring that the entire HEC Montréal community and third parties doing business with HEC Montréal or one of its units, student associations, groups or student committees are aware of the Policy, and offering mandatory annual training as required by the Act.

2.2 In order to counter sexual violence in its community, HEC Montréal requires the participation of all its members, all of whom must comply with the requirements and obligations set out in this Policy. Officers, faculty and non-faculty employees, 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 avail themselves of the resources and rights provided for in this Policy.

3. SCOPE

3.1 This Policy applies to:

3.1.1 Every member of the HEC Montréal community, whether in a study, work or living environment on or off campus, as well as third parties dealing with HEC Montréal, any of its units; and

3.1.2 Any sexual violence that occurs during university activities, namely activities related to teaching or research, or that are social, cultural, sporting or philanthropic in nature, or after such activities, that are organized by HEC Montréal or one of its units, by a student association

or an interest group recognized by HEC Montréal, by a student committee or by any third party with a contractual relationship to one of these entities, 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, C.Q.L.R., c. P-22.1.

4.2 “Complainant”

The person who files a formal complaint with the Office of Respect for the Individual. Such a complaint can be filed by one or more persons.

4.3 “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.

4.4 “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.

4.5 “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 living environment for that person. For greater certainty, psychological harassment includes such behaviour in the form of such verbal comments, actions or gestures of sexual nature. A single serious incident of such behaviour that has a lasting harmful effect on such an individual may also constitute psychological harassment.*

If such vexatious behaviours are not of sexual nature, the rules which are applicable are those laid down in the *Policy for a respectful, harassment-free study, work and life environment*.

* Act Respecting Labour Standards, art.81.18

4.6 “HEC Montréal Community”

Students, postdoctoral interns or other interns, faculty and non-faculty employees, and members of management at HEC Montréal.

4.7 “Office of Respect for the Individual” or “Office”

The Office of Respect for the Individual 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.

4.8 “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.

Persons in a pedagogical relationship with a student include, for example, members of the Academic Council, faculty, as well as persons who direct or supervise the work of students (e.g. theses, dissertations, supervised projects and directed studies).

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

4.9 “Relationship of Authority or Power”

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.

4.10 “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 an employee of the Office of Respect for the Individual. A report can be anonymous; it may be filed by the alleged victim or by a witness.

4.11 “Reporting Person”

Any person who believes they have been a victim of sexual violence or any person who has witnessed sexual violence and who reports a situation likely to lead to HEC Montréal taking action. A report can be filed by one or more persons.

4.12 “Respondent”

The individual named in the sexual violence allegations. Such an allegation can be made against one or more persons.

4.13 “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, behaviours or attitudes including those relating to sexual and gender diversity, expressed directly or indirectly, including through the use of technology. The Act does not set any criteria regarding seriousness or repetition. 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.

4.14 “Standing Committee”

The committee established under section 6 of this Policy.

4.15 “Student of HEC Montréal”

Person admitted to HEC Montréal or enrolled in at least one course offered by HEC Montréal, participating in an internship 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.

4.16 “Third Party”

Any third party outside of HEC Montréal or one of its units (including any person employed by this third party, as well as contractors, clients, visitors, service providers, guests, consultants, sponsors, volunteers, external organizations, or any other similar relations) that is affiliated with HEC Montréal or one of its units.

5. ROLES AND RESPONSIBILITIES

5.1 General Expectations and Responsibilities

5.1.1 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.

5.1.2 When a member of the HEC Montréal community is confided in by a victim about 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 Office of Respect for the Individual so that this person can receive the appropriate care in accordance with the Policy.

5.1.3 If the victim or alleged victim is a minor, all members of the HEC Montréal community who hold a professional position providing care or other forms of assistance, and who have reasonable grounds to believe that the safety or development of said minor has been or could be compromised, are required to immediately inform the Secretary General of the situation so that he or she can immediately inform the Director of Youth Protection, pursuant to Section 39 under the Youth Protection Act.

5.2 Director of Faculty Affairs

The Director of Faculty Affairs takes part in handling formal complaints in cooperation with the Secretary General and the Director of Human Resources, and works in conjunction with the Office of Respect for the Individual to prevent sexual violence, to plan the mandatory annual trainings for faculty members, and to provide support for HEC Montréal faculty members impacted by this violence.

5.3 Director of Human Resources

The Director of Human Resources works in conjunction with the Office of Respect for the Individual to prevent sexual violence, to plan the mandatory annual trainings for HEC Montréal officers, as well non-faculty employees, and to provide support for HEC Montréal officers and non-faculty employees impacted by this violence. The Director of Human Resources takes part in the handling of formal complaints in cooperation with the Secretary General and the Director of Faculty Affairs.

5.4 HEC Montréal Students

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

5.5 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 Office of Respect for the Individual. 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, student committees, sports teams, units of HEC Montréal), 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 scrupulously complied with.

5.6 Office of Respect for the Individual, Université de Montréal and HEC Montréal

5.6.1 Through the Office, HEC Montréal offers assistance to reporting persons and complainants who are members of the HEC Montréal community, regardless of whether the respondent is a member of this community. The Office of Respect for the Individual staff offer the necessary counselling, support and assistance to reporting persons, complainants, respondents, witnesses and anyone in the HEC Montréal community impacted by an act 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.

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

5.6.3 Through various means aimed at reaching each of these individuals in the most efficient manner, HEC Montréal, in collaboration with the Office of Respect for the Individual, disseminates throughout the entire academic community, all the legal information required to fully understand this Policy, including the definition of sexual violence, as well as the steps involved in filing a report, a formal complaint and a criminal complaint.

5.7 Representatives of Student Associations and Student Interest Groups

Representatives of student associations and student interest groups recognized by HEC Montréal, as well as their committees, must abide by the rules on social or welcoming activities in keeping with section 5.6, take part in disseminating the Office of Respect for the Individual's training and outreach offering, and attend the mandatory annual trainings as required under the Act.

5.8 Standing Committee

The Standing Committee has the mandate to develop and review this Policy and ensure compliance with 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. Every year, it establishes a list of external investigators to whom the Secretary General refers in the processing of formal complaints.

5.9 Student Services

Student Services works in conjunction with the Office of Respect for the Individual to prevent sexual violence, plan annual training sessions for HEC Montréal students, and provide individual support to students who are affected by such violence.

5.10 The HEC Montréal 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 under the Act and he or she chairs the Standing Committee.

5.11 Third Party

Third parties that are contractually bound to 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 activities, particularly social and 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 this Policy and ensure compliance with 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.

The Standing Committee is periodically informed as to the status and evolution of reports and complaints submitted to the Office of Respect for the Individual, 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 on the basis of objective criteria such as gender parity, representation that reflects as much as possible the diversity at HEC Montréal, and representation of groups within its community, such as students, faculty and non-faculty staff. 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 also chairs the Standing Committee;
 - 6.3.2 One faculty member appointed upon recommendation of the Chair of the Professors' Assembly;
 - 6.3.3 One person appointed upon recommendation of the Faculty Affairs;
 - 6.3.4 One person appointed upon recommendation of the Human Resources Director;
 - 6.3.5 One person appointed upon recommendation of the Office of Respect for the Individual Director;
 - 6.3.6 One person appointed upon recommendation of the Student Services Director;
 - 6.3.7 One person representing the non-executive staff of HEC Montréal, appointed upon recommendation of the Secretary General;
 - 6.3.8 One person from the Equity, Diversity and Inclusion Team appointed upon recommendation of the Secretary General;
 - 6.3.9 Two members from the student community, including one with a research profile, whose appointments are recommended by the Student Associations;
 - 6.3.10 One person designated by the Secretary General whose role is to coordinate and support the activities of the Standing Committee.
- 6.4 Standing Committee members who are employees serve for three years and students serve for one year. Except for the Chair of the Committee, whose mandate is automatically renewed, for the members who are eligible for reappointment once; the Director of HEC Montréal may approve an exception to this limit.
- 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 CONDUCTS

7.1 Act of Sexual Violence

7.1.1 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 relating to sexual and gender diversity, in such forms as unwanted gestures, comments, behaviours or attitudes with sexual connotations, expressed directly or indirectly, including by technological means.

7.2 Reprisals

7.2.1 No person should suffer reprisals or threats of reprisals for having denounced conduct or for having intervened to help stop inappropriate behaviour referred to in this Policy. These reprisals can be of various categories: academic, professional, slanderous or financial (e.g., stripping a scholarship awarded by a faculty member to a graduate student under his or her supervision, or the loss of a job or a contract). These reprisals can occur at any time and not solely following the filing of a report by the victim.

7.2.2 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.

7.2.3 HEC Montréal intends to take all the necessary measures to protect the victims and other members of its community against reprisals. Such protective measures can take many forms and are adapted to each situation.

7.2.4 HEC Montréal will impose the necessary disciplinary measures or sanctions, 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.

8. PERSONALIZED SERVICES AND ACCOMMODATION MEASURES

8.1 When an act of sexual violence is disclosed to a resource person from the Office of Respect for the Individual, this resource person 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.

8.2 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 8.3 below.

8.3 In such cases, a representative of the Office of Respect for the Individual must inform the Secretary General of HEC Montréal so he or she can ensure that such measures are put into

place for the length of time deemed necessary by the representative of the Office. In order to implement accommodation measures in cases where students are involved, the Secretary General can be assisted by the Director of Student Services. In cases where faculty is 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.

- 8.4 The temporary accommodation measures that can be provided to an individual who believes they are a victim of sexual violence or to an individual who is accused of this act include, for example:
- 8.4.1 Support services such as those offered by the Office of Respect for the Individual, as well as the Employee Assistance Program for employees, and psychological counseling and other personalized support services for students offered by Student Services;
 - 8.4.2 For students: separation of the parties involved; deferral of exams; change of premises, courses or residence; probation with or without conditions;
 - 8.4.3 For employees: separation of the parties involved, change of workplace and/or schedule, administrative suspension of the respondent from the workplace during the investigation;
 - 8.4.4 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 study, work and living environment; these measures may be applied for as long as the situation warrants;
- 8.5 Any decision pertaining to temporary accommodation measures as mentioned above must be made within the timeframe set out in section 12.

9. REPORTS AND COMPLAINTS

9.1 Report

9.1.1 Any person who believes he or she is a victim or witness of sexual violence and wants to consult someone in this regard or has any information to provide regarding the situation may inform an employee of the Office of Respect for the Individual in complete confidentiality and without any obligation to launch a formal complaint process. To avoid a face-to-face meeting with an employee of the Office, this person can also send an e-mail to the address provided for this purpose (respect@hec.ca), which will be received confidentially by a resource specialized in this area from the Office.

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 of this Policy.

9.1.3 The resource person from the Office of Respect for the Individual who 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 whether or not they file a formal or criminal complaint;
- 9.1.3.4. Do 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 During an intervention in response to a filed report, the resource person from the Office of Respect for the Individual can do the following if it respects the wishes of the reporting person:

- 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;

9.1.5 Within the 7-day time frame set out in section 12.2, the resource person from the Office of Respect for the Individual:

- 9.1.5.1. Offers the reporting person 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 reporting person, so as to restore a healthy and safe study, work and living environment for the person and the HEC Montréal community;

9.1.6 At any time, if the Office of Respect for the Individual, any authority of HEC Montréal or an anonymous person informs the Secretary General of an issue involving an act of sexual violence within the HEC Montréal community, he or she can, in conjunction with the Director of Human Resources and the Director of Faculty Affairs, ask an external investigator to conduct an investigation, even if no formal complaint has been filed. The conclusions of the investigation report are processed in keeping with section 9.2.7.

9.2 Formal Complaint

9.2.1 Any person subject to this Policy who deems himself or herself a victim of sexual violence can file a formal complaint in writing to the Office of Respect for the Individual regardless of whether or not the person previously reported the situation.

Under no circumstance can the Office of Respect for the Individual 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 Office of Respect for the Individual.

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 when filing a complaint is the completion of the related form including the date the complaint is filed. The form is available at the Office of Respect for the Individual and can be completed with support from its employees.

9.2.4 Upon receipt of a complaint where all stakeholders are students, the resource person in the Office of Respect for the Individual who has received the complaint, shall forward it to the Secretary General who may address it according to the process established by the Student Community Code of Conduct.

9.2.5 Upon receipt of the complaint by a resource person from the Office of Respect for the Individual, this person forwards it to the Secretary General who mandates an external investigator to assess the admissibility of the complaint as soon as possible.

Should the Secretary General, the Director of Human Resources or the Director of Faculty Affairs be the subject of a formal complaint, the Office of Respect for the Individual will forward said complaint to the Director of HEC Montréal, who will appoint a replacement to take over the processing of the complaint.

If the Director of HEC Montréal is the subject of a formal complaint, the Office of Respect for the Individual will forward the complaint to the Secretary General who must, upon receipt, submit it to the Board of Directors of the HEC Montréal. The Chair of the Board will then form a committee comprising three Board members who will handle the complaint in the same manner as do the Secretary General, the Director of Human Resources and the Director of Faculty Affairs under this Policy.

9.2.6 In parallel, within the 7-day time frame set out in section 12.2, the Office of Respect for the Individual:

- 9.2.6.1. Provides the complainant with reception, referral, psychological assistance and support services offered by trained resources with an expertise in sexual violence;
- 9.2.6.2. 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 study, work and live.

9.2.7 Upon receiving the external investigator's report on the admissibility of the complaint, the Secretary General:

9.2.7.1. Provided that the complaint is deemed admissible:

- Mandates 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;
- Informs the complainant that a formal investigation will be conducted;
- Informs the respondent that a formal investigation will be conducted, offers reception and referral services, psychological support and assistance through the Office of Respect for the Individual;
- If necessary, provides, for the duration of the investigation, any measure which may mitigate the impacts of the investigation on the academic or professional life of the respondent.

9.2.7.2. If the complaint is deemed inadmissible, inform the complainant and the Office of Respect for the Individual in writing as to the reasons for its inadmissibility, offer the complainant the support of the Office, 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.

Even if a formal complaint has been deemed inadmissible, the Secretary General may decide jointly with the Director of Human Resources or the Director of Faculty Affairs that measures should be taken such training or raising the awareness of the respondent. They could also recommend mediation to the parties involved, as well as accommodation measures.

9.2.8 Once the external investigation has been completed, a report is sent to the Secretary General:

9.2.8.1. If the investigation report shows that the allegations of sexual violence are unfounded, the Secretary General and the Director of Human Resources or Director of Faculty Affairs will jointly see to the following:

- 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 the file is archived;
- If the complaint is deemed to have been filed in bad faith, the complainant and respondent are informed in writing and said directors will determine if the complainant should be subject to the sanctions provided for in section 10, which applies to mutatis mutandis, and will share their recommendations with the Director of HEC Montréal, who will impose measures or sanctions on the complainant.

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

- Meet with the respondent to give him or her the investigation results and allow him or her to be heard on the subject;
- Determine which measures or sanctions to recommend to the Director of HEC Montréal from the list of sanctions provided in section 10 and depending on the nature of the act of sexual violence committed;
- Send their recommendations to the Director of HEC Montréal, who will impose the measures and sanctions on the respondent;
- Meet with and inform the complainant of the conclusions, without disclosing the selected actions or sanctions, unless the complainant requests so, in which case the complainant will be provided with information regarding the disposition of the complaint, including whether or not a sanction was imposed as well as the details and terms of the sanction, if any;
- Offer the support of resource persons from the Office of Respect for the Individual to the complaining parties, according to the measures and sanctions recommended.

9.2.9 With respect for the wishes of the complainant, the Secretary General can, jointly with the Director of Human Resources and the Director of Faculty Affairs, and in addition to the measures and sanctions provided for in section 10, inform the police authorities of the situation and file a criminal complaint.

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 Office of Respect for the Individual.

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 an incident of prohibited conduct or 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 HEC Montréal will impose the necessary disciplinary measures or sanctions, including any appropriate procedures under the applicable rules, against any person who has filed a report or has attempted to file 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, for example, with the intention of harming the respondent.
- 10.3 If the respondent is an HEC Montréal employee, the Secretary General will work jointly with the Director of Human Resources and the Director of Faculty Affairs to make recommendations to the Director of HEC Montréal as to which measures or sanctions to take, such as:
 - 10.3.1 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;
 - 10.3.2 Suspension with or without pay;
 - 10.3.3 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;
 - 10.3.4 Any other sanction judged to be appropriate.
- 10.4 If the respondent is a student, the Secretary General along with the Director of Human Resources and the Director of Faculty Affairs make recommendations to the Director of HEC Montréal on the measures and sanctions to take, such as:
 - 10.4.1 A warning note placed in the student's academic file without any other immediate consequence;
 - 10.4.2 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;
 - 10.4.3 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.
 - 10.4.4 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 under the circumstances;
 - 10.4.5 In any case, the measures and sanctions chosen are attached to the student's academic file.
- 10.5 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 Director of HEC Montréal as to which measures or sanctions to impose.

10.6 In the case of a sanction, the Secretary General must, following the HEC Montréal Director's decision:

10.6.1 Notify the complainant of the conclusions and inform him or her about the duty of confidentiality and, upon request, provide him or her with information regarding the disposition of the complaint, i.e., the imposition of the sanction and the details and terms of the sanction;

10.6.2 Notify the respondent of the decision and the measures and sanctions chosen;

10.6.3 Notify the Human Resources Department of the measures and sanctions chosen in cases where the respondent is a non-faculty employee;

10.6.4 Notify the Director of Faculty Affairs of the measures or sanctions chosen, if the respondent is a faculty member;

10.6.5 Notify Student Services and the Office of the Registrar if the respondent is a student;

10.6.6 Notify HEC Montréal 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. All members of the HEC Montréal community are required to uphold confidentiality, regardless of whether they are stakeholders in the report or complaint. Any breach of confidentiality will be handled as described in section 10 of this Policy.

11.2 All information regarding a report or a complaint, as well as the identity of the persons involved, are kept confidential by all concerned parties, except when disclosure of such information is necessary for the adoption of accommodation measures, or for complaint processing, imposing administrative measures or sanctions or when there are reasonable grounds to believe that there is a serious and immediate risk to the life, health or safety of a person or another community member, or if a threat thereof creates a sense of urgency.

11.3 In the case of a formal complaint, the confidentiality of the complainant may not be maintained if compliance with the rules regarding fairness toward the respondent requires disclosure of the complainant's identity and allegations.

12. TIME LIMITS AND SCHEDULES

12.1 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 Office of Respect for the Individual as soon as possible, as the passage of time can impede the measures at HEC Montréal's disposal to adequately manage the situation.

- 12.2 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 Office of Respect for the Individual resource persons or, from the date a complaint is filed with the Office.
- 12.3 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 Office of Respect for the Individual resource person or from the date a complaint is filed with the Office.
- 12.4 The time frame for the processing of a formal complaint must not exceed 90 days from the date it is filed with the Office of Respect for the Individual.
- 12.5 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.

13. APPLICATION OF THE POLICY

- 13.1 The Secretary General has the overall responsibility of implementing this Policy.
- 13.2 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.

14. ACCOUNTABILITY REPORT

- 14.1 HEC Montréal accounts for the implementation of this Policy in an annual report that outlines:
 - 14.1.1 The prevention and awareness-raising measures that were adopted, including training activities offered to students;
 - 14.1.2 The training activities completed by officers, staff members and student association representatives;
 - 14.1.3 The safety measures adopted;
 - 14.1.4 The number of complaints and reports received and their processing times;

14.1.5 The actions taken, and the types of sanctions applied;

14.1.6 The consultation process used during the development or modification of the Policy.

15. EFFECTIVE DATE AND REVIEW

15.1 This Policy was adopted by the HEC Montréal Board of Directors on November 27, 2018, to be implemented January 1, 2019.

15.2 HEC Montréal must review the Policy for the first time one year after its implementation, and then once every four 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.

ANNEXE A - 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 study, work and live, an environment that is favorable to the accomplishment of HEC Montréal's mission.
2. Intimate relationships, such as those that are amorous or sexual, between a student and a person in a pedagogical relationship with that student, 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 relationship between these persons. In the same way, intimate relationships, such as those that are 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 wishes to avoid any possibility for abuse of power or use of sexual violence, of which there may be greater risk in all these cases.

HEC Montréal strongly discourages any intimate relationship, such those that are amorous or sexual, between a student and a person in a pedagogical relationship with that student, or between a student and a person in a relationship of authority or power over that student, as well as any intimate relationship between HEC Montréal employees where one person has a relationship of authority or power over the other. Also included here, in addition to faculty, are graduate students who supervise undergraduate students, thesis and dissertation supervisors, program heads, pedagogical advisors, or academic or sports coaches.

If an intimate relationship develops, such as one that is amorous or sexual, between two members of the HEC Montréal community when one has a pedagogical relationship to the other, or a relationship of power or authority over the other, the person in the pedagogical role or with the authority or power over the student or the other person must disclose the relationship at the start of the concurrence in order to quickly 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 resource person from the Office of Respect for the Individual, the Director of Student Services or the Director of Human Resources; in each case, these people will then inform the Secretary General to determine which accommodation measures to take.

The other person involved in the relationship can 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 is bound to uphold the utmost 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 temporary position or having follow-ups completed by another professional. In all cases where a pedagogical relationship or a relationship of power or authority is ended, the harm 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 harm.
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 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.

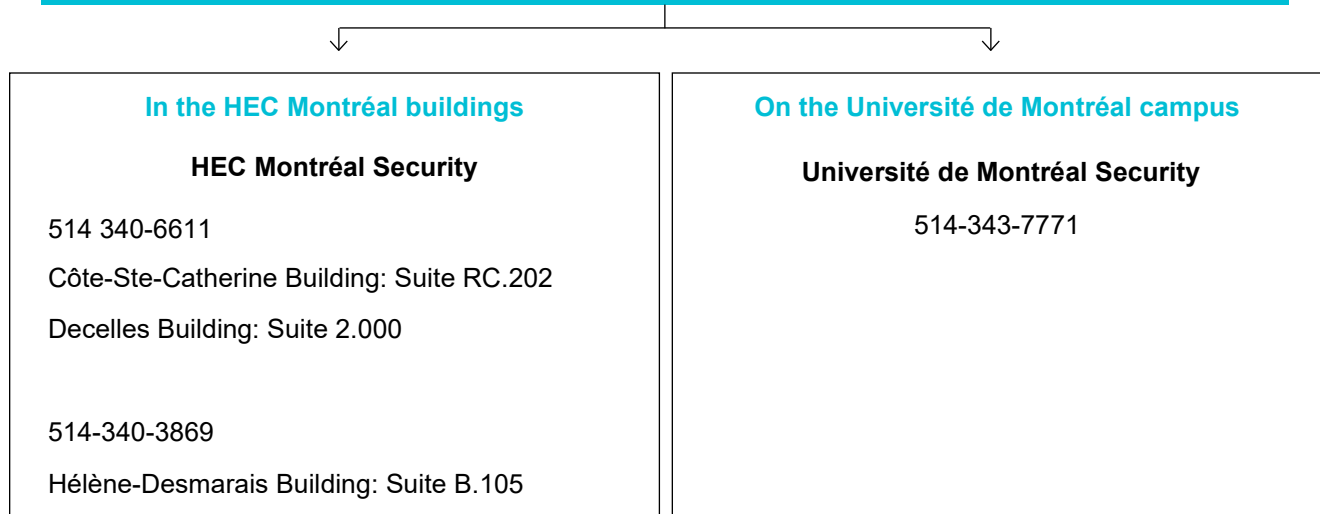
The other person involved in the relationship can also, at any time, disclose to any of the persons mentioned above the concurrence of the intimate relationship, even if it has ended, and of the pedagogical relationship or relationship of power or authority.

The measures that can be taken in such a case include, for example, 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 this Policy.

APPENDIX B – RESOURCES

EMERGENCY: 911



RESOURCES ON SEXUAL VIOLENCE:

respect.hec.ca

Office of Respect for the Individual, Université de Montréal and HEC Montréal

(in French : Bureau du respect de la personne)

514-343-7020 - respect@hec.ca

respect.hec.ca