

**INSTITUT NATIONAL DE LA RECHERCHE SCIENTIFIQUE
HARASSMENT, DISCRIMINATION, AND INCIVILITY POLICY**

ADOPTION		
BODY	DATE	DECISION
Board of Directors	March 2, 2004	297A-2004-2469

AMENDMENT(S)			
BODY	DATE	DECISION	COMMENTS
Board of Directors	April 19, 2016	426A-2016-3612	Complete revision
Board of Directors	April 18, 2018	444A-2018-3797	Changes to job titles related to the new organizational structure, replacement of the name "Steering Committee" with "Officers Committee", and minor modifications
Board of Directors	December 4, 2018	449A-2018-3879	Retrieval of the notion of sexual harassment in order to include it in the <i>Policy Against Sexual Violence</i> , simplification of complaint filing process, admissibility handled by the General Secretariat or by an external investigator, admissible complaint handled by an external investigator*
Board of Directors	November 3, 2020	466A-20201103-4058	Complete revision, including the concept of zero tolerance, clarifying roles and responsibilities and the investigation process

REVISION	As required or at least every three years
IN CHARGE	General Secretariat
CODE	P-16-2020.4

TABLE OF CONTENTS

PREAMBLE	1
1. OBJECTIVES	1
2. DEFINITIONS	1
3. SCOPE	3
4. ENFORCEMENT AUTHORITY	3
5. INFORMAL RESOLUTION PROCESS	3
6. FORMAL COMPLAINTS	3
6.1 TIME LIMIT FOR FILING A COMPLAINT	3
6.2 HOW TO FILE A COMPLAINT.....	4
6.3 COMPLAINT CONFIDENTIALITY	4
6.4 INTERIM MEASURES	5
6.5 ADMISSIBILITY OF THE COMPLAINT.....	5
6.5.1 <i>Inadmissible complaints</i>	5
6.5.2 <i>Admissible complaints</i>	6
6.6 INVESTIGATION	6
6.6.1 <i>Person responsible for the investigation</i>	6
6.6.2 <i>Investigation process</i>	6
6.6.3 <i>Obligation to cooperate</i>	7
6.6.4 <i>Accompanying person</i>	7
6.6.5 <i>Confidentiality of the process</i>	7
6.6.6 <i>Investigation report</i>	7
6.6.7 <i>Investigation findings</i>	8
6.6.8 <i>Communicating the investigation findings</i>	8
6.6.9 <i>Determining administrative or disciplinary action</i>	8
7. CONFIDENTIALITY	9
8. REPRISALS	9
9. SUPPORT MECHANISMS	9
10. COMPLAINT HANDLING TIME	9
11. PENALTIES FOR VIOLATING THE POLICY	9
12. RESPONSIBILITIES	10
12.1 THE BOARD OF DIRECTORS	10
12.2 GOVERNANCE AND ETHICS COMMITTEE	10
12.3 MANAGEMENT COMMITTEE	10
12.4 HDI INSTITUTIONAL COMMITTEE	11
12.5 THE CHIEF EXECUTIVE OFFICER	11
12.6 THE GENERAL SECRETARIAT	11
12.7 THE HUMAN RESOURCES DEPARTMENT, FACULTY AFFAIRS MANAGER, GRADUATE AND POSTDOCTORAL STUDIES DEPARTMENT	11
12.8 STAFF IN MANAGEMENT ROLES	12
12.9 THE INRS COMMUNITY.....	12
13. UPDATES	12

**INRS HARASSMENT,
DISCRIMINATION, AND INCIVILITY POLICY**

14. FINAL PROVISIONS12

APPENDIX A **Complaint Form**
APPENDIX B **Confidentiality Agreement**

PREAMBLE

Institut national de la recherche scientifique (**INRS**) recognizes the fundamental right of all members of the university community to respect and the protection of their integrity. It also recognizes the effect that any form of Harassment, Discrimination, and Incivility can have on a person's health and well-being. Therefore, INRS takes the steps necessary to ensure that each member of the INRS community is able to work or study in a safe environment founded on mutual respect. INRS enforces a zero tolerance policy with regard to any behaviour that might be considered Harassment, Discrimination, or Incivility. In this regard, INRS intends to take appropriate measures to prevent or put an end to such behaviour, as the case may be.

1. OBJECTIVES

By adopting the *Harassment, Discrimination, and Incivility Policy (Policy)*, INRS aims to meet the following objectives:

- Promote and maintain a safe work and study environment based on mutual respect and free of any form of Harassment, Discrimination, and Incivility
- Prevent or, as the case may be, put an end to Harassment, Discrimination, and Incivility among the INRS community
- Raise awareness among the members of the INRS community about their responsibility to contribute through their behaviour, attitudes, and remarks to respect for the personal integrity of individuals within their work and study environment
- Inform the INRS community of the mechanisms available for reporting and, if necessary, stopping all forms of Harassment, Discrimination, and Incivility.

INRS has a duty to intervene and reserves the right to do so at any time, whether there has been a complaint or not, when there are reasonable grounds to believe there has been a violation of the Policy.

The Policy does not limit the management rights of the INRS as an employer with regard to faculty members and staff, including in relation to performance, supervision, task attribution, absenteeism, and discipline. The Policy works in concert with the mechanisms provided in the *Charter of Human Rights and Freedoms*, the *Act respecting labour standards*, and the *Civil Code of Québec*, as well as the provisions and avenues of recourse set out in the collective agreements in effect at INRS, in particular as regards the right to grievance and arbitration and the right to union representation.

2. DEFINITIONS

For the purposes of enforcing the Policy, defined terms shall have the meanings assigned to them in this section.

Board: The INRS Board of Directors.

Centre: Eau Terre Environnement Research Centre, Énergie Matériaux Télécommunications Centre, Armand-Frappier Santé Biotechnologie Research Centre, and the INRS Urbanisation

INRS HARASSMENT DISCRIMINATION, AND INCIVILITY POLICY

Culture Société Research Centre.

Complainant: any person who believes they are the victim of Harassment, Discrimination, or Incivility and files a complaint.

Discrimination: Any illegal act, behaviour, or decision based on race, colour, sex, pregnancy, sexual orientation, marital status, religion, language, or any other reason provided for in the *Charter of Human Rights and Freedoms* that destroys or compromises the exercising of a right or freedom and results in the exclusion, distinction, or preference of an individual within the INRS community.

Harassment: Vexatious behaviour in the form of repeated verbal comments, conduct, actions or gestures that are hostile or unwanted, that affect an individual's dignity or psychological or physical integrity, and that result in a harmful work or study environment. More specifically, psychological harassment includes this type of behaviour when it is displayed through words, actions, or gestures of sexual nature as well as discriminatory harassment prohibited by law. A single serious incident may also constitute psychological harassment if it has the same consequences and produces a lasting harmful effect on the individual.

When the alleged Harassment is sexual, the situation is handled in accordance with the *INRS Sexual Violence Policy*, and in case of ambiguity, the latter takes precedence.

Incivility: verbal comments or behaviour that demonstrate a disregard basic social norms, including respect, courtesy, politeness, and good manners.

INRS community: INRS executives, professors, staff, students, interns, and postdoctoral fellows.

Institutional Committee on HDI: The Institutional Committee on Harassment, Discrimination, and Incivility established by General Secretariat under the terms of the Policy to investigate complaints where the Complainant and the Respondent are members of the student body. It is composed of an INRS legal adviser and two people designated by the General Secretariat from among the following people, who have been previously appointed by the Management Committee for a two-year term:

- Two executives
- Two faculty members
- Two staff members
- Two students

Normative document: an INRS rule, code, charter, policy, guideline, or procedure.

Officer: The Chief Executive Officer; Scientific Director; Human Resources, Administrative, and Financial Director; or the INRS Secretary General.

Respondent: a person who is the subject of a Harassment, Discrimination, or Incivility complaint or allegation.

3. SCOPE

The Policy applies to the INRS community and third parties who interact with it, whether as contracting partners, volunteers, or simply visitors.

It applies at all times to any activity or situation occurring on or off the INRS premises in so far as it is related to the work, study, or internship of an INRS community member and falls within the INRS mission. This includes training, research, teaching, intervention, internship, orientation, integration, or social activities, or any meetings related to the mission of INRS, including social media activities.

4. ENFORCEMENT AUTHORITY

The Chief Executive Officer is responsible for enforcing the Policy, with the support of the General Secretariat and:

- For staff, the director of the Human Resources Department
- For faculty, the faculty affairs manager
- For students, including interns and postdoctoral fellows, the director of Graduate Studies and Student Life.

The General Secretariat is responsible for interpreting the policy.

5. INFORMAL RESOLUTION PROCESS

INRS prioritizes awareness and prevention of Harassment, Discrimination, and Incivility and encourages members of the INRS community to use the informal resolution process. Any member of the INRS community who believes they are a victim of Harassment, Discrimination, or Incivility may, at any time, try to resolve the issue through one or several of the following informal processes in order to put a stop to the alleged inappropriate behaviour:

- Approach the person responsible for the alleged behaviour to express disapproval and ask them to change.
- Ask a trustworthy academic supervisor or other official to intervene and speak with the person responsible for the alleged behaviour.

6. FORMAL COMPLAINTS

If the informal resolution process set out in Section 5 is inconclusive, or if a person who believes they are the victim of Harassment, Discrimination, or Incivility has good reason not to use the process, they can file a formal complaint.

6.1 TIME LIMIT FOR FILING A COMPLAINT

A complaint may be filed at any time, ideally as soon as possible, but no later than two years after the last incident related to the alleged behaviour.

6.2 HOW TO FILE A COMPLAINT

The Complainant can submit a written complaint to the General Secretariat by email to bureaudesplaintes@inrs.ca or by mail marked “Confidential” to the attention of Bureau de prévention et traitement des plaintes (Complaints Handling and Prevention Office) at 490 rue de la Couronne, Quebec City, Quebec G1K 9A9, or verbally by calling 418-654-3890.

If the Complainant or Respondent is an Officer or a member of the General Secretariat staff, they must file a written complaint with the Governance and Ethics Committee (**GEC**) by email at: cge@inrs.ca.

To file an anonymous complaint, the plaintiff can submit the complaint in writing via the website www.clearviewconnects.com or verbally by calling 1-877-733-0417, toll-free. The site is managed by an independent external company that relays information to INRS anonymously. If the Respondent is an Officer or a member of the General Secretariat staff, only the information relevant to the complaint will be sent to the General Secretariat or the GEC, and the identity of the Complainant will remain confidential. Complainants who file complaints anonymously must make sure that they provide enough details for INRS to treat the complaint in an efficient manner.

If a complaint is made against an Officer or a member of the General Secretariat staff, the GEC will inform the chair of the Board.

If the General Secretariat or the GEC receives a complaint that should have been filed elsewhere, it will inform the Complainant and let them know where it should be submitted.

The Complainant can use the form in Appendix 1 of the Policy or file a written complaint, including:

- The name and contact information of the Complainant, if the complaint is not anonymous
- The name of the defendant(s) and their role in the INRS community (staff, student, faculty member, etc.)
- A chronological summary of the alleged inappropriate behaviour, and if possible, the dates on which the behaviour occurred
- The names of potential witnesses identified by the Complainant, if any

6.3 COMPLAINT CONFIDENTIALITY

All complaints filed under this policy are confidential. Aside from the Complainant, only those involved in handling the complaint and those required to be involved in order to discharge their duties at INRS will be informed about the complaint. Anyone who is informed of the existence of the complaint must keep it confidential. Moreover, Complainants, defendants, accompanying persons, and witnesses met with in the course of the investigation must sign the confidentiality agreement in **APPENDIX B** of the Policy.

The Respondent will be informed that a complaint has been filed against them only if the complaint is deemed admissible. Where applicable, only those allegations deemed admissible will be communicated to the Respondent.

If known, the identity of the Complainant will be kept confidential to the extent possible if the complaint handling process so allows, depending on the nature of the complaint.

6.4 INTERIM MEASURES

The General Secretariat is responsible for determining whether interim measures are needed to protect the health and safety of the Complainant, the Respondent, or any member of the INRS community and to implement such measures as soon as possible.

The General Secretariat or GEC can hire an external expert of their choice to help with the process, taking appropriate steps to ensure this resource is impartial and independent.

6.5 ADMISSIBILITY OF THE COMPLAINT

The General Secretariat is responsible for determining the admissibility of the complaints it receives and identifying the admissible allegations against the Respondent. To do this, it may meet with the Complainant. The General Secretariat can hire an external expert of their choice to help with the process, taking appropriate steps to ensure this resource is impartial and independent.

The GEC will choose and mandate an external expert, taking appropriate steps to ensure that this resource is impartial and independent, to analyze the admissibility of the complaints filed and to issue an opinion to this effect.

6.5.1 Inadmissible complaints

If the General Secretariat considers a complaint to be inadmissible, it will inform the Complainant.

If the General Secretariat or the external resource hired by the GEC believes the inadmissible complaint to be frivolous, vexatious, or filed in bad faith, the Complainant will be given the opportunity to justify their allegations.

If the General Secretariat or the GEC has reasonable grounds to believe the complaint is frivolous, vexatious, or filed in bad faith, it will inform the following individuals, who will determine the penalties to be imposed on the Complainant:

- The director of human resources, if the Complainant is a staff member
- The faculty affairs manager, if the Complainant is a faculty member
- The director of Graduate Studies and Student Life, if the Complainant is a student, intern, or postdoctoral fellow.

6.5.2 Admissible complaints

An investigation will be launched as soon as possible after a complaint is deemed admissible. The General Secretariat or the GEC will inform the Respondent in writing of the allegations deemed admissible in support of the complaint. It will also inform the following people:

- The director of human resources, if the Respondent is a staff member
- The faculty affairs manager, if the Respondent is a faculty member
- The director of Graduate Studies and Student Life, if the Respondent is a student, intern, or postdoctoral fellow.

6.6 INVESTIGATION

An investigation will be launched into any admissible complaint to ascertain whether there has been Harassment, Discrimination, or Incivility and to identify the INRS community members responsible for the behaviour, so that INRS can put an end to such conduct.

6.6.1 Person responsible for the investigation

The General Secretariat or GEC that receives an admissible complaint is responsible for its investigation.

The General Secretariat will appoint the following people to investigate the complaint:

- The HDI Institutional Committee or an external expert of its choice, if the Complainant and Respondent are both students
- An external expert of its choice, if the Complainant or Respondent is a staff or faculty member.

The GEC will mandate an external expert of its choice to handle the complaint investigation.

When the General Secretariat or the GEC assigns the investigation to an external expert, it must act diligently by taking appropriate steps to ensure that the external resource is impartial and independent and that the investigation process is duly followed as set out in this Policy.

6.6.2 Investigation process

The person responsible for the investigation must:

- Determine meeting logistics and procedures
- Meet with the Complainant and Respondent to hear their version of the facts
- Identify and meet with anyone considered a useful witness in the investigation to hear their version of the facts
- Identify and implement appropriate measures to prevent reprisals
- Summon persons to be met with at least five working days prior to the meeting, unless special circumstances require shorter notice
- Obtain and analyze any relevant documents

- Analyze and determine whether the complaint is valid
- Determine whether the Complainant has filed a complaint in good faith
- Determine whether the witnesses have properly cooperated with the investigation and testified in good faith
- Write a confidential report detailing the admissible allegations supporting the complaint, the analysis, and the findings, and submit it to the General Secretariat or the GEC.

6.6.3 Obligation to cooperate

The Complainant, the Respondent, and anyone else involved in the investigation process are required to cooperate and exercise due diligence, failing which they may be subject to administrative or disciplinary action up to and including dismissal or expulsion.

Without limiting the generality of the foregoing, the obligation to cooperate involves, among other things, respecting deadlines set by the investigator for being available for meetings and responding to the investigator's requests, including providing information or documents and returning their annotated or signed written declaration.

6.6.4 Accompanying person

The Complainant and the Respondent may be accompanied by a person of their choice throughout the course of the investigation. This person must not however be a potential witness in the investigation.

The accompanying person acts as an observer only and cannot intervene in the investigation process. The accompanying person is not an advocate for the Complainant or Respondent and cannot act or speak on their behalf. The accompanying person must respect the confidentiality agreement.

Investigation interviews cannot be delayed, without reasonable grounds, due to the unavailability of the accompanying person.

6.6.5 Confidentiality of the process

Information about the complaint and the identity of the individuals involved or interviewed will remain confidential. The Complainant, the Respondent, and the individuals who are interviewed must respect the confidentiality of the process and sign the confidentiality agreement in **APPENDIX B**.

6.6.6 Investigation report

The investigation report must be submitted to the General Secretariat or GEC as soon as possible.

It must contain the admissible allegations in support of the complaint as well as the investigation analysis and findings. The content of the investigation report is confidential

and protected under the *Act respecting Access to documents held by public bodies and the Protection of personal information*.

6.6.7 Investigation findings

Once the investigation is completed, the General Secretariat or the GEC will determine whether or not the complaint is substantiated.

6.6.7.1 Substantiated complaint

A complaint is deemed to be substantiated, in whole or in part, if the investigation finds that the Respondent has violated the Policy, regardless of how the complaint was originally formulated.

6.6.7.2 Unsubstantiated complaint

A complaint is deemed to be unsubstantiated if the investigation finds that the Respondent has not violated the Policy.

6.6.8 Communicating the investigation findings

The General Secretariat or the GEC will write to the Complainant and the Respondent individually and share with each of them only those investigation findings that concern them.

Only the findings and information required to determine penalties will be communicated to the following people:

- The director of human resources, if the Respondent is a staff member, including General Secretariat staff
- The faculty affairs manager, if the Respondent is a faculty member
- The director of Graduate Studies and Student Life, if the Respondent is a student, intern, or postdoctoral fellow
- The Board, if the Respondent is an Officer.

6.6.9 Determining administrative or disciplinary action

Within a reasonable period of time after receiving the investigation findings, the following individuals will determine the administrative or disciplinary action that is required and the person in charge of enforcing them:

- The director of human resources, if the Respondent is a staff member, including General Secretariat staff
- The faculty affairs manager, if the Respondent is a faculty member
- The director of Graduate Studies and Student Life, if the Respondent is a student, intern, or postdoctoral fellow
- The Board, if the Respondent is an Officer.

7. CONFIDENTIALITY

All actions taken under this Policy are confidential. Only those involved in the proceedings, and those who must be involved in order to discharge their duties at INRS will be informed about them.

Any person informed of actions taken under the Policy is required to keep it confidential.

8. REPRISALS

INRS protects the members of its community against reprisals when they use the Policy in good faith or are investigated under its terms. Reprisals in any form are strictly forbidden and may be subject to disciplinary action up to and including dismissal or expulsion.

Any individual called upon to cooperate in the investigation may testify without fear of reprisals.

9. SUPPORT MECHANISMS

INRS strives to ensure that all the members of its community enjoy a safe work or study environment. The Human Resources Department, faculty affairs manager, Graduate and Postdoctoral Studies Department, and the General Secretariat work together toward this goal.

10. COMPLAINT HANDLING TIME

INRS undertakes to handle all complaints made under this Policy in a timely manner.

Handling time can vary according to the nature and circumstances of each complaint, including the number of people involved, the nature of the supporting allegations, the complexity of the complaint, and the availability and degree of cooperation of witnesses.

The General Secretariat and GEC will rigorously monitor the investigation process and inform the Complainant and Respondent in the event special circumstances are likely to cause significant delays.

11. PENALTIES FOR VIOLATING THE POLICY

Any member of the INRS community may be subject to administrative and disciplinary action, in accordance with the seriousness of their alleged behaviour, up to and including dismissal or expulsion, if they:

- Violate the Policy
- File a complaint that is frivolous, vexatious, or in bad faith
- Provide testimony with malicious intent

Decisions regarding the dismissal of a faculty member, the expulsion of a member of the student body, and any penalty against an Officer or General Secretariat staff member are handed down by the Board.

The imposition of penalties is subject to the provisions in the Normative documents and collective agreements in effect.

12. RESPONSIBILITIES

12.1 THE BOARD OF DIRECTORS

The Board adopts the Policy upon recommendation of the GEC.

In the event of Harassment, Discrimination, or Incivility, decisions regarding the dismissal of a faculty member, the expulsion of a member of the student body, and any penalty against an Officer are handed down by the Board.

12.2 GOVERNANCE AND ETHICS COMMITTEE

The GEC recommends the Board adopt the Policy upon recommendation of the Management Committee.

It is also responsible for handling complaints in cases where the Complainant and the Respondent are Officers or General Secretariat staff. More specifically, this involves:

- Receiving the complaint
- Identifying and implementing preventive measures if needed
- Choosing and hiring an impartial and independent external expert to:
 - analyze and determine whether a complaint is admissible
 - conduct an investigation
- Informing the persons who must be notified under the Policy about the admissibility of the complaint
- Receiving the investigation report and deciding whether the complaint is substantiated
- Rigorously monitoring the investigation process and informing the Complainant and Respondent in the event special circumstances are likely to cause significant delays
- Informing the persons who must be notified under the Policy about the validity of the complaint, as required

12.3 MANAGEMENT COMMITTEE

The Management Committee recommends the Policy to the GEC and appoints individuals to form the HDI Institutional Committee.

12.4 HDI INSTITUTIONAL COMMITTEE

At the request of the General Secretariat, the HDI Institutional Committee conducts investigations in accordance with the terms of the Policy in cases where the Complainant and the Respondent are both members of the student body.

12.5 THE CHIEF EXECUTIVE OFFICER

The Chief Executive Officer is responsible for enforcing the Policy, with the support of the General Secretariat, the Human Resources Department, the faculty affairs manager, and the Graduate and Postdoctoral Studies Department.

12.6 THE GENERAL SECRETARIAT

The General Secretariat drafts the Policy and submits it to the Management Committee. The General Secretariat is responsible for interpreting the Policy.

It is also responsible for handling complaints in cases where the Complainant and the Respondent are neither Officers nor General Secretariat staff. More specifically, this involves:

- Receiving the complaint
- Identifying and implementing preventive measures if needed
- Determining whether the complaint is admissible and identifying admissible supporting allegations, as the case may be
- Informing the persons who must be notified under the Policy about the admissibility of the complaint
- Choosing and hiring an impartial and independent external expert to conduct an investigation
- Receiving the investigation report and determining whether the complaint is valid
- Rigorously monitoring the investigation process and informing the Complainant and Respondent in the event particular circumstances are likely to cause significant delays
- Informing the persons who must be notified under the Policy about the validity of the complaint.

It supports the INRS community in applying the Policy. It regularly reports to the Officers Committee on the application of the Policy.

12.7 THE HUMAN RESOURCES DEPARTMENT, FACULTY AFFAIRS MANAGER, GRADUATE AND POSTDOCTORAL STUDIES DEPARTMENT

The Human Resources Department, faculty affairs manager, and Graduate and Postdoctoral Studies Department, in cooperation with the General Secretariat, are responsible for disseminating and implementing the Policy.

In case of Harassment, Discrimination, or Incivility, they determine the penalties to be applied and appoint a person responsible for their application.

INRS HARASSMENT DISCRIMINATION, AND INCIVILITY POLICY

They support the INRS community in applying the Policy and take steps to ensure a safe work and study environment.

12.8 STAFF IN MANAGEMENT ROLES

All staff members in management roles must ensure that INRS community members under their authority abide by the Policy. They will assist any person who files a complaint, act swiftly, and take action to prevent and put an end to any form of Harassment, Discrimination, or Incivility.

12.9 THE INRS COMMUNITY

Every member of the INRS community is responsible for helping create and maintain a safe work and study environment, in accordance with Policy objectives. Members must also collaborate in its application.

13. UPDATES

The Policy is updated as required and at least every three years.

14. FINAL PROVISIONS

The Policy enters into force once it is adopted by the Board.

Complaint Form

Complainant(s)		
Name	Status	Centre/Department
	<input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Staff	
Respondent(s)		
Name	Position Status	Centre/Department
	<input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Staff	
	<input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Staff	
Description of alleged events likely to constitute harassment, discrimination, or incivility (chronology of events, dates, locations, witnesses, etc.)		
Date	Time	Place
Description		
Witnesses		
Relevant documents		
_____ Signature	_____ Date	

Confidentiality Agreement

I, the undersigned, _____ agree to keep confidential the fact that I was summoned for a meeting pursuant to the *INRS Harassment, Discrimination, and Incivility Policy*, the meeting itself, as well as the content of the discussions during this meeting. This confidentiality agreement does not infringe on my right to consult a lawyer regarding this investigation process.

Signed in _____, on this _____ day of _____ .

Signature

Name in block letters