



RESPECT FOR OTHERS CHARTER 2022-2023

The Respect for Others Charter applies to the entire ESSEC community, individually and collectively. On all our campuses, regardless of their status - student, participant, professor, external lecturer, co-worker, or partner - each and every one of us is required to become aware of it, to subscribe to it, to practice it and to respect it on all occasions.

This charter was drawn up collectively following a process of internal and external consultation. It is subject to change over time, so please keep it alive!

Beyond the text which embodies ESSEC values and requires they are respected, a global process has been developed to sensitize our community by all available means, but also when required, to manage the grievances of a victim and to lend him/her our full support and apply sanctions to the perpetrator(s) of wrongdoing in respect of the principle of proportionality.

The ESSEC Community shares among other values that of Respect for Others.

The Respect for Others Charter is a **Charter for good conduct** which encourages respect for others' ideas, words, and physical and mental integrity within and outside the boundaries of ESSEC campuses.

Everybody should concur to the following principles of behaviour and should commit to exercising them in any circumstances:

- **Adopt a benevolent attitude for those around us in all activities: academic, pedagogical, events, celebrations, professional occasions and on social networks.**
- **Respect each person's right to speak during group work, team meetings, campus events; refrain from interrupting others, from shouting at anyone; speak in turns, ensure that others are offered the opportunity to express their opinion;**
- **Respect the opinions, values and identity of others in their differences** (gender, sexual orientation, age, origin, language, religion, opinions and possible political affiliations, etc.).
- **Refrain from using any hateful, demeaning, sarcastic or contemptuous language**
- **Not use abusive, offensive or rude language, especially avoid sexist and/or lewd remarks; and all other forms of inappropriate behavior.**
- **Not harass others, neither morally nor sexually, with the understanding that it is the person targeted by the comment or behavior who is in a position to judge whether they felt the behavior or comments were insulting or inappropriate.**

In order to uphold the School's values of respect for others and put them into practice on a daily basis, every student undertakes to:

1. BE RESPONSIBLE IN THE PRACTICE OF HIS/HER SEXUALITY

- Respect the sexuality, sexual orientation, opinions and desires of each and every one of their peers.
- Get clear and active consent of one's partner(s) before any sexual intercourse, fully respect their freedom of choice;
- exercise additional caution where this may be within a festive context, so to be absolutely certain that the sexual intercourse is consensual, and even more so when people are under the influence of alcohol.

2. INFORM & ACT

- Report any unfair, offensive or discriminatory situations they may witness.
- Try to convince the victim to report the incident to the school, or inform directly a Respect for Others Referent, who will treat the report in complete confidentiality.
- Remain particularly alert during festive events (integration week-end, sponsorship, student associations recruitment events, BDE parties, ...) and ensure before any such event that each student has been made aware of this Charter and is familiar with the principles it sets out (by reminding them of the existence of the Charter when they sign up for an event, for instance).
- The BDE and the association presidents are responsible for ensuring that the events they organise run properly, whether they are open to all or reserved exclusively for their members.

3. INTERVENE

- Step in when he/she witnesses offensive comments against anyone (comments relating to someone's gender, sexual orientation, racial origin, religion, political affiliation, etc.), hurtful comments, sexual harassment, physical assault or moral abuse. When possible, they should step in and help the potential victim. Students should not hesitate to alert the relevant emergency services to manage the situation, including the police or the ambulance service.
- Systematically report any incident they may witness or be a victim of, either via the ESSEC online reporting platform or in person to a Respect for Others Referent, who can assist with this process.
- Inform the victim that psychological support is available from the school's Medical & psychological Unit.

The Charter is communicated by ESSEC to all students in all programmes. Each student must sign the Charter when entering ESSEC.

APPENDIX - OUTLINE OF THE LEGAL FRAMEWORK

Introductory comment

The acts described below are considered discriminatory, sexist or violent. They are subject to investigation by ESSEC under the Respect for Others procedure. In the case of criminal offences of which ESSEC is aware but for which the school is not competent, a report is made to the public prosecutor.

Consent refers to the agreement that the persons concerned give to each other, in a free and informed manner, in order for an activity of any kind (sexual, festive, associative, professional, etc.) to take place between them. The notion of consent is a basis for the assessment of any behaviour felt to be inappropriate or insulting.

Discrimination:

Discrimination refers to "any distinction made between individuals on the basis of their origin, sex, family status, pregnancy, physical appearance, surname, area of residence, state of health, disability, genetic characteristics, morals, sexual orientation or identity, age, political opinions, trade union activities, real or supposed membership or non-membership of a particular ethnic group, nation, race or religion". (*Article 225-1 of the Penal Code*).

Under the penal code, discrimination is punishable by 3 years' imprisonment and a fine of €45,000.

Hazing:

Hazing is "the fact that a person causes others, against their will or not, to undergo or commit humiliating or degrading acts or to consume alcohol excessively, during events or meetings related to the school and socio-educational environment." (*Article 225-16-1 of the Penal Code*).

In the penal code, hazing is punishable by 6 months' imprisonment and a fine of €7,500.

Defamation:

Defamation is defined as "any allegation or imputation of a fact which is prejudicial to the honour or consideration of the person or body to which the fact is imputed." (*Article 29 of the law of 29 July 1881 on the freedom of the press*)

Under the penal code, defamation committed against a person or a group of persons because of their supposed origin, nationality or religion, their sex, sexual orientation, gender identity or disability is punishable by one year's imprisonment and/or a fine of 45,000 euros. (Article 32 of the Law of 29 July 1881 on the freedom of the press)

Sexist contempt:

Sexist contempt "consists in imposing on a person a comment or behaviour with sexual or sexist connotations, which harms him / her. The act must be degrading or humiliating to the victim, or expose them to an intimidating, hostile or offensive situation. For example, making sexual comments about a woman passing in the street, pursuing her, or making sexual propositions to her. (*Article 621-1 of the Penal Code*). These behaviours do not need to be repeated for the offence to be qualified.

These acts and attitudes are prohibited and punishable by law (Article 621-1 of the Penal Code): the penalty is a fine for a 4th class offence (€90 in the case of immediate payment and up to €750) or a 5th class fine (up to €1,500) in the case of aggravating circumstances or a repeated offence.

Sexual exhibition:

Sexual exhibition is characterised by the fact of committing an act of a sexual nature or having a sexual relationship in full view of the public. It is considered sexual exhibition to show or impose a part of the body of a sexual nature to others in a public space. *(Article 222-32 of the Penal Code)*
In the penal code, sexual exhibition is punishable by one year's imprisonment and a fine of €15,000.

Harassment:

Harassment is "the repetition of comments and behaviour with the aim or effect of degrading the victim's living conditions. This results in consequences for the physical or mental health of the person harassed" *(Article 222-33-2-2 of the Criminal Code)*. It is the frequency and content of the acts that count. These acts can be:

- insults or vexations,
- threats,
- obscene language,
- malicious phone calls, text messages or emails,
- visits to the home or workplace...

Harassment occurs regardless of the relationship between the perpetrator and the victim: work colleagues, neighbours, pupils in the same school, married or unmarried couples, etc.

In the penal code, harassment is considered an offence punishable by 2 years' imprisonment and a €30,000 fine.

Online harassment (cyber-harassment):

"Online harassment is harassment that takes place via the Internet (on a social network, a forum, a multi-player video game, a blog, etc.). It is also known as cyber-harassment. The comments at issue include comments made by Internet users, videos, image editing, messages on forums, etc. Online harassment is punishable, whether the exchanges are public (on a forum, for example) or private (between friends on a social network) *(Article 222- 33-2-2 of the Criminal Code)*.

In the penal code, cyber-harassment is punishable by one year's imprisonment and a fine of €15,000.

Sexual violence:

Sexual violence is an act of a sexual nature, with or without physical contact, committed by an individual without the consent of the person affected, aiming at subjecting another person to his/her own desires by abuse of power, by the use of force or coercion, or by implicit or explicit threat. It covers acts ranging from verbal harassment to forced penetration, as well as a wide range of forms of coercion from social pressure and intimidation to physical force. Sexual violence includes, but is not limited to the following situations.

Sexual harassment: "Sexual harassment is characterised by the repeated imposition on a person of sexually oriented or sexist comments or behaviour that :

- undermine their dignity by being degrading or humiliating, or create an intimidating situation for him/her,
- or create an intimidating, hostile or offensive situation for him/her.

It is considered sexual harassment to use any form of serious pressure, even if it is not repeated, with the real or apparent aim of obtaining an act of a sexual nature, whether this is sought for the benefit of the perpetrator or a third party. *(Article 222-33 of the Penal Code)*.

« The offence is also constituted:

- when these comments or behaviours are imposed on the same victim by several persons, in a consultative manner or at the instigation of one of them, even though each of these persons has not acted repeatedly;
- when these comments or behaviours are imposed on the same victim, successively, by several persons who, even in the absence of consultation, know that these comments or behaviours are repetitive. *(Articles 222-33-3 to 222-33-2-2)*

In the penal code, sexual harassment is an offence, punishable by 2 years in prison and a fine of up to €30,000.

Sexual assault: Sexual assault is defined as "any sexual assault committed against a victim with violence, coercion, threat or surprise. For example, sexual touching. *(Articles 222-22 to 222-22-2 of the Penal Code)*.

Penally, sexual assault is punishable by 5 to 7 years in prison.

Rape: Rape is an "act of sexual penetration committed on a victim with violence, constraint, threat or surprise (in the latter case, the victim is deceived by the ruse of the aggressor). Any act of sexual penetration is included: vaginal, anal or oral. Any means of penetration is included: sex of the offender, finger(s) of the offender or by means of an object." Physical violence is not required to qualify as rape. Attempted rape is punishable by the same penalties as rape. There is an attempt to rape if the perpetrator tried to rape the victim, but did not succeed because of an element beyond his control. *(Articles 222- 22 to 222-22-2 of the Penal Code)*.

Rape is a criminal offence, even if committed by the victim's spouse, cohabitant or PACS partner, and is punishable by 15 to 20 years' imprisonment.

APPENDIX 2 - HOW TO REACT AS A WITNESS TO AN ATTACK

THE 5D TECHNIQUE

- **DISTRACT:** act indirectly to prevent the situation from escalating by engaging in a conversation with the victim or find another way to divert the attention of the stalker. *Pretending to know the victim, asking for the time or directions, dropping something falsely by accident...*

- **DELEGATE:** identify a person of authority (Party Angel, BDE, member of your association's board) and ask them for help. Explain to this person what has happened and ask if there is anything they can do (call a security guard for example). It is also possible to delegate to an unidentified person, or to ask for help by speaking loudly to draw attention to the situation ("Look, don't you think it's strange?"). Call the police if the victim agrees.

- **DOCUMENT:** film the incident or take photographs, which can be very useful if the victim decides to press charges and wants to provide evidence. Remember to stand at a safe distance, say the date and time aloud and film the road signs or any other evidence that may help to identify the time and place of the crime. **Beware, however, of image rights issues. It is forbidden to publish videos or photos on social networks without the agreement of the person in the image.**

- **DIRECTING:** this is simply a matter of directing the situation, **after having first assessed one's own safety**, as this is the most impactful "D". As a last resort, ask the harasser to stop, intervene, defend the target, ask for help while avoiding direct confrontation with the harasser or to expose yourself to danger.

- **DIALOGUE:** as soon as the incident is over, calmly take stock of the situation with the person being harassed to secure him/her ("Do you want me to ask for help? Are you all right?"), reassure him/her ("I believe you") and indicate that the stalker's attitude was not normal, act as a friend. Avoid talking to the aggressor because creating a debate can lead to a possible escalation of violence.

Source: Stand Up training on street harassment