

INTERNAL STUDENT REPORTING AND INVESTIGATION PROCEDURE

REPORTS OF
HARASSMENT / DISCRIMINATION / VIOLENCE

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I - Purpose of NEOMA's internal learning reporting and investigation procedure (Harassment / Discrimination / Violence)

The purpose of this procedure is to formalise the processing of reports made by NEOMA learners, in order to:

1. **Ensuring a healthy and respectful learning environment** Ensuring that every learner evolves in an environment free from violence, harassment (moral or sexual) and discrimination (based on age, gender, origin, sexual orientation, religion, disability, etc.).
2. **Provide a structured and accessible reporting system** Enable learners to quickly and easily report any problematic behaviour or situation through a clear, confidential and secure process.
3. **Protecting the parties concerned** Ensuring that the rights of the parties involved in the report are respected, guaranteeing the confidentiality of the exchanges and preventing any form of retaliation.
4. **Conduct impartial and rigorous investigations** Organize a fair internal investigation if necessary to assess the facts reported, gather the necessary evidence and ensure informed decision-making.
5. **Take appropriate corrective or preventive measures** Apply sanctions, if necessary, or implement awareness-raising and prevention actions to avoid the recurrence of inappropriate behaviour.
6. **Reinforce NEOMA's core values** Promote a culture of respect, equity and inclusion by raising awareness among learners and teams of the importance of these topics.

This procedure therefore includes our commitments and mechanisms to prevent and identify these unacceptable behaviours but also to listen, guide, monitor and support victims and witnesses throughout the procedure (disciplinary and/or criminal).

With this in mind, the present procedure establishes a clear and structured framework so that reports of harassment, discrimination and violence involving learners can be treated with a high degree of confidentiality and application of the principle of the presumption of innocence.

By adopting this procedure, NEOMA reaffirms its commitment to fight against all forms of harassment, discrimination and violence, and to promote a climate of well-being and safety for its entire learning community.

II - Scope of application

In what cases does this scheme apply?

NEOMA's management plans to use this procedure in the event that it receives a report concerning actions committed by a NEOMA learner against another NEOMA learner.

The report may come either from a person who considers himself or herself to be a direct victim of harassment, discrimination or violence, or from a person who has directly witnessed such facts.

For what types of situations?

The situations analysed in the context of reporting are often very specific, with different circumstances each time.

Nevertheless, by way of non-exhaustive examples, this internal learning reporting and investigation procedure aims to provide a framework for the follow-up to be given after a report:

- A situation of psychological harassment,
- A situation of sexist insult,
- Discriminatory acts or comments (see Appendix 2 – part devoted to the 25 criteria for discrimination),
- Any other form of violence perpetrated on and off our campuses, whether verbal, physical ([Article R811-11 - Education Code - Légifrance](#)) or psychological (including the entire continuum of sexist and sexual violence, in particular).

Relationship between the investigation, disciplinary and judicial procedures

Whether it is harassment, discrimination, sexist and sexual violence, or intentional violence, these various acts are prohibited by law and, when proven, punishable by civil or criminal sanctions.

At the level of the higher education institution NEOMA, the investigation may lead to the opening of disciplinary proceedings; however, it is not intended to replace any legal action.

The absence of legal action by the person who considers himself to be a victim does not in any way prevent the investigation from being carried out or from the subsequent implementation of disciplinary proceedings against the perpetrator of proven acts (the two procedures, judicial and disciplinary, being independent of each other).

Special provisions applicable to work-study learners

This procedure applies to all learners in the institution, regardless of their status, including learners enrolled in a work-study course.

When the acts of sexual and gender-based violence concern a learner on a work-study programme, account is taken of the specificity of his or her status, in particular his or her attachment to the apprentice training centre (CFA).

In this context, the powers usually devolved to the campus director in disciplinary matters are exercised by the director of the CFA. Consequently, when the situation requires the referral to a disciplinary body, the director of the CFA or his representative convenes a disciplinary interview or exercises the prerogatives granted to him by the applicable texts and the internal regulations of the institution.

The disciplinary procedure applicable to work-study learners is implemented without prejudice, where applicable, to the obligations to provide information or cooperate with the host company, in compliance with the rules of confidentiality and protection of the persons concerned.

III - Fundamental principles

Principle of zero tolerance

This system is set up as part of the 2021-2025 National Plan to combat SGBV in higher education and research as well as in Circular No. 2015-193 of 25 November 2015. Higher education institutions are responsible for assessing risks, taking the necessary measures to ensure safety, protect the rights and physical and mental health of learners.

NEOMA applies the principle of zero tolerance towards any proven form of harassment, discrimination and violence.

In addition to strict compliance with its legal obligations as an institution, this firm commitment stems from NEOMA's mission to raise awareness among tomorrow's managers about respect for diversity and inclusion.

NEOMA aspires to be an exemplary institution in terms of respect for human rights, equal opportunities and the promotion of diversity. NEOMA is committed to creating a study environment where every individual is treated with dignity and respect, free from all forms of harassment, discrimination and violence.

Rights of the respondent

By analogy with the principle of the presumption of innocence applicable in French criminal law, it is recalled that the report is not sufficient to establish the facts.

An objective and impartial investigation may be necessary to establish as far as possible the materiality of the facts reported and to assess their nature and seriousness in the light of the applicable legal framework and NEOMA's Repository of Values.

Pending the conclusions of the investigation, the learner in question must not be considered to be *in violation*. His rights are respected, regardless of the facts of which he is accused. As the context of the investigation is necessarily disturbing for him, he is treated with courtesy and neutrality, and he is given the opportunity to make his observations.

In addition, depending on the circumstances, the prior internal investigation unit may be led to conclude that the elements brought to its attention at the time of the report and in the context of the investigation do not make it possible to establish the materiality of the facts reported, thus going against the imputations of the report.

Confidentiality and obligation of discretion

The procedure is governed by the strictest confidentiality, in particular with regard to the report, the identity of the author and witnesses, the possible holding of the investigation, as well as the content of the exchanges.

This obligation of confidentiality is intended to preserve the rights of the parties involved, in particular in the event that the investigation does not confirm the imputations of the report.

This obligation of confidentiality applies beyond the investigation period, for an indefinite period. It may nevertheless be lifted at the request of a magistrate or judicial police officers.

Each party to the investigation is also reminded of its obligation of confidentiality, applicable from the moment of the report and beyond the closure of the investigation: this implies showing restraint in the expression, whether written or oral, of its personal opinions.

Abuse prevention

The reporting learner must use the system in good faith and provide information that is as accurate as possible and accurate to the reality of the facts. Any false denunciation or testimony exposes the author to disciplinary action by NEOMA.

Conversely, a report made in good faith will not expose its author to any disciplinary sanction, even if the facts reported are subsequently found to be inaccurate or the report remains unanswered.

IV - Reporting

The victim/witness of harassment, discrimination or violence has the choice of confiding in professionals outside NEOMA or within NEOMA's campuses. In both cases, the listening will be confidential and the NEOMA administration will only be informed if the victim or witness decides to report (this means agreeing to communicate their name, that of the person(s) involved, as well as the facts of the case).

For confidential and anonymous listening outside NEOMA, victims/witnesses can contact the external listening and support service managed by France Victimes free of charge:

- Either by calling the dedicated telephone line, open every day from 9 a.m. to 9 p.m.: (free service and call) or outside mainland France: 116 006
- Either by sending an email to victimes@116006.fr

An initial telephone interview will allow the victim/witness to benefit from a professional listening, in French or English. The victim/witness will then be able to meet professionals near their campus (lawyers, psychologists and social workers) who will help them qualify what happened to them and support them according to their needs.

For a confidential listening within his campus, the victim/witness can contact the nurses.

France Victimes and the nurses suggest that victims/witnesses lift the confidentiality, and report to the Angela unit.

The Angela unit is made up of 8 NEOMA employees who are harassment-discrimination-violence referents.

This cell is the main point of contact for:

- Recording the report of harassment-discrimination-violence, which will be supplemented by substantial evidence (duration of 10 working days).
- Inform and guide you on the support systems put in place by NEOMA and external structures.
- Propose the implementation of precautionary measures.

In the event that the report is made by a witness, the transmission of the report by the Harassment-Discrimination-Violence Referent for pre-analysis implies the prior agreement of the victim.

Depending on the facts reported, the Angela Cell reminds the victim that she can file a complaint with the police or the gendarmerie. The listening and support service managed by France Victimes is at her disposal to advise her in this process.

It is important to understand that the criminal procedure initiated by the filing of a complaint is completely independent of the disciplinary procedure put in place by higher education institutions:

- The criminal procedure allows for the qualification and recognition of the facts. It paves the way for convictions for the perpetrator and reparations for the victim.
- The disciplinary procedure determines the plausibility of the facts and imposes administrative sanctions in the event of contradiction with the internal regulations.

Bringing serious facts to court allows them to be recognized, to protect oneself and other possible victims.

Registration and Acknowledgement of Receipt of the Report

During an interview, the Harassment-Discrimination-Violence Referent collects the facts reported and formulates an initial hypothesis on the nature of the situation experienced (this interview is systematically carried out in the presence of a second Harassment-Discrimination-Violence Referents. He or she records the report and acknowledges receipt in writing to its author. The indicative deadline for this acknowledgement of receipt is 2 working days. (see flowchart on page 13).

During the interview of the victim/witness, the Harassment-Discrimination-Violence Referent can direct them to structures that provide personalised support and propose precautionary measures (see Article VI).

Campus de Rouen		Campus de Reims		Campus de Paris	
	Sophie MALHAIRE Event Communication Manager Office: A249 Phone : 02 32 82 58 90		Adeline LEBOUVIER Wellness Coordinator & Disability Referent Office: 2B033 Phone : 03 26 77 47 55		Kevin RAZAFINDRATSIMBA TEMA Program Coordinator Office: 210 Phone : 01 73 06 98 01
	Ophélie SERVAIS Promotion and Recruitment Manager Office: A018 Phone : 02 32 82 58 28		Sylvie THUILLIER Project Manager for Associative Life Office: 1C034 Phone : 03 26 77 47 36		Alexandra CHERIF Head of Student Relations Office: 212 Phone : 01 73 06 98 18
	Karine TRIBOULT Wellness Coordinator & Disability Referent Office: A022 Phone : 02 32 82 17 64		Christelle KRAJEWSKI Talent & Career Project Manager Office: 2B010 Phone : 03 26 77 47 29		

V – Continuation of the report

Process time

It is recommended for information purposes only, a total duration not exceeding 45 working days between the date of issue of the alert and the closing date.

This indicative period may be extended, in particular when the situation analysed is particularly complex.

Pre-analysis of the file by the Director of Student Life and the Legal Director

Upon receipt of the report, the existing documents and information necessary for the pre-analysis of the file are gathered and all the documents are communicated to the Director of Student Life and the Legal Director. On this basis, the Director of Student Life accompanied by the Legal Director make observations and an opinion on the need to open an investigation or to initiate an awareness-raising or disciplinary action. A period of 3 working days (see flowchart page 13) will be required for the pre-analysis of the case by the Director of Student Life and the Legal Director. The Director of Student Life informs the Harassment-Discrimination-Violence Referents, the Program and Campus Directors concerned of the decision taken.

When the facts allow it and subject to the joint agreement of the Legal Director and the Director of Student Life, a proportionate response and alternative to the opening of a formal investigation may be implemented.

This response can take the form of:

- an appointment with the relevant campus director,
- or an interview with the relevant programme manager,

depending on the nature of the facts, their seriousness and the appropriateness of the measure chosen.

The purpose of these measures is to remind the learner of the applicable legal and regulatory framework, to prevent the repetition of behaviour and to raise learners' awareness of the issues related to sexual and gender-based violence. They do not prevent, in the event of new elements or subsequent breach, the implementation of disciplinary proceedings before the disciplinary council.

Case 1: Lack of investigation

If, after analysis, the situation does not require an investigation, the reporting learner is informed by the Harassment-Discrimination-Violence Referents that his or her report is forwarded to the Secretary General and the Director of the campus/CFA followed by a confirmation email.

The learner in question is informed of the existence and content of the report that did not lead to the opening of an investigation by the Campus Director/CFA.

It is the responsibility of the Campus Director/CFA to decide whether to implement disciplinary proceedings. In this case, the Campus Director/CFA informs the learner, the Programme Director and the Harassment-Discrimination-Violence Referent who received the report.

Case 2: Opening of an investigation

If, after analysis, the situation requires an investigation, the reporting learner is informed by the Harassment-Discrimination-Violence Referent that his or her report is transferred to the Secretary General and the Director of the campus/CFA, who refers the matter to the preliminary investigation unit.

This oral information is followed by a confirmation email from the Harassment-Discrimination-Violence Referent.

Establishment of the internal preliminary investigation unit

This unit is composed of: the Secretary General, a Lawyer from the Legal Department and a Manager from the Student Life Department.

Notification of initiation of investigation

The report and any information useful for assessing the facts shall be forwarded without delay to each member of the internal preliminary investigation unit.

The preliminary internal investigation unit contacts the author of the report and the person implicated and informs them of the opening of a preliminary internal investigation.

Collection of documents

The internal preliminary investigation unit collects as much factual information as possible. The strength of its conclusions will depend mainly on the quality of the documents gathered and their completeness.

This investigation phase aims to gather as much objective and factual information as possible from the institution's documents and registers; exchanges of letters, photos, emails, instant messages or calls and telephone messages that the learners will be able to communicate to him.

The investigations carried out in this context must be justified and proportionate in relation to the facts giving rise to the investigation. The learners requested facilitate the access of the internal investigation unit prior to these various elements. If documents of this type are handed over to it, it can only be at the initiative of the persons themselves, to whom the unit must ask whether it can make use of them. This agreement is recorded in writing to avoid any subsequent dispute.

Collection of testimonies

If, after analysing the documents collected, it is necessary to complete the factual elements gathered, the internal preliminary investigation unit shall draw up the list of persons to be heard. This list may be supplemented as and when the investigation is necessary.

The persons to be heard (authors of the report, accused persons, witnesses whose hearing is proposed by the person considering himself or herself a victim and by the accused person) are summoned by e-mail with acknowledgement of receipt. This e-mail specifies that the persons summoned do not have the right to be assisted (except for minors) insofar as the hearing is not a disciplinary interview. Finally, it reminds us that participation in the hearings is voluntary: the persons summoned are free to refuse to participate in the hearing and, for witnesses, free to refuse to testify.

The chosen place of hearing guarantees the confidentiality of the exchanges.

Conduct of the hearings

The mission of the preliminary internal investigation unit is to conduct the investigation by receiving testimonies from the parties (person considering himself a victim, accused person, possible witnesses). Hearings must be carried out in person. All members of the investigation unit participate in face-to-face hearings. It is based on the report sheet reflecting the specificities of the facts reported during each hearing. The purpose of the questions is to establish the materiality of the facts reported, as well as their nature and seriousness, if applicable. The questions are adjusted as the investigation progresses, according to the elements and needs for clarification brought to light during each hearing.

The persons interviewed are informed at the beginning of the interview of the framework in which the investigation is taking place, what is expected of them, and their rights and obligations. The learner who is the subject of the report is informed of the content of the report. It is recalled that in the event of legal

action, NEOMA may be required to communicate the documents of the investigation as part of the procedure.

Transcript of the exchanges

The exchanges of questions and answers during each hearing give rise to a transcription, which is carried out by the prior internal investigation unit. To ensure maximum objectivity, this transcription is as literal as possible. The transcription serves as a basis for the preparation of internal reports, which are not intended to be transmitted to the persons heard. Any recordings are destroyed, in accordance with the provisions of the European General Data Protection Regulation (EU Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 / GDPR).

During his hearing, each person heard is invited to send to the preliminary internal investigation unit any document that he or she deems useful to establish the materiality of the facts reported.

It is recalled that all the elements of the investigation are covered by confidentiality and cannot be disseminated outside the prior internal investigation unit. It is also recalled that this confidentiality may nevertheless be lifted in the event of legal action.

Analysis of the evidence collected

The comments and elements collected are the subject of an in-depth analysis by the members of the prior internal investigation unit. In particular, the existence of acts of any kind or discriminatory facts that may infringe on the rights and dignity of a learner, alter his or her physical or mental health, or compromise his or her future is sought.

Recommendations of the preliminary internal commission of inquiry

Within twenty-four hours of the last act of investigation, the members of the preliminary internal investigation unit who participated in the hearings must make recommendations. These will relate to the conclusions of the investigation and any measures to be taken in response to the situation raised.

The investigation unit informs the Harassment-Discrimination-Violence Referent who has received the report that the investigation has been closed and that the recommendations are addressed to the Secretary General.

When an incident appears to concern a crime or a serious offence, the investigation unit reserves the right, with the agreement of the General Management, to report it to the Public Prosecutor's Office.

Final decision

After collecting the recommendations of the preliminary internal investigation unit, the Secretary General sends the General Management / Campus Management an investigation report accompanied by an opinion on the follow-up to be given. In the light of this report, the General Management / Campus Management decides on the measures to be taken.

Depending on the situation, it may be decided to refer the matter to the disciplinary council or to organise a disciplinary interview for apprentices.

Closure of the investigation

The Harassment-Discrimination-Violence Referent informs the author of the report that the investigation has been closed and that the matter is referred to the Disciplinary Council or not.

In the event of disciplinary proceedings, the Campus Director/CFA initiates the summons of the person in question to the disciplinary council, and informs the Programme Director and the Harassment-Discrimination-Violence Referent who received the report.

Processing and storage of personal data

The investigation procedure results in the processing of personal data governed by the General Data Protection Regulation (GDPR).

For the purposes of the GDPR, "data subjects" are considered to be all persons whose personal data are actually processed in the context of the investigation procedure (in particular: the author of the report, the person accused, persons heard in the context of the investigation, etc.).

The following categories of personal data may be recorded and stored within the framework of this system:

- Identity and contact details of the person who made the report
- Identity and contact information of the respondent
- Identity and contact information of witnesses
- Identity and contact details of the persons involved in the collection or processing of the report
- Reported facts
- Elements collected in the context of the verification of the facts reported
- Internal reporting
- Follow-up to the report

NEOMA takes all necessary precautions to preserve the security of this personal data, both when it is collected, communicated and stored.

This data will be kept for a maximum period of 6 years, corresponding to the statute of limitations for the offence of harassment.

VI – Monitoring and accompanying measures

Post-investigation follow-up

Particular attention is paid by the Campus Director/CFA, in close collaboration with the Wellness, to the authors of the report and to the persons implicated during the months following the investigation.

An individual support plan (e.g. mediation in the event of interpersonal conflict; medical follow-up; training in emotional management; etc.) can be offered to the authors of the report and to the people involved. It is then deployed by the Wellness Department.

For situations likely to constitute rape or any other crime, a report to the public prosecutor is systematically made.

Safeguards

From the beginning of the procedure, the person who considers himself or herself to be a victim is placed under the protection of the institution.

If, at the end of these preliminary interviews, it is felt that the facts reported are potentially of particular gravity from a legal point of view, or are likely to have serious consequences on the physical and/or mental health or safety of the person considering himself or herself to be a victim, one or more precautionary measures may be considered pending the completion of the investigation.

The person who considers himself a victim or the witness who fears being pressured or retaliated by his or her testimony is reassured that such acts are reprehensible from a disciplinary point of view. Depending on the circumstances, a precautionary measure may be taken against him or her in order to ensure his or her safety in relation to the situation reported.

Psychological care and guidance

It is important to ensure that the person reporting the report has support in his or her entourage who can accompany him or her during this period.

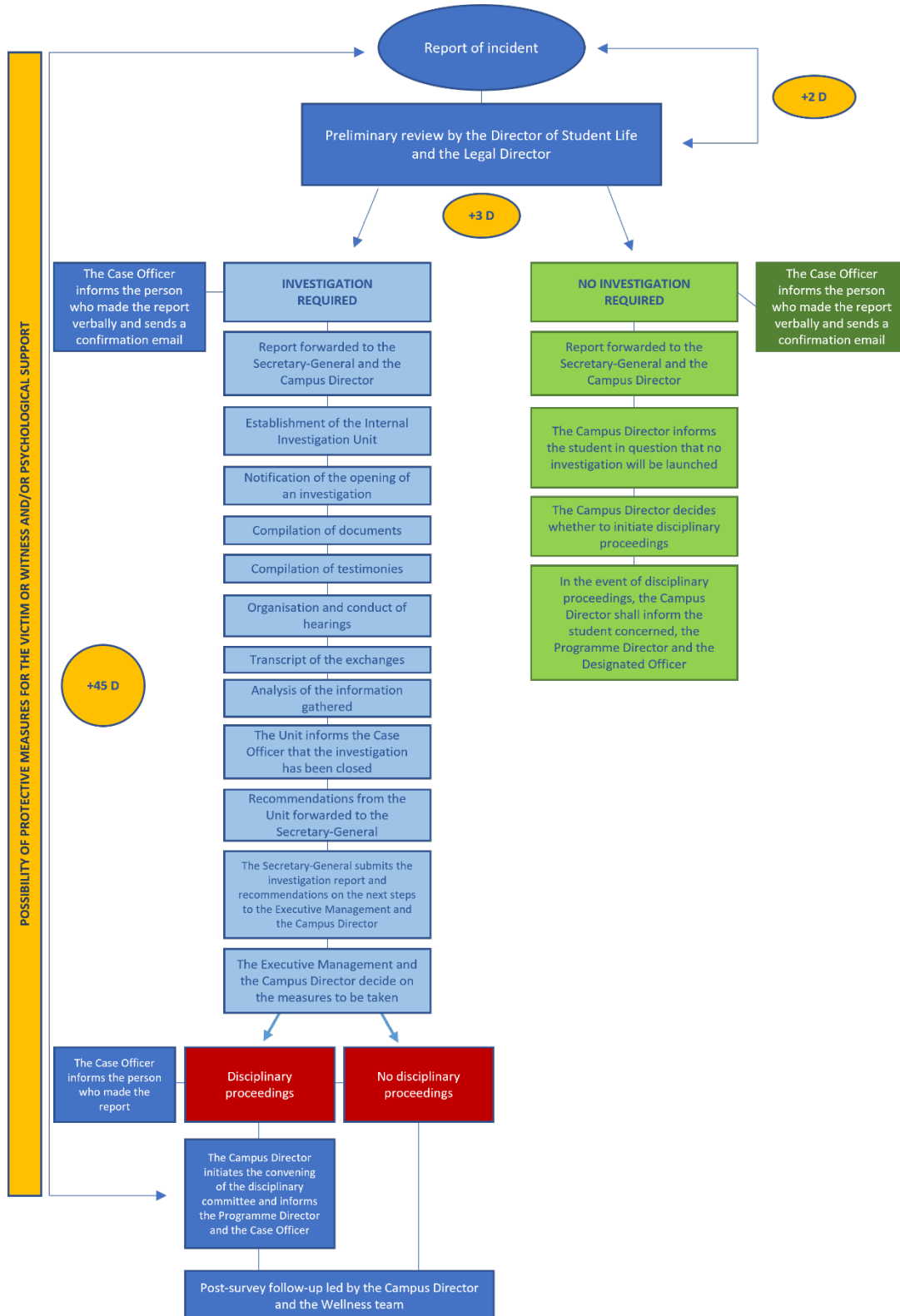
Appropriate support can be offered to the victim if he or she expresses the need (referral to the psychological support unit possible via wellness@neoma-bs.fr and/or a victim support association, in particular). A reminder of the dedicated contacts is provided in Appendix 3.

These same psychological care and guidance measures may be offered to the person concerned.

It is also proposed that victims of the most serious acts file a complaint against the perpetrator of the acts, by addressing:

- Directly to the Public Prosecutor, by registered mail to the address of the judicial court of the place of the offence or the place of residence of the offender,
- A police station or gendarmerie brigade,
- To a victim support association, which will be able to file the complaint,
- To the Defender of Rights.

APPENDIX 1 – FLOWCHART OF THE INTERNAL INVESTIGATION PROCEDURE



APPENDIX 2 - REMINDER OF THE LEGAL DEFINITIONS AND PENALTIES INCURRED

MORAL HARASSMENT

Article 222-33-2-2 of the Criminal Code:

"The act of harassing a person by repeated words or behaviour having as their object or effect a deterioration in his or her living conditions resulting in an alteration of his or her physical or mental health is punishable by one year's imprisonment and a fine of €15,000 when these acts have caused a total incapacity for work of less than or equal to eight days or have not resulted in any incapacity for work.

The offence also consists of:

a) When these words or behaviour are imposed on the same victim by several persons, in a concerted manner or at the instigation of one of them, even though each of these persons has not acted repeatedly;

(b) When these words or behaviour are imposed on the same victim, successively, by several persons who, even in the absence of consultation, know that these words or behaviour characterise repetition.

The acts mentioned in the first to fourth paragraphs are punishable by two years' imprisonment and a fine of €30,000:

1° When they have caused total incapacity for work for more than eight days;

2° When they have been committed against a minor;

3° When they have been committed against a person whose particular vulnerability, due to his or her age, illness, infirmity, physical or mental deficiency or pregnancy, is apparent or known to the perpetrator;

4° When they have been committed through the use of an online public communication service or through a digital or electronic medium;

4° bis When they have been committed against the holder of an elective office;

5° When a minor was present and was present.

The acts mentioned in the first to fourth paragraphs are punishable by three years' imprisonment and a fine of €45,000 when committed in two of the circumstances mentioned in 1° to 5°."

SEXUAL HARASSMENT

Article 222-33 of the Criminal Code:

" I. - Sexual harassment is the act of repeatedly imposing on a person comments or behaviour with sexual or sexist connotations that either undermine his or her dignity because of their degrading or humiliating nature, or create an intimidating, hostile or offensive situation against him.

The offence also consists of:

*1° When these words or behaviours are imposed on the same victim by several persons, in a concerted manner or at the instigation of one of them, even though each of these persons has not acted repeatedly;
2° When these words 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 characterise a repetition.*

II. - Sexual harassment is considered to be the use of any form of serious pressure with the real or apparent aim of obtaining an act of a sexual nature, whether it is sought for the benefit of the perpetrator or for the benefit of a third party.

III. - The acts mentioned in I and II are punishable by two years' imprisonment and a fine of €30,000. These penalties are increased to three years' imprisonment and a fine of €45,000 when the acts are committed:

*1° By a person who abuses the authority conferred on him by his office;
2° On a minor of fifteen years of age;
3° On a person whose particular vulnerability, due to his or her age, illness, infirmity, physical or mental deficiency or pregnancy, is apparent or known to the perpetrator;
4° On a person whose particular vulnerability or dependence resulting from the precariousness of his or her economic or social situation is apparent or known to the perpetrator;
5° By several persons acting as perpetrators or accomplices;
6° By the use of an online public communication service or by means of a digital or electronic medium;
7° While a minor was present and attended;
8° By an ascendant or by any other person having legal or de facto authority over the victim." »*

SEXIST OUTRAGE

Article R625-8-3 of the Criminal Code:

" Except in the cases provided for in Articles 222-13, 222-32, 222-33, 222-33-1-1, 222-33-2-2 and 222-33-2-3, any comment or behaviour with sexual or sexist connotations that either violates his or her dignity because of its degrading or humiliating nature, or creates an intimidating, hostile or offensive situation against him, shall be punishable by the fine provided for class 5 offences.

Persons guilty of the contravention provided for in this article shall also incur the following additional penalties:

1° The probationary penalty provided for in 1°, 4°, 5° or 7° of Article 131-5-1;

2° Community service for a period of twenty to one hundred and twenty hours. »

Article 222-33-1-1 of the Criminal Code in the event of aggravated contempt:

"I.-A fine of €3,750 shall be imposed on a person who, except in the cases provided for in Articles 222-13, 222-32, 222-33-2-2 and 222-33-2-3, imposes on a person any comment or behaviour with sexual or sexist connotations that either violates his or her dignity because of its degrading or humiliating nature, or creates an intimidating, hostile or offensive situation against him, when this act is committed:

1° By a person who abuses the authority conferred on him by his office;

2° On a minor;

3° On a person whose particular vulnerability due to age, illness, infirmity, physical or mental deficiency or pregnancy is apparent or known to the perpetrator;

4° On a person whose particular vulnerability or dependence resulting from the precariousness of his or her economic or social situation is apparent or known to the perpetrator;

5° By several persons acting as perpetrators or accomplices;

6° In a vehicle used for collective passenger transport or private public transport or in a place intended for access to a means of collective passenger transport;

7° Because of the victim's real or supposed sexual orientation or gender identity;

8° By a person who has already been convicted of the offence of sexist and sexual insult and who commits the same offence while being a repeat offender under the conditions provided for in the second paragraph of

Article

132-11.

II.-For the offence provided for in I of this Article, including in the event of a repeat offence, the prosecution may be extinguished, under the conditions provided for in Articles 495-17 to 495-25 of the Code of Criminal Procedure, by the payment of a fixed fine of EUR 300. The amount of the reduced fixed fine shall be EUR 250 and the amount of the increased fixed fine shall be EUR 600. "

DISCRIMINATION

Article 225-1 of the Criminal Code:

" Any distinction made between natural persons on the basis of their origin, sex, family situation, pregnancy, physical appearance, particular vulnerability resulting from their economic situation, apparent or known to the person responsible, their surname, their place of residence, their state of health, constitutes discrimination; their loss of autonomy, their disability, their genetic characteristics, their morals, their sexual orientation, their gender identity, their age, their political opinions, their trade union activities, their status as a whistleblower, facilitator or person in connection with a whistleblower within the meaning of Article 6 I and Article 6-1 (1) and Article 6-1 respectively (1) and (2) of Law No. 2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life, their ability to express themselves in a language other than French, their belonging or non-belonging, real or supposed, to a specific ethnic group, nation, so-called race or religion.

Any distinction made between legal persons on the basis of origin, sex, family situation, pregnancy, physical appearance, particular vulnerability resulting from the economic situation, apparent or known of the perpetrator, surname, place of residence, state of health, loss of autonomy also constitutes discrimination. disability, genetic characteristics, morals, sexual orientation, gender identity, age, political opinions, trade union activities, the status of whistleblower, facilitator or person in connection with a whistleblower, within the meaning of Article 6 I and Article 6-1 (1) and Article 6-1 respectively, the ability to express oneself in a language other than French, the membership or non-membership, real or supposed,

of an ethnic group, a nation, an alleged race or a specific religion of the members or certain members of these legal persons. »

Article 225-2 of the Criminal Code:

"Any distinction made between persons because they have suffered or refused to be subjected to acts of sexual harassment as defined in Article 222-33 or who have testified to such facts constitutes discrimination, including, in the case mentioned in I of the same article, if the words or behaviour have not been repeated."

Article 225-3 of the Criminal Code:

"Any distinction made between persons because they have suffered or refused to be subjected to acts of hazing as defined in Article 225-16-1 or who have testified to such acts constitutes discrimination."

Article 225-4 of the Criminal Code:

"Discrimination as defined in Articles 225-1 to 225-1-2, committed against a natural or legal person, shall be punishable by three years' imprisonment and a fine of 45,000 euros when it consists:

1° To refuse the supply of a good or service;

2° To hinder the normal exercise of any economic activity;

3° Refusing to hire, sanction or dismiss a person;

4° To make the supply of goods or services subject to a condition based on one of the elements referred to in Article 225-1 or provided for in Articles 225-1-1 or 225-1-2;

5° To make an offer of employment, an application for an internship or a period of training in a company subject to a condition based on one of the elements referred to in Article 225-1 or provided for in Articles 225-1-1 or 225-1-2;

6° Refusing to accept a person to one of the courses referred to in 2° of Article L. 412-8 of the Social Security Code.

Where the discriminatory refusal provided for in 1° is committed in a place open to the public or for the purpose of prohibiting access to it, the penalties shall be increased to five years' imprisonment and a fine of EUR 75,000."

APPENDIX 3 – REFERRAL TO VICTIM SUPPORT STRUCTURES

3919: Violence Women Info

National reference number for listening to and guiding women victims of violence: Free and anonymous - Accessible 24/7 - Support by professional listeners - Possible care for the victims' entourage. Calls can concern all types of gender-based violence (domestic violence, sexual violence, forced marriages, sexual mutilation, violence at work, etc.).

The 3919 provides an initial reception for all women victims of gender-based violence. Depending on their situation, women are directed to the local or national partner associations best able to provide a response or support.

3919 is not an emergency number.

Full steam ahead

The free, anonymous, secure and caring listening chat

The En avant toute(s) chat allows you to be put in touch with professionals who listen, advise and redirect to the appropriate structures.

It is open Monday to Thursday from 10 a.m. to 00 a.m. and Friday to Saturday from 10 a.m. to 9 p.m.

<https://enavanttoutes.fr/>

European Association against Violence against Women at Work (AVFT): <https://www.avft.org>

National Information Centre on the Rights of Women and Families (CNIDFF)

"Let's stop the violences.gouv.fr" website to find an association near you. - <https://arretonslesviolences.gouv.fr/associations-de-lutte-contre-les-violences-sexistes-etsexuelles/associations>

Internet portal for reporting SGBV : <https://www.service-public.fr/cmi> : Free and anonymous - Available 24/7 - Personalized welcome, provided by a police officer or gendarme specifically trained in the care of victims of sexual and gender-based violence. This site allows victims to be accompanied in filing a complaint or, in the event that they are not ready, referred to partners in order to facilitate their social and/or psychological care.

APF France Handicap Association : www.apf-francehandicap.org

Acting on a daily basis to defend and promote the rights of people with disabilities

Health info rights : <https://www.france-assos-sante.org/sante-info-droits>

Legal and social information line on all issues related to disability

Call on Mondays, Wednesdays and Fridays from 2 p.m. to 6 p.m.: 01.53.62.40.30

Tuesday and Thursday from 2 pm to 8 pm or online contact form

LGBTI+ Federation : [Home - LGBTI+ Federation \(federation-lgbti.org\)](http://federation-lgbti.org)

It brings together local or national LGBTI+ centres and associations that operate in France. Contact form on the website

SOS Racism : <https://sos-racisme.org>

For victims of acts of racism (discrimination, aggression, etc.)

Telephone hotlines from Tuesday to Friday from 10:30 am to 1:00 pm: 01.40.35.36.55 To

contact the legal department: servicejuridique@sos-racisme.org

Defender of Rights

You can contact the Defender of Rights if you believe you have been a victim of discrimination

<https://www.defenseurdesdroits.fr/demander-de-laide-au-defenseur-des-droits-146>