



IPADE
BUSINESS SCHOOL
UNIVERSIDAD PANAMERICANA

IPADE's Guidelines for Addressing Vulnerable Situations (PASS)

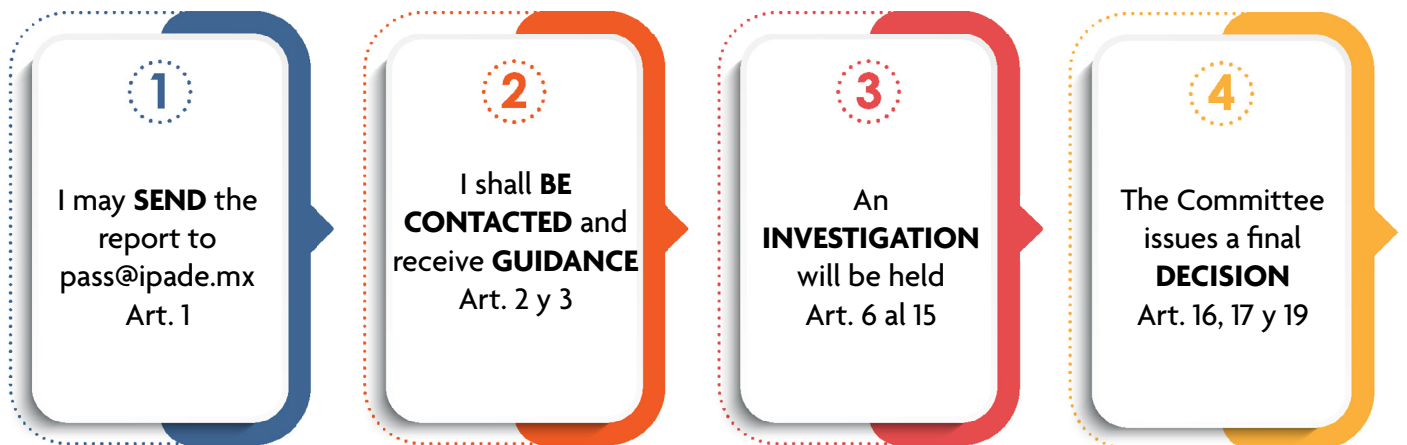
INTRODUCTION



The *Instituto Panamericano de Alta Dirección de Empresas* (further called “IPADE” or “the Institution”) is firmly committed to promoting and creating a culture of ethics in all its activities, relying on a profound respect and care for the human dignity that is expressed in each individual. Relying on these values, IPADE is committed to providing a safe place where everyone is encouraged to maintain an atmosphere of peace and non-violence towards people.

As part of its continuous efforts to build a culture of integrity and compliance, IPADE has endeavored to publish the following Guidelines for Addressing Vulnerable Situations (PASS), ensuring complete consistency with the values, principles, and standards that guide us.

How does the process for addressing Vulnerable Situations Work?



I. THE PASS COMMITTEE



- 1.1.** The institutional body dedicated to the creation and promotion of an ethics culture within the Institution shall be IPADE's Committee on the Guidelines for Addressing Vulnerable Situations (further called the Committee), which shall have sufficient powers to conduct confidential, in-depth, impartial investigations on the vulnerable situations reported under these Guidelines.

 - 1.2.** The purpose of the Committee shall be to ensure that human rights are respected at all times in all interactions among members of the IPADE Community, to review and investigate any report of a potentially vulnerable situation, and to present specific recommendations to the competent authorities within the Institution.

 - 1.3.** Committee members shall be appointed by IPADE's Board of Directors. Committee members shall serve three-year terms and be eligible for reappointment to additional terms.
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1.4. Candidates for the Committee must preferably meet the following criteria:

- a) Proven ability to handle confidential situations with clarity;
 - b) Emotional intelligence, showing empathy, assertiveness, objectivity, flexibility, and a capacity to cope with pressure in conflict resolution;
 - c) Social sensitivity, showing an ability to understand and take into account the various realities within the country's social, economic, and political context.
 - d) Ability to create and hold dialogue with the people involved in a vulnerable situation;
 - e) High ethical and moral standards, allowing him or her to handle investigations with impartiality, autonomy, probity, and honesty;
 - f) In-depth knowledge of IPADE's vision, mission, and institutional principles;
 - g) Ability to resist any pressure to refrain from conducting the necessary investigations when dealing with any report of a vulnerable situation.
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1.5. Following the principles of confidentiality and anonymity, all Committee members and any other member of the IPADE Community involved in the processes referred to in these Guidelines shall sign a confidentiality agreement that will govern the processes.

1.6. Any violation of the principles of confidentiality and anonymity by a member of the Committee or by any IPADE authority involved in the processes referred to in these Guidelines shall be considered a serious offense, and the case will be referred to IPADE's competent bodies or authorities to determine whether any of the sanctions set forth in Article 17, Section IV of these Guidelines should be applied.



II. SCOPE OF APPLICATION



- 2.1. Geographical scope of application:** These Guidelines shall apply to any vulnerable situation reported to have taken place inside or outside IPADE's facilities, including the institutional virtual spaces and digital media, as long as it takes place over the course of an activity organized and sponsored by any of IPADE's collegiate bodies or authorities.
- 2.2. Personal scope of application:** These Guidelines shall apply to any vulnerable situation where the victim or the alleged perpetrator is a prospective or active participant of an IPADE program and the other party to the situation is an active participant, faculty member, staff member, or supplier of IPADE.
- 2.3. Material scope of application:** The types of misconduct that shall be accepted and processed as reports of vulnerable situations under these Guidelines shall include but not be limited to the types of misconduct referred to in these Guidelines.
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III. VULNERABLE SITUATIONS



3.1. Under these Guidelines, vulnerable situations shall include, but not be limited to, the following situations:

a) Discrimination: Any distinction, exclusion, restriction, or preference that is effected by any act or omission, intended or unintended, that cannot be deemed objective, rational, or proportional to the situation, and that is aimed at hampering, restricting, denying, or diminishing the recognition, enjoyment, or exercise of any human right or freedom by one or more of the following reasons: ethnicity or nationality, skin color, culture, sex, age, disability, social, economic, health, or legal status, religion, physical appearance, genetic characteristics, immigration status, pregnancy, linguistic identity, opinion, sexual preference, political affiliation or identity, marital status, family situation, family responsibilities, language, criminal background, or any other reason;

b) Gender Stereotypes: Any act or omission that relies on attributes relating to the characteristics that have been socially and culturally associated with men or women on account of the physical, biological, sexual, and social differences due to sex to put a person or group of people at a disadvantage.



c) Sexual harassment: It refers to the exercise of power in a relationship where the victim is effectively subordinate to the perpetrator. It is expressed in verbal or physical behaviors, or both, carrying sexual and offensive connotations;

d) Teacher violence: Any act of discrimination committed by a faculty member on the grounds of a participant's sex, age, social background, academic background, or physical trait or limitation.

e) Physical violence: Any act that causes non-accidental injury through the use of physical force, any kind of weapon or object that can cause internal or external injury, or both.

f) Gender-based violence: Any act of violence committed against a person on the grounds of their gender identity or condition, be it a man or a woman, either in the public or in the private sphere.

g) Psychological violence: Any action that causes or may cause emotional or mental harm to the victim and that is aimed at causing emotional pain, making the person feel unworthy and deserving of the abuse to which he or she is being subject, ignoring them, intimidating them, terrorizing them, and making them dependent on the abuser.





h) Sexual violence: It refers to any sexual act, attempt to commit a sexual act, or unwanted sexual comments or advances, and to any actions aimed at trading or otherwise exploiting a person's sexuality through coercion by another person, regardless of his or her relationship with the victim. This type of violence may include acts ranging from verbal harassment to rape and various types of coercion. An act shall also be considered sexual violence whenever the victim is not in a position to give his or her consent.

i) Digital violence: Any act committed through the use of information and communication technologies to obtain, expose, spread, disseminate, display, transmit, market, offer, or share images, audio recordings, or videos (either actual or simulated) showing intimate sexual content without the person's consent, approval, or authorization, causing psychological or emotional harm or any other kind of damage to his or her private life or self-image.

3.2. Under these Guidelines, vulnerable situations may take place in various forms, including but not limited to the following:

- a) Non-verbal face-to-face acts
 - b) Verbal face-to-face acts
 - c) Physical acts
 - d) Acts committed through the institutional digital media
 - e) Extortions, threats, or solicitations
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IV. PRECAUTIONARY PROGRAM AND MEASURES



4.1. To promote a culture of peace, non-violence, non-discrimination, gender equality, and respect for the human rights of everyone involved in our Community, IPADE shall undertake various initiatives considering the recommendations made by the Committee.

The initiatives include the following:

a) Ongoing awareness campaigns aimed at preventing the normalization of the vulnerable situations addressed in these Guidelines and disseminating the rights of victims, the institutional reporting, attention, and support mechanisms.

b) Training workshops aimed at raising awareness of all forms of violence, including sexual violence.

c) A best practices handbook providing all members of the IPADE Community with a series of guidelines for conducting themselves at the Institution.

4.2. In any event, all actions shall focus on prevention by providing useful information, raising awareness, and teaching skills to prevent all kinds of violence among the members of the IPADE Community.

V. INVESTIGATION AND RULING PROCESS FOR DEALING WITH VULNERABLE SITUATIONS

Section One Reporting Vulnerable Situations and Offering Guidance

Article 1.- The Committee shall offer advice and guidance to any member of the IPADE Community on any kind of vulnerable situation he or she may report as a victim or witness.

Reports must be sent to the following institutional email address:

pass@ipade.mx 

Article 2.- The Committee's first contact with the alleged victim or with any member of the IPADE Community who has suffered or witnessed a vulnerable situation shall be aimed at providing guidance on at least the following elements:

- I. The types of actions that will likely constitute a case of misconduct leading to a vulnerable situation;
- II. The procedures set forth in these Guidelines; and
- III. The means to receive psychological support whenever it is necessary.



Article 3.- Reports on alleged misconduct potentially leading to vulnerable situations may be submitted at any time exclusively by active members of the IPADE Community.

Reports must include at least the following information:

- I. The name and the position of the alleged perpetrator within the IPADE Community;
- II. The place, date, and estimated time when the event took place;
- III. An account of the events;
- IV. An account of how the events have harmed the alleged victim;
- V. Any supporting evidence of the events;
- VI. A detailed account of any action taken by the alleged victim, the alleged perpetrator, or any other person involved in the events.

Any potentially false report aimed at causing harm to any member of the IPADE Community shall be referred to the competent IPADE authorities, who shall determine whether the situation amounts to any of the acts of misconduct referred to in Article 17, Paragraph IV of these Guidelines.

Article 4.- After receiving report of any potential misconduct that could lead to a vulnerable situation, the Committee must seek to establish contact with the reporting person by whatever means it deems appropriate to obtain all the necessary information to determine whether such acts fall within the geographical, personal, and material scope of application of these Guidelines.

Reported events shall not fall within the scope of application of these Guidelines when any of the following conditions is proven to be the case:

- I. The reported events cannot be proven to have taken place at IPADE's facilities or virtual spaces;
- II. The reported events cannot be proven to have taken place over the course of an academic activity sponsored by IPADE outside its facilities;



III. No prospective student or active participant of IPADE is proven to be involved in the events as the alleged victim or alleged perpetrator, and no member of the IPADE Community is proven to be involved as the other party, or the reported events fall under the authority of other bodies and other internal procedures;

IV. The reporting person decides to remain anonymous, making it impossible to prove that a member of the IPADE Community has been involved in the reported situation; or

V. The event is proven not to constitute any of the cases of misconduct that fall within the purview of these Guidelines.

In any such case, the Committee shall declare itself unable to rule on the matter and immediately communicate that to the reporting person, suggesting alternatives to take action.

Article 5.- Durante la presentación de la denuncia y la etapa de orientación, el Comité tendrá las siguientes obligaciones y facultades:

Upon receiving a report and entering the guidance stage, the Committee shall have the following obligations and powers:

I. To request and obtain any relevant information to determine whether the reported events fall within the scope of these Guidelines;

II. To remain close to the reporting persons and offer them assurance that the procedure will adhere to the principle of confidentiality at all times;

III. To communicate as soon as possible whether the reported events fall within its scope of competence;

IV. Any other power or obligation that will enable the Committee to fulfill its role and objectives and to apply both the institutional principles and the applicable procedural principles.

All IPADE authorities must cooperate with the Committee at all times, ensuring compliance with the procedural principles that are applicable to these Guidelines.

Section Two

Chapter 1. On the Investigation Procedure

Article 6.- The Committee can confirm that the reported events fall within the scope application of these Guidelines;

II. After the reporting person has been notified of the applicability of these Guidelines, he or she ratifies the report and decides to file it formally, provided that he or she is the alleged victim of the vulnerable situation.

If the two preceding conditions are met, the Committee shall declare itself competent to rule on the matter and notify the alleged victim of that decision, informing him or her of the name of the person designated by the Committee to oversee the investigation and the whole procedure.

If the reporting person is not the alleged primary victim of the vulnerable situation, the Committee shall seek to contact such a person to inform him or her of the opportunity to file a formal report and offer him or her any support or precautionary measure to respond to the specific circumstances of the case.

Article 7.- A person appointed by the Committee must contact the alleged victim within 24 hours of the initial report in order to summon him or her to an interview within the following 48 hours. The interview must be conducted under the principle of confidentiality, giving the alleged victim the opportunity to draw up and file a signed record of the events, including at least the following information:

I. A statement saying that the alleged victim has been offered psychological support and care;



II. A description of the specific events that have potentially constituted acts of misconduct causing a vulnerable situation, offering details of the circumstances in terms of time, manner, and location, and unequivocally identifying the alleged perpetrator;

III. A statement saying that the Institution has offered to cooperate in whatever is necessary if the reported events are likely to constitute a crime under the applicable laws, helping the alleged victim to carry out any applicable legal action before the competent authorities;

IV. A statement requesting precautionary measures to be adopted, if any, to protect the integrity and human rights of the alleged victim;

V. A statement saying that the alleged victim has been notified of the maximum period of 10 working days to present the evidence he or she considers relevant for the investigation; and

VI. A description of any other circumstance he or she may consider important for the investigation and for him or her as the alleged victim.



Chapter 2

On the Applicable Precautionary Measures

Article 8.- If the alleged victim requests precautionary measures to be adopted (which must be stated in the record of events referred to in the preceding article), the Committee must decide on such a request within 48 hours.

The adoption of precautionary measures must be authorized whenever there is evidence of aggression or of the possibility of future aggressive or violent acts. Such measures must be adopted for as long as necessary to ensure the safety of the alleged victim or any witness, avoiding any potential obstacles to the investigation.

Article 9.- From the filing of the official report and until the investigation is completed, one or several of the following precautionary measures may be adopted at the request of the alleged victim:

- I. Preventing any contact between the alleged perpetrator and the alleged victim;
- II. Authorizing a change of group to the alleged victim;
- III. Allowing the alleged victim to be absent from any academic activity in which he or she may have contact with the alleged perpetrator;
- IV. Temporarily suspending the academic or labor rights of the alleged perpetrator, ensuring compliance with the principle of presumption of innocence that must be applicable to him or her; and
- V. Any other measure that may be, according to experience and best practices, in the best interest of the alleged victim, the alleged perpetrator, both of them, any witness, or the investigation itself.



The decision of how and when to adopt any such measures must take into account the following factors: the seriousness, the duration, the means, and the background of the events to be investigated. Should the Committee authorize the adoption of any precautionary measures, IPADE's Office of the Secretary shall be responsible for notifying the members of the Community who will be affected by them, enabling the adoption of such measures within 24 hours.

Chapter 3 On the Guarantee of a Hearing

Article 10.- Once the record of events referred to in Article 7 of these Guidelines has been drawn up, a person designated by the Committee shall summon the alleged perpetrator to a hearing, where he or she shall be formally notified of the accusation against him or her and be given the opportunity to make any statement he or she may deem appropriate, in which case an independent record of events must be drawn up and signed by the parties.

The alleged perpetrator may avail him or herself of the right to make any written statement as he or she deems appropriate. He or she shall have no more than five working days to do that and to present any evidence he or she may consider relevant for the investigation of the events.

Article 11.- The person designated to the case by the Committee shall include any such information in the record, either in the official record of events, in the written statement made by the alleged perpetrator, or in both.



Chapter 3 On the Evidence

Article 12.- The parties may present evidence to support their account of the events, including testimony, interviews, audio-recording, video recording, photographs, electronic messages, psychology experts, or any other means as long as it does not violate moral norms, the law, or the accepted customs and it is not obtained unlawfully.

Article 13.- The Committee shall ensure that any interview with the alleged victim, the alleged perpetrator, the witnesses, or the competent IPADE authorities takes place only after a confidentiality agreement has been signed by the parties and with participation by at least two persons appointed by the Committee. If the interviewee agrees, the Committee may request some interviews to be audio-recorded so that they can be transcribed and added to the official file.

Article 14.- The Committee may summon any member of the IPADE Community whose testimony may be relevant for the investigation and request specific reports or evidence so that they are made part of the official file. All actions carried out as part of the investigation must be documented and included in the file for future consideration.

Also, if the Committee deems it appropriate, it may request the opinions of impartial qualified experts on the events of the case or the evidence presented by the parties and make them part of the file for further analysis.

Article 15.- After all the relevant evidence has been reviewed, the Committee shall proceed to notify the parties of the conclusion of the investigation and prepare the draft decision document.



Chapter 4 On the Final Decision

Article 16.- The final decision shall be made known to the parties by the person designated to the case by the Committee. The final decision must be issued within 15 working days after the conclusion of the investigation.

Article 17.- In addition to the case identification data, the decision document must include at least the following elements:

I. A chronological summary of the events and the procedure conducted, starting from the initial filing of the report, including the presentation and review of the evidence, and until the notification of the final decision to the parties;

II. The decisions made on whether the events that were investigated were proven to have been the case, on the type of misconduct identified and the vulnerable situation that was proven to be the case, and on the means used to reach such decisions;

III. The rationale and the logical and legal arguments that provided the grounds for the final decision;

IV. The specific recommendations that shall be presented to the competent IPADE authorities, so that they can apply the corresponding punitive sanctions, if any, in accordance with the identified misconduct, the vulnerable situation caused, and the degree of responsibility of the perpetrator in relation to the events. Sanctions may range from a warning, the termination of an employment relationship, temporary or permanent dismissal from a program, the loss of the IPADE alumni status, and, if necessary, the recommendation to take legal action in accordance with the applicable regulations;



V. If applicable, the guarantees of non-repetition or compensation for the abuse that are deemed to be helpful in the solution of the specific case or the prevention of similar cases in the future, and

VI. The terms and deadlines for their fulfillment.

The final decision shall be notified to the parties, to IPADE's Board of Directors, and to the relevant Committees of the competent academic and administrative departments. The documents filed by the Committee and the decisions made after the investigation shall be adequately stored for as long as determined by the applicable regulations.

Article 18.- The decisions issued by the Committee shall be final and shall not be subject to appeal.

Article 19.- The follow-up on compliance with the final decision issued by the Committee and, if applicable, with the recommendations made by the Committee shall be the responsibility of IPADE's Office of the Secretary.

Article 20.- The Committee may revise or update these guidelines to respond to the needs of the Institution.

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