

**POLICY AIMING TO PREVENT AND
FIGHT AGAINST VIOLENCE OF A SEXUAL NATURE**
Sector in charge: Human Resources Management

ADOPTION BY THE BOARD OF DIRECTORS ON

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AMENDMENTS

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Preamble

This policy comes in the wake of the adoption of the *Act to Prevent and Fight Sexual Violence in Higher Education Institutions (CQLR, c. A-22.1)* by the National Assembly of Quebec. The purpose of this act is to “strengthen actions to prevent and fight sexual violence in higher education institutions and to help foster a healthy and safe living environment for students and personnel members.”¹

By this policy, the CÉGEP de l’Abitibi-Témiscamingue wants not only to respect the law but also to send a clear message to the whole college community that sexual violence must not be tolerated. This notion encompasses all misconduct that is expressed either directly or indirectly among others through unwanted and sexually suggestive gestures, words, behaviours or attitudes including those relative to sexual or gender diversity, and it includes that carried out through technological means. This policy is founded on the premise that sexual violence constitutes a violation of human rights. Consequently, the CÉGEP has committed to taking the necessary measures to avoid this violation and provide the corrective measures as the case may require. This having been said, it cannot substitute police forces or courts.

No policy can cover all situations that are likely to occur. Therefore, this document does not relieve members of the college community from their responsibility to exercise proper judgment and behavioural competencies in our setting. Each person is responsible for a sound teaching, study and work environment that favours human dignity through his or her actions and relationships.

¹ Section 1, paragraph 1 of the law.

1. Statement of Policy

- a) The CÉGEP, unions and associations affirm their will to not tolerate any form of sexual violence, that is to say any form of violence or harassment of a sexual nature such as sexual assault committed through sexual practices or violence that targets sexuality.
- b) They recognize that any person who believes that they are experiencing sexual violence must be able to undertake steps with the greatest discretion, be assisted, have recourse or submit a complaint without any prejudice or without being the subject of retaliation.
- c) They recognize the importance of protecting the integrity of the person implicated until the end of the process and ensure that they never undergo any prejudice nor are the subject of retaliation in the treatment and settlement of a problem of violence of a sexual nature.
- d) They commit to making the policy known to all persons concerned, implement required preventative and awareness-raising measures and measures and mechanisms of assistance and recourse required by law.

2. Policy Objectives

By this policy, the CÉGEP aims

- a) to conform to legislative and statutory provisions through the implementation of preventative and safety measures that aim to create a wholesome living environment for all members of the college community,
- b) to endow the college with an intervention framework to prevent violence of a sexual nature towards members of the college community,
- c) to establish roles, responsibilities and actions of various stakeholders in a specific context,
- d) to fight violence of a sexual nature through the establishment of a complaint management, reporting and information system and
- e) to institute a communication plan so that all members of the community become aware of the content of the policy and that it may be easily accessible to them.

3. Definitions

- a) **Act (law):** *Act to Prevent and Fight Sexual Violence in Higher Education Institutions (CQLR, c. A-22.1)*
- b) **Activity:** Any authorized activity that is part of the mission or operations of the CÉGEP, especially courses, internships, laboratories, other training activities and student,

sports, social or cultural activities including student travel (international or not) and any event that occurs on CÉGEP premises or under its authority no matter where the activity takes place.

- c) **Authority relationship:** This is a relationship based on authority established when a reporting relationship exists. The general context of the relationship, its nature and the status of one person towards another must be assessed among other factors.
- d) **CÉGEP:** Collège d'enseignement général et professionnel de l'Abitibi-Témiscamingue (Abitibi-Témiscamingue General and Vocational College)
- e) **College community:** the student population, staff members and lessees
- f) **Complaint:** A complaint is a formal step taken by the victim of sexual violence to report a situation of sexual violence officially that they have experienced to the college or to the police. An administrative complaint targets recognition of a situation of sexual violence and sanctioning of the person implicated. Furthermore, a complaint made to the police involves possible perpetration of a criminal act.
- g) **Consent:** This is explicit, free and voluntary agreement of a person to engage in a sexual activity. This consent may be withdrawn all of the time and is invalid in the following cases:
 - The agreement is expressed in words or behaviour by a third party.
 - The person is incapable of expressing it because of unconsciousness or intoxication by drugs or alcohol.
 - The person indicates through their words or behaviour an absence of agreement to the activity.
 - After they have consented to the activity, the person indicates through words or behaviour their absence of agreement to pursue it.
 - The absence of refusal or silence itself cannot be interpreted as consent.

In criminal matters in Canada, the age of consent for sexual activities is 16 years of age. It increases to 18 years of age in the following cases:

- The sexual partner of the person is in a situation of trust and/or authority towards them.
 - The person is dependent upon their sexual partner.
 - The relationship between the two persons constitutes sexual exploitation.
- h) **Investigator:** The person who investigates and may come from within the organization or not. This person must be competent, impartial and neutral, available to carry out the investigation within the allowed time frame, able to write the required report and also keep the whole investigation confidential. His or her role is to qualify a situation according to the criteria defined by the policy.

- i) **Intimate relations:** Intimate relations designate both sexual and love relationships.
- j) **Notification:** According to the meaning of this policy, notification occurs when a member of the college community provides information about an alleged situation of sexual violence. This declaration concerns an experience, witnessing or having been informed of a case of violence that is sexual in nature. Notification does not necessarily lead to a complaint.
- k) **Plaintiff:** Any person who alleges that they have suffered violence that is sexual in nature and who acts in accordance with this policy through the process of notification or by making a complaint.
- l) **Point of Notification:** This is the Point of Notification as defined by section 5.4 of this policy.
- m) **Respondent:** This is any person designated by the plaintiff as the author of violence of a sexual nature.
- n) **Retaliation:** These are threats to or intimidation of a person either to prevent them from making a notification, submitting a complaint, collaborating in an investigation or made after a complaint is lodged. Any act of retaliation against a person (plaintiff, witness or respondent) who resorts to this policy to indicate an act of sexual violence is strictly forbidden and constitutes an offence that is liable to disciplinary measures.

4. Scope of the Policy

Since the CÉGEP has the obligation to provide a safe and sound work and study environment, this policy targets the relationships that all members of the college community have among themselves.

This policy applies in the case of employment or studies, particularly in

- a) all campuses including CÉGEP residence halls
- b) during any activity related to the CÉGEP, organized by either the establishment, a staff member, a manager, a sports organization or an association, even if the activity takes place off campus. These activities may be pedagogical, social or athletic in nature but not limited to welcoming or integration activities, student travel, parties at the beginning and the end of the school year, pedagogical outings and local or external training and competitions of CÉGEP sports teams, etc.
- c) during online activities of members of the college community among themselves, which include online and distance learning, interaction on social media, texting, email, MIO, virtual meetings, etc.

This policy could also apply to any situation that might have negative consequences on the academic path or work environment of the college community member.

The policy applies to the following groups:

- a) The student population
- b) Staff members no matter what their status or employment group
- c) Employees of associations and unions present at the CÉGEP
- d) Any person who has a relationship with the CÉGEP as a client, guest, volunteer, member of the Board of Directors, supplier or subcontractor
- e) All internship environments must respect the policy that will be sent to them. In case of non-compliance with the policy or act by a person from an internship environment, this place could be excluded from the list of those approved.
- f) A third party, in the case when a situation covered by the policy involves him or her. The latter must cooperate with the CÉGEP and all its representatives or agents in the application of this policy.
- g) The persons who are most at risk to suffer sexual violence such as individuals who are part of a minority because of their sexual orientation, gender identity or those who come from cultural or indigenous communities and foreign students as well as persons in a situation of a handicap. Through prevention the CÉGEP pays particular attention to these persons.

The application of this policy does not take away the right of persons involved to exert any legal recourse made available to them. It does apply, however, regardless of any other regulation that might bind concerned persons in another setting or within another organization.

This policy does not affect the obligation incumbent upon any person to notify the *Directeur de la protection de la jeunesse* (Director of Youth Protection) about any situation that compromises the safety or the development of a child (person less than 18 years of age) within the meaning of the *Youth Protection Act* (CQLR, c. P-34.1).

5. Clauses of the Policy

5.1 Violence of a sexual nature

Violence that is sexual in nature includes any form of violence committed through sexual practices or those that target sexuality. This notion also encompasses any other misconduct that arises in unwanted and sexually connoted gestures, words, behaviours or attitudes including those pertaining to sexual or gender diversity expressed directly or indirectly; this misconduct extends to that carried out by technological means.

This list includes, among others, sexual harassment and cyber sexual harassment as well as sexual assault. **The aforementioned terms are defined in Appendix I of this policy.**

Here is a non-exhaustive list of examples concerning violence that are sexual in nature:

- a) sexism, misogyny, homophobia, transphobia, etc.
- b) broadcasting of sexually degrading images or videos
- c) insistent and unwanted verbal overtures or propositions that are sexual in nature

- d) abusive and undesired demonstration of sexual interest
- e) comments, innuendo, jokes, heckling or insults that are sexual in nature
- f) acts of voyeurism or exhibitionism
- g) sexual harassment
- h) cyber sexual harassment
- i) obscene telephone calls
- j) production or distribution of sexual pictures or videos of a member of the college community
- k) physical overtures, touching, light contact or rubbing, pinching or undesired kisses
- l) the implicit or explicit promise of a reward or the threat of retaliation related to the satisfaction or non-satisfaction of a request that is sexual in nature
- m) the removal of a condom during a sexual relationship without the awareness of the other partner or without their consent (stealthing)
- n) intoxication of a person in order to abuse them sexually and
- o) human trafficking and sexual exploitation.

5.2 Code of ethics

This document aims to manage the conduct of members of the college community so that they will respect the spirit of the law.

5.2.1 Intimate, love or sexual relations

The policy for a *CÉGEP Free from Incivility and Harassment* already mentions the notions of abuse of trust or breach of power in an employee-student relationship. It is the view of the CÉGEP that intimate relations between a staff member and a student oppose the pedagogical mission of the institution. Here is what we find at point 6.8 of the aforementioned policy:

“The nature itself of the employee-student relationship implies an unequal power relationship in which the notion of free consent cannot exist. A bond of trust must exist between students and staff members, and the CÉGEP wishes to protect it.

To avoid potential abuse of authority and breach of trust, the CÉGEP asks all of its staff to abstain from any kind of intimate, love or sexual relationship with the students of the institution. Staff members are thus required to maintain a professional relationship with CÉGEP students.”

Measures applicable to preexisting intimate relations that involve a student and a staff member

If the aforementioned relationship existed before the student's admission to the institution or the staff member's hiring by the CÉGEP, a statement must be made in writing and handed over to the concerned authority as soon as possible by means of the form planned for this purpose.

After it has become aware of such a relationship, the CÉGEP will take the necessary measures to reduce or mitigate the risks of a relationship where power is unequal, among others by the transfer of a student to a course group that is taught by another teacher, the correction of assignments by another teacher, the appointment or transfer of a student to another professional as well as other measures. The codes of ethics of employees who are members of a professional corporation restrict different types of relationships of their members with the public. The CÉGEP will notify the concerned professional corporation of all such situations if there is a shortcoming in this regard.

The CÉGEP will seek to solve these situations as fairly and discretely as possible to encourage statements of such relationships in a complete and timely manner.

5.2.2 Use of social media

If the use of personal social media is chosen for communication between staff members and students, these messages must be made in a respectful and ethical way in conformity with this policy.

5.3 Preventative, awareness-raising and educational measures that aim to fight violence that is sexual in nature

CÉGEP stakeholders are unanimous about the fact that prevention and awareness-raising are important media of change and key levers in the fight against violence that is sexual in nature.

With the goal of making the phenomenon of sexual violence known and having a discussion to become aware of it and acting to fight it, the CÉGEP organizes and offers awareness-raising, preventative as well as training activities to members of the college community annually.

These activities are adapted to the various publics of the college community (students, staff members, lessees and managing staff) and take their role in the establishment into account.

- a) **Training:** One of the guiding means of this policy is training that is offered at the CÉGEP concerning the problem of sexual violence.

The training activities held target all members of the community so that they have the necessary knowledge or reflexes to either prevent this behaviour or react when a situation of sexual violence occurs so that victims may be assisted, supported and directed rapidly towards the qualified specialized resources or police authorities.

Awareness-raising and preventative activities include campaigns, conferences, online or printed resources, stands or workshops. These activities explore a range of subjects relative to violence that is sexual in nature such as sexual violence, the notion of consent, rape culture, assistance resources, the relationship between alcohol and drug consumption and violence that is sexual in nature, etc.

- b) ***Safety measures that aim to fight sexual violence:*** In order to ensure the safety of community members, the CÉGEP puts various measures in place that will be deployed to contribute to the improvement of on-campus safety.
- c) ***Regulations that govern social or welcoming activities:*** Social activities, which occur year-round, may create opportunities that are conducive to gestures of sexual violence, especially since they often involve alcohol and drugs. First-year students are particularly vulnerable during welcoming and integration activities among others. It is important to supervise these activities to prevent situations of sexual violence that might occur.

During social or welcoming activities organized by the CÉGEP, unions, student associations, sports organizations or any other members of the college community, those who organize them must make sure that they submit the details of various preventative measures that will be established in advance to management of the concerned service. At least one sober representative of the organizing committee must be present at all times during the event to ensure that this policy is respected.

Here are a few examples of best practices related to the organization of activities: to encourage the holding of welcoming activities on campus through access to spaces there and by offering security resources because such activities are easier to supervise and allow actual preventative work and to prohibit any activity that creates racial, gender or sexually connoted distinctions.

- d) ***Communication of necessary information to ensure the safety of a person:*** Except that foreseen in the *Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*, the information received at the Point of Notification can only be communicated to the intended persons or those who are likely to come to their aid. Accordingly, confidential and personal information may be communicated to an individual only if its elements concern him or her personally, and this includes the plaintiff. In all cases, the person who is transmitting information can only divulge what is necessary to attain the objective targeted by the communication.

The information received at the Point of Notification is confidential except in the following cases:

- with the authorization of the person who provided the information
- if the act orders it or authorizes it by a formal provision or
- to prevent an act of violence, including suicide, or when the person has reason to believe that serious injuries or imminent danger of death threatens an identifiable person or group of persons.

- during application of this policy and with the authorization of the person who provided the information or by a member of a professional corporation in the field of health whose information is necessary for the proper progression of the analysis of admissibility of the complaint or the enquiry process.

Members of a professional corporation must ensure that they respect their code of ethics.

The respondent will only be informed of the content of the complaint when an investigation is launched after the complaint has been judged eligible. An intervention may be carried out with the respondent as a preventative measure. In the case of a notification, the result of the accommodative process does not have to be known by the respondent if this process does not lead to any change in work or study conditions.

- e) ***Applicable sanctions in case of non-compliance with this policy:*** Non-compliance with this policy after a formal investigation may entail administrative or disciplinary measures that may lead to dismissal from employment or expulsion from the CÉGEP according to the nature, seriousness and repetitive character of the acts reproached.

During contractual relationships with third parties, the CÉGEP may put an end to any contract without advance notice for non-compliance with this policy.

5.4 Point of Notification

In order for persons who are victims or witnesses of sexual violence to be welcomed and have their cases processed rapidly and adequately, it is important that they have access to all the information that will allow them to make contact easily with available specialized resources.

Any person who wishes to pass on either information relative to an alleged breach to this policy, a notification or a complaint towards a member of the college community may do so through the Point of Notification.

This service, which is offered in a completely confidential manner by an outside organization, has been organized by the CÉGEP. The person who receives allegations may be contacted directly by telephone or any other means deemed pertinent by the CÉGEP. Coordinates are available through the internal communication platforms of the CÉGEP.

Any notification or complaint must first be sent to the Point of Notification. This service will ensure that plaintiffs get a sympathetic ear, psychosocial support, accompaniment measures and referrals to specialized services for persons who will express this need. Members of the student population may be referred among others to the psychosocial services of our CÉGEP while staff members will be referred to the Employee Assistance Program (EAP). The Point of Notification commits to follow up on any request as quickly as possible without exceeding two business days.

It is important to highlight that the main mandate of the Point of Notification is to welcome persons who have information to pass on, accompany them throughout the process and not to conduct an administrative or disciplinary investigation.

If the gesture is criminal in nature, the person may refer directly to the police.

5.5 Process of transmission and treatment of a notification or a complaint

At any moment during the process, the plaintiff may decide to put an end to it. He or she may be accompanied at any moment by a person of his or her choice.

This process applies to information received by the CÉGEP at the Point of Notification. In case of a denunciation made to an external intervening party (police officer or social worker, for example), the information may not be transmitted to the Point of Notification by him or her. The CÉGEP reiterates the importance of advising the person at the Point of Notification to ensure the institution of effective measures to the benefit of those who need them.

The Point of Notification commits to collaboration with external intervening parties only if the person who passed on the information agrees with this.

5.5.1 Treatment of a notification

When a staff member at the Point of Notification receives a notification, he or she must first welcome the victim and then make sure that the victim listens to him or her.

The notification procedure for behaviours of sexual violence is a process in which facts are reported and a preventative approach is proposed to identify risks of potential drifts and to help to correct the problem.

Steps may be initiated without an official written complaint. These allow all possible efforts to be deployed to support the plaintiff and solve the problem without recourse to a formal complaint. The staff at the Point of Notification assesses the situation and chooses the most appropriate type of intervention in conjunction with the plaintiff. This intervention may take on many forms that will be organized in collaboration with the concerned Administrative Authority.

This intervention may use one or many of the following elements below:

- a) measures of accommodation: a scheduling adjustment, for example, or a deadline extension for work
- b) coaching: advice to the plaintiff so he or she can solve the problem by himself or herself if desired, for example
- c) alternative restorative measures: a meeting between the plaintiff and the respondent in the presence of a third and neutral party, for example
- d) intervention in the person's environment: awareness-raising and group support when problems of sexual violence have been reported, for example, and
- e) referrals, accompaniment and information transmission to the plaintiff.

If the situation is settled at this point, the case is closed.

Follow-up will be conducted with the plaintiff by personnel at the Point of Notification to ensure that the situation is resolved.

If the situation is not resolved, the plaintiff may choose to lodge a complaint.

5.5.2 Treatment of a complaint

Lodging a complaint

The treatment of a complaint generally begins at the Point of Notification with the filling out of a form planned for this purpose where it is written out in detail, dated and signed after a presumed offence to this policy. There is no deadline to lodge it. However, if the complaint refers to events that occurred before the coming into force of this policy, it will be analyzed according to the procedure of the latter only if the person targeted by the allegations is still a member of the college community at the time of the exposure or when the complaint is lodged.

The complaint process begins with the analysis of its eligibility, and the investigation may then begin if it is deemed admissible with regard to this policy.

Consideration of eligibility

A staff member assesses complaint eligibility at the Point of Notification to ensure its conformity with the scope and application of the policy. This eligibility study will be conducted within a deadline of five business days following complaint filing.

If the complaint is judged ineligible, staff at the Point of Notification will send the information in writing to the author of the complaint and indicate the grounds for which it is deemed inadmissible. This does not affect the services provided by the Point of Notification. When the complaint is judged inadmissible at this step, the plaintiff does not lose his or her rights. He or she may take advantage of another type of recourse planned by the law outside of the processes foreseen by the CÉGEP.

If the complaint is judged eligible by the Point of Notification, the Administrative Authority of the CÉGEP is advised, and the complaint is sent to it. The investigative mandate may then be officialised by this authority.

The Administrative Authority will then analyze the situation in cooperation with the author of the complaint to target and retain the appropriate measures to mitigate damages and prevent further deterioration of the situation. These measures will be effective until a decision is made after the investigation and can take on many forms, especially the

- a) organization of accommodative measures
- b) intervention in the plaintiff's environment and
- c) referrals, accompaniment and transmission of information to the plaintiff.

If the complaint is deemed unfair, frivolous or filed in bad faith, it cannot be excused. A complaint is considered to be made in bad faith when it is determined to be unfair, made in a spirit of spitefulness or with the goal to annoy. When proof demonstrates that such a complaint was filed, its author may be the subject of a sanction.

Called upon to play the following roles during this process, the administrative authority informs:

- a) the plaintiff about the how the process will unfold and follows up with him or her during various steps.
- b) the immediate supervisor of the person called into question.
- c) meets the person blamed and informs him or her of the process, his or her rights and responsibilities as well as the manner that the complaint will be treated. The specific wording of the complaint will not be transmitted to him or her in any case.
- d) plans adequate supervision so that concerned parties do not undergo prejudice or retaliation.
- e) treats the complaint quickly, with care and impartially according to the established process.
- f) appoints an investigator when the complaint is judged admissible, and an investigation must take place.

Investigation

When the complaint is judged admissible, an investigator is appointed by the concerned Administrative Authority to shed light on the situation with transparency and impartiality. The investigation must begin within a 15-business-day time limit after the complaint has been filed.

Consequently trained, the investigator

- a) receives a copy of the written complaint and other relevant documents
- b) analyzes facts
- c) summons concerned persons and hears each of the parties
- d) makes each of the parties met sign a confidentiality agreement, including witnesses and accompanying individuals

- e) reminds parties of their rights (including that of being accompanied by a person of his or her choice who is not involved as a witness and whose role it is to observe) and their responsibilities
- f) meets parties individually
- g) ensures that the investigation goes on discreetly
- h) writes a detailed report on each meeting
- i) writes an investigation report within 45 days after his or her nomination that contains, among others, a summary of the gathered facts and proof obtained about each one of the allegations, an analysis of the proof, a conclusion about each of the allegations to determine if the complaint is justified in part or completely or if it is unfounded or persecutory; the report also contains some recommendations. This report will be sent to the concerned administrative authority.

If the person in charge of the investigation appointed by the CÉGEP is unable to produce the investigation report within the deadline planned by this policy because of the substantial number of plaintiffs, respondents or witnesses to be met or even due to the complexity of the matter, he or she must notify the CÉGEP as soon as possible of the reasons that justify an extension request. The CÉGEP has discretionary power to decide to prolong the initial deadline by 45 days. Despite what precedes, this deadline cannot extend beyond 90 days following the appointment of the investigator.

In these circumstances, the Administrative Authority will notify the complaining party and the responding one of the extension of the deadline.

Once it is turned over to the competent authority, the investigation report will remain confidential and be used as a work tool for the concerned Administrative Authority.

After the investigation report has been received, the Administrative Authority must inform the complaining party and the respondent of its validity or invalidity.

Note that all persons who intervene in files related to violence of a sexual nature must honour confidentiality and must sign the form to this effect at the time of the meeting to supply their versions of the facts. The names of persons involved must not be broadcast or disclosed within or outside of the CÉGEP except to judicial or Administrative Authorities called on to judge these cases.

The concerned parties have the responsibility to collaborate all of the time with persons charged with the investigation.

Decision

- a) If required after recommendations proposed in the investigation report, the concerned Administrative Authority supported by Human Resources Management makes a decision about administrative or disciplinary measures to impose on one of the parties according to the seriousness of the facts. Note that the recommendations proposed by the investigator do not bind the Administrative Authority directly; the latter may make any decision judged reasonable in the circumstances.
- b) The Administrative Authority notifies parties of the conclusions of the investigation report as well as the measures that will be implemented. The CÉGEP conforms to laws in effect that concern the transmission of information that is confidential in nature. The plaintiff must then, at his or her own request, receive information about the measures taken towards the party recognized as being at fault. When the respondent is a staff member, the immediate superior will be involved in the decision concerning measures and will ensure their application.

Measures

In all cases, the decided upon measures aim to ensure the integrity of each of the parties and a safe work and study environment. These measures must take the principle of gradation of sanctions into account. They may include one or many of the following measures of an administrative or disciplinary nature or a combination of both:

- a) **Intended for staff members**
 - notification put on file, suspension without pay, dismissal and
 - any other measure deemed appropriate.
- b) **For students in accordance and conformity with the *Regulation Regarding the Code of Conduct Intended for the Student Population of the Cégep de l'Abitibi-Témiscamingue***
 - changes in schedule or course group,
 - particular supervision,
 - expulsion from the premises,
 - suspension,
 - discharge from the CÉGEP and
 - any other measure deemed appropriate.

c) **Confidentiality measures**

The steps that a victim or person who witnesses a gesture of sexual violence undertakes must remain confidential. This confidentiality must also be offered to the person who is targeted by the complaint.

These measures are necessary to protect the rights of persons involved. They aim to protect both the victims and witnesses as well as respect the presumption of innocence of persons denounced.

According to the seriousness or repetitiveness of gestures reported about a person and even if no administrative complaint has been filed, the transmission of confidential and anonymous information to CÉGEP authorities could be made so that actions are undertaken. The targeted person would then be met by the Administrative Authority, which would inform him or her of the inappropriate behaviours of which the institution is aware. The authority would then ask the respondent to put an end to these behaviours.

5.6 Accountability mechanism

The law foresees that the CÉGEP must report on the application of its policy in the annual report.

5.7 Policy broadcasting

The *Policy Aiming to Prevent and Fight Violence of a Sexual Nature* in colleges is available on the Omnivox portal as well as the website of the CÉGEP. It is passed on to all staff members when they are hired and sent to students at the beginning of each semester.

6. Sharing of Responsibilities

6.1 All members of the college community

All members of the college community must

- a) acquaint themselves with this policy and their responsibilities.
- b) respect this policy.
- c) be active witnesses and remain aware of the importance of taking action when they see a situation of risk of violence that is sexual in nature or sexual violence. These situations must be reported as soon as possible at the Point of Notification.
- d) notify security services immediately of the situation when the integrity of a person is in question.
- e) participate in various training and preventative activities organized concerning this policy.

- f) refer any person who wishes to report or obtain information to the Point of Notification.
- g) cooperate during investigations pertaining to situations of violence that are sexual in nature.

Certain members of the college community have additional roles and responsibilities, especially the

6.2 Immediate Supervisor

- a) ensures support of staff in their understanding of the policy.
- b) ensures respect of this policy and the law.
- c) reacts empathetically and in a helping manner without judgment when a case of sexual violence is reported.
- d) makes sure that information remains confidential during notification.

6.3 Administrative Authority

The Administrative Authority exercises its power on one of the four following levels:

- a) Human Resources Management is in charge of the process pertaining to complaints of violence that are sexual in nature and lodged by staff members or people from outside of the organization.
- b) Student Services and Communications Management is in charge of the process pertaining to complaints of violence that are sexual in nature and lodged by CÉGEP students.
- c) Upper management of the CÉGEP is in charge of the process pertaining to complaints of sexual violence that involve managing or administrative staff.
- d) The chairperson of the Board of Directors of the CÉGEP is in charge of the process pertaining to complaints of violence that are sexual in nature when upper management is involved.

6.4 Physical Facilities Services

These services ensure among other things the safety of the premises inasmuch as locked doors, physical surveillance and video surveillance are concerned.

6.5 Communications Services

These services ensure that social media and information technology are used in a respectful manner that protects human dignity.

6.6 Representatives of unions or various associations

- a) attend annual training foreseen in the law and offered by the CÉGEP,
- b) ensure respect of this policy in all union or association activities,
- c) ensure that all union or association members commit to respect this policy and
- d) collaborate with the CÉGEP in the application of the policy.

6.7 Permanent Committee

The law foresees the institution of a Permanent Committee whose role is to cooperate with the person in charge of the policy inasmuch as revision and follow-up are concerned. This advisory committee will be composed of students as well as staff members of each of the associations and unions of the organization.

This committee recommends the measures and means to be set up to ensure a work and study environment exempt of all forms of violence that are sexual in nature to management. The committee elaborates a preventative strategy as planned at point 5.3 of this policy, which is titled *Preventative, Awareness-Raising and Educational Measures That Aim to Fight Sexual Violence*. This strategy may be worked out with various partners and must be approved by management.

6.8 Roles and responsibilities of the Point of Notification

- a) To provide a service for plaintiffs to welcome and refer them
- b) To receive complaints and ensure rigorous and efficient follow-up so that deadlines planned in the policy are respected
- c) To conduct an eligibility study when the complaint is lodged
- d) To recommend the institution of temporary measures to accommodate and accompany a plaintiff after notification
- e) To suggest preventative and training activities
- f) To maintain channels of communication with organizations that aid victims of violence that is sexual in nature to ease collaboration when necessary
- g) To update and distribute a list of support services on and off campus
- h) To compile the necessary accountability statistics required by the law
- i) To make sure that an anonymous register is kept updated that includes the number of complaints received, their dates, the groups from which the plaintiffs and respondents come and the details about the treatment granted to each of the files

- j) To remember that the CÉGEP does not ensure medium-term psychological follow-up and does not replace police authorities and legal services. This point will be highlighted to the plaintiff to direct them to police authorities if need be.

6.9 Trainers and Extracurricular Activities Manager

All trainers and persons in charge of cultural or other extracurricular activities must read this policy and become acquainted with their responsibilities.

6.10 Person in charge of the policy

The policy is the responsibility of Human Resources Management.

Whether a complaint is founded or not, Human Resources Management is in charge of the preservation and destruction of files.

Human Resources Management is also in charge of accountability concerning application of the policy.

7. Entry Into Force and Revision

7.1 Entry into force

This policy came into effect as foreseen in the law on September 1st 2019. Modifications come into effect on the date that they are adopted by the Board of Directors.

7.2 Revision

This policy will be revised as needed or five years at the latest after its implementation.

APPENDIX I

Definitions

1) **Sexual assault**

Sexual gesture with or without physical contact committed by an individual without the consent of the affected person or, in some cases, through emotional manipulation or blackmail. This is an act that aims to submit another person to one's own desires through abuse of power, use of force or constraint or under implicit or explicit threat. Sexual assault infringes fundamental rights, in particular the physical or psychological integrity and safety of the individual.

This definition applies no matter what the age, sex, gender, culture, religion, sexual orientation or sexual identity of the persons involved (victim or assailant), no matter what type of sexual gesture is made or the environment in which it was made and no matter what the nature of the relationship is between the victim and the assailant.

We are speaking of sexual aggression when we use the following legal terms: sexual abuse, sexual offences, sexual contact, incest, juvenile prostitution, child pornography, exhibitionism, voyeurism and frotteurism. Sexual assault may take on many forms. Different gestures may be made, and the degree of violence used may also vary.

However, in almost all cases, sexual assault

- a) has harmful effects on the victim and
- b) it is a crime because the victim did not consent or is not old enough to consent.

2) **Cyber sexual harassment**

This is sexual harassment that is conducted through information technologies such as social media. The sending of comments about a person's physique that are sexual in nature or threats of sexual assault constitute cyber sexual harassment. Furthermore, broadcasting or threatening to broadcast rumours, photographs or video or audio recordings of moments of sexual intimacy without the consent of the person constitute cyber harassment that is sexual in nature.

3) **Sexual harassment**

Sexual harassment is included in the definition of psychological harassment. It is conduct characterized by repeated and undesired sexually connoted or homophobic words, actions or gestures that are intentional or not and whose nature undermines the physical or psychological dignity of a person or leads to unfavourable work or learning conditions. An isolated act may constitute harassment when it is serious and produces an unremitting and undesirable effect in the future and affects human rights.

As defined in the *Policy for a CÉGEP Free from Incivility and Harassment*, sexual harassment is apparent in, but is not limited to, the following behaviours:

-
- a) incessant expression of sexual interest on the part of someone who knows or should know in fact that such interest is undesired
 - b) verbal overtures that have already been turned down but are nonetheless repeated without the consent of the person to whom they are addressed
 - c) insistent and unwanted propositions of a sexual nature
 - d) systematic or incessant remarks or comments that are sexual or homophobic in nature
 - e) non-consensual physical advances such as, but not limited to, the following: fondling, caresses, light touching, pinching or kisses
 - f) remarks, comments, innuendo, jokes or insults that are sexual or homophobic in nature and repeated or incessant that disturb the work or learning environment
 - g) implicit or explicit promises of reward or preferential treatment towards a person who accepts to comply with requests of a sexual nature
 - h) implicit or explicit threats of punishment or unfavourable, hostile, unfair or discriminatory treatment after a refusal to comply with requests of a sexual nature or retaliation exercised after such a refusal
 - i) voyeurism or exhibitionism
 - j) attitudes or acts of physical aggression or assault with intent to impose unwanted sexual intimacy
 - k) sexual intercourse where there is an authority-based relationship or bond of trust between the parties
 - l) repeated and undesired contact or attention after a breakup
 - m) use of vulgar and sexually degrading language to describe someone and doing so in any circumstances and
 - n) any other abusive behaviour that is sexual in nature.

Sexual harassment is not a consensual relationship.

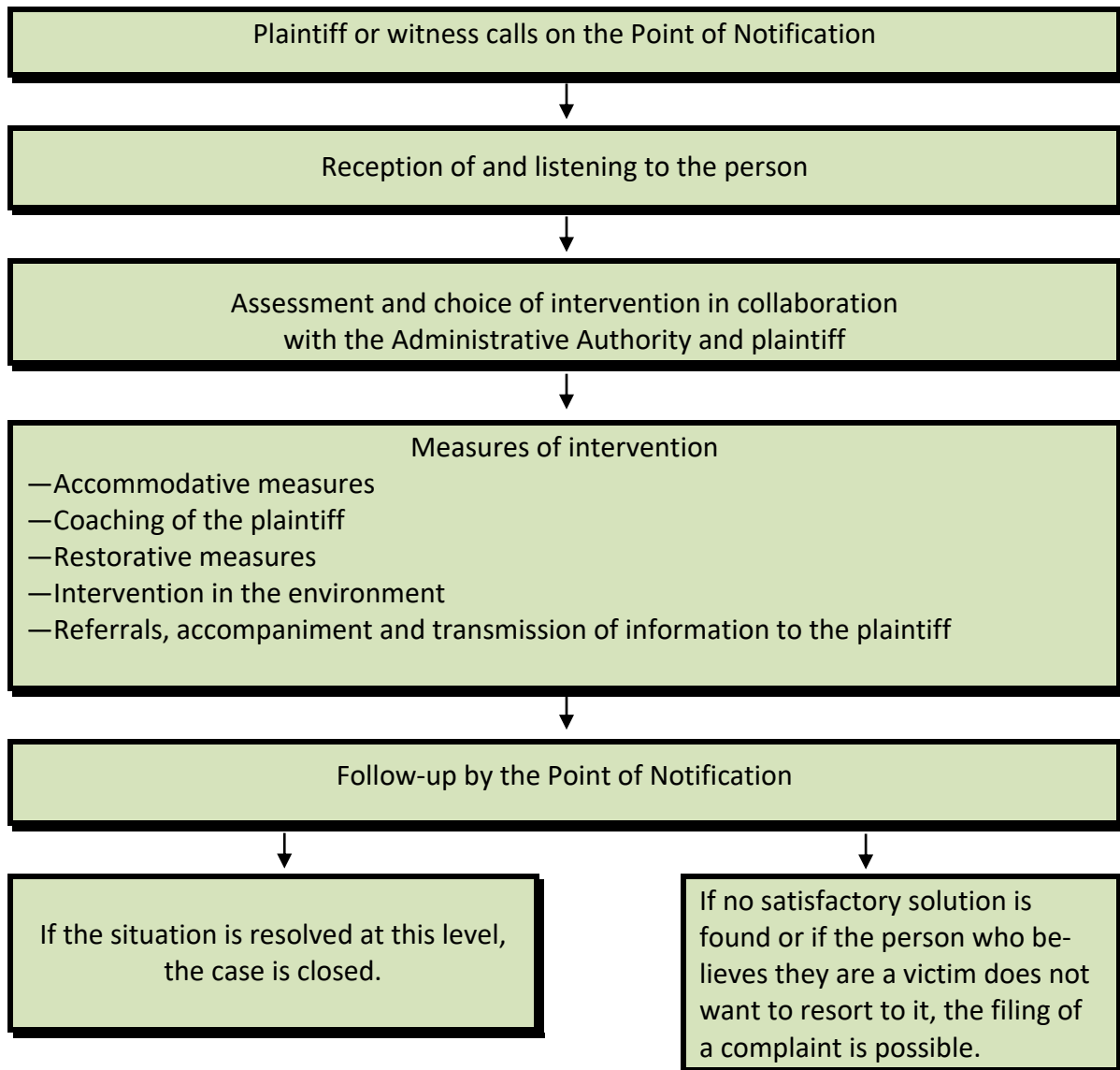
In a consensual relationship without a connection of authority, the concerned parties feel perfectly free to act as they please, consent is reciprocal, and refusal is taken seriously and respected. It is understood that sexual harassment has nothing to do with the sincere expression of desire or acceptable sexual advances. Sexual harassment begins when one of two people no longer feels free to act as they wish.

This having been said, free and enlightened consent is impossible in a relationship that implies unequal power. Staff members in a relationship whose nature is pedagogical, helping or one of authority must abstain from intimate, love or sexual relationships with a student from the CÉGEP.

4) Sexual Misconduct

Behaviour or words of a sexual nature that are incompatible with the function of a person or context in which he or she carries out his or her activities. Furthermore, these behaviours or words may constitute an aggression or sexual harassment.

APPENDIX II

Treatment of a Notification

The notification process does not constitute a prerequisite to lodge a complaint and does not prevent use of existing legal recourses.

APPENDIX III

Treatment of a Complaint

