



**Collège LaSalle**

**POLICY TO PREVENT AND FIGHT  
SEXUAL VIOLENCE**

**Adopted by the Board of Directors**

**12/12/2018**

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## **1. INTRODUCTION**

### **- 1.1 Context**

The *Act to prevent and fight sexual violence in higher education institutions* adopted and sanctioned on December 8, 2017, requires that higher education institutions adopt a policy to prevent and fight sexual violence by January 1, 2019, and implement it no later than September 1, 2019.

The law contains numerous recommendations and requirements on topics such as creating the Policy, consulting stakeholders, conducting mandatory training for the college community, providing support and assistance services, adopting a code of conduct for those in pedagogical relationships or positions of authority, and specifying guidelines for student social activities and orientation.

In its Policy, LaSalle College (hereinafter referred to as “The College”) must outline the sanctions imposed when the provisions of this Policy are violated.

The College is also required to send its Policy to the minister after adopting it and to inform him/her of any changes made to the Policy as they occur.

The Act’s requirements relating to colleges and universities fully align with the College’s fundamental values and its commitment to offering and promoting a safe, secure study and work environment that is free from any form of harassment and violence.

The Policy is an opportunity for the College to reaffirm that respect between people is a fundamental value and to reinforce actions already in place to counter all forms of violence, including those of a sexual nature.

Therefore this Policy places significant priority on education, awareness and prevention on this issue, in accordance with the College’s primary mission and fundamental values. While it provides for services, support and assistance in cases of sexual violence, the College Policy does not supersede law enforcement investigations or legal proceedings.

The entire college community must comply with the Policy, as well as external representatives with whom the College maintains relationships

### **- 1.2 Policy Framework**

The Policy is based on several Canadian and Quebec legal documents, including but not limited to the Criminal Code, the Quebec Civil Code, the Charter of Rights and Freedoms,

the Act Respecting Labour Standards, the Act Respecting Occupational Health and Safety, various labour law rules, and laws and regulations relating to the protection of personal information.

The Policy is aligned with the College's current policies and regulations, as well as the employment contracts and collective bargaining agreements binding the College to its employees.

In compliance with the Act, this Policy is separate from all other policies adopted by the College.

### - 1.3 Policy Creation

In accordance with Article 7 of the Act, the College created a **permanent committee** to create, revise and monitor the Policy. Members of the committee include students and teachers, along with staff and management representatives.

Before the Policy was submitted to the board of directors, the committee consulted students, teachers, staff, management, AGEL – the student association, CSN – the LaSalle College Teachers Union, the Office and Professional Employees Union (local 574) and the United Steelworkers Union (local 8922). The College worked with other private colleges to create this Policy, which provided an opportunity to discuss options, exchange useful information and share best practices. This collaboration enabled the group to develop collaborative methods for implementing and applying this Policy which the College and permanent committee will be able to use from time to time as the need arises.

## 2. DEFINITIONS

**Activities:** "Social or welcoming activities organized by the [College], a staff member, an officer, a sports organization or a student association."<sup>1</sup> Also includes intramural and intercollegiate sociocultural and sporting activities.

**Sexual assault:** "A sexual assault is an act of a sexual nature, whether or not it involves physical contact, carried out by an individual without the consent of the person to whom it is addressed or, in some cases, notably those involving children, by manipulation of feelings or blackmail. It is an act that aims to impose the assailant's own desires on another person through the abuse of power, through the use of force or constraint, or through implied or explicit threats. Sexual assault interferes with fundamental rights, notably the right to bodily security and inviolability, and to physical and psychological security.

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<sup>1</sup> *Act to prevent and fight sexual violence in higher education institutions*, art. 3 (5), CQLR ch. P-22.1

This definition applies regardless of the age, sex, culture, religion or sexual orientation of the victim or of the sexual assailants, regardless of the type of sexual act committed or the place or life setting in which it is committed and regardless of the relationship between the victim and the sexual perpetrator. Certain other terms are also used to refer to sexual assault, including 'rape,' 'sexual abuse,' 'sexual offense,' 'sexual contact,' 'incest,' 'prostitution' and 'child pornography.'"<sup>2</sup>

**Student association:** AGEL, its officers and its representatives

**College:** LaSalle College (Montreal campus and Laval campus) and Ilasalle Campus

**Committee:** Permanent committee created by the College in accordance with the *Act to prevent and fight sexual violence in higher education institutions*

**College community:** Students, officers, and staff members, as well as the student association, unions, sports organizations, as defined in the Policy

**Consent:** "Consent is the voluntary agreement of a person to engage in a sexual activity. Conduct short of a voluntary agreement to engage in sexual activity does not constitute consent as a matter of law. A person may withdraw their consent at any time.

A person's consent is not valid in the following cases:

- the agreement is expressed by the words or conduct of a third party
- the person is incapable of consenting because they are intoxicated by drugs or alcohol or are unconscious, for example
- the person is induced to engage in the sexual activity by abuse of a position of trust or power
- the person expresses, by words or conduct, a lack of agreement to engage in the activity
- after having consented to the activity, the person expresses, by words or conduct, a lack of agreement to continue to engage in the activity

In Canada, the age of consent to sexual activity is 16 years. It is set at 18 in the following cases:

- the person's sexual partner is in a position of trust or authority towards them
- the person is dependent on their sexual partner

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<sup>2</sup> Orientations gouvernementales en matière d'agression sexuelle [Government guidelines on sexual assault], Government of Quebec, 2001, p. 22

- the relationship between the person and their sexual partner is exploitative.”<sup>3</sup>

**Disclosure/Reporting:** “[...] disclosure means that a person reveals that he or she has been a victim of[, or witness to,] sexual violence. Disclosure does not necessarily lead to a formal complaint.”<sup>4</sup>

In this Policy, the terms “disclosure” and “reporting” are synonymous unless the context requires otherwise.

**Officer:** Person who occupies a director, middle manager or sector manager position.

**Student:** Any person registered for or participating in an educational activity provided by the College, whether or not this activity is for credit, and whether or not gives rise to a diploma, attestation of studies or any other certification

**Sexual Violence Prevention and Resource Center [Guichet unique]:** All of the sexual assault resources and services offered by the College; the first-line resource is referred to as the contact person in the Policy text

**Sexual harassment:** Sexual harassment is included in the definition of psychological harassment. Therefore, it can be harassing conduct in the form of behaviours, words, actions or repeated gestures that are hostile or undesired, which infringes on the person’s dignity or on their mental or physical health, and leads to a harmful work environment for that person. Psychological harassment includes such conduct when it manifests through words, actions or gestures of a sexual nature.

A single serious instance of such conduct may constitute psychological harassment if it has an adverse effect on the person.<sup>5</sup>

**Sexual misconduct:** Sexual misconduct refers to gestures of a sexual nature that occur in the context of a professional relationship as defined in the Professional Code (Professional Code, CQLR, ch. C-26, art. 59.1).<sup>6</sup>

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<sup>3</sup> Adapted from: “A Definition of Consent to Sexual Activity,” Department of Justice, Government of Canada, online: <https://www.justice.gc.ca/eng/cj-jp/victims-victimes/def.html> and “Age of Consent to Sexual Activity,” Department of Justice, Government of Canada, online: <https://www.justice.gc.ca/eng/rp-pr/other-autre/clp/faq.html>

<sup>4</sup> 2017-2022 Intervention Strategy for Preventing and Countering Sexual Violence in Higher Education, Ministry of Education and Higher Education, 2017, p. 16

<sup>5</sup> Section from the Politique visant à prévenir et à combattre les violences à caractère sexuel dans les collèges [Policy to Prevent and Fight Sexual Violence in Colleges], Cégeps Federation, May 2018, p. 3

<sup>6</sup> Section from the Politique visant à prévenir et à combattre les violences à caractère sexuel dans les collèges [Policy to Prevent and Fight Sexual Violence in Colleges], Cégeps Federation, May 2018, p. 4



**Premises:** All premises owned, rented or used by the College to conduct its activities, including parking structures and campuses located outside the main property; in general, its land and buildings.

**Act:** *Act to prevent and fight sexual violence in higher education institutions.*<sup>7</sup>

**External member:** Any person who is not a staff member and who sits on work committees or bodies such as the board of directors.

**Ministry:** Ministry of Education and Higher Education.

**Minister:** Minister of Higher Education

**Sports organization:** An intramural or intercollegiate sports team, as well as its managers, coaches and staff, including volunteers.

**Respondent:** Person alleged to be the perpetrator of sexual violence.

**Staff:** Any person employed by the College, regardless of position, title, status or remuneration method, including contract staff and individuals working by mandate.

**Complainant:** Person filing the complaint.

**Complaint:** A complaint is the formal process of reporting a [sexual violence] situation to an educational institution or law enforcement. The purpose of an administrative complaint is to have the sexual misconduct or harassment officially recognized, and sanctions imposed on the perpetrator. [In addition,] A police complaint implies that a criminal offence may have been committed.”<sup>8</sup>

**Policy:** This Policy, unless otherwise specified.

**Position of authority:** The principle of authority induces a hierarchical relationship between two individuals. In the context of this Policy, the definition covers all relationships between a director, staff member, coach or sports organization volunteer and a student, including counselling.<sup>9</sup>

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<sup>7</sup> To view the full text: <http://legisquebec.gouv.qc.ca/en/showdoc/cs/P-22.1>

<sup>8</sup> 2017-2022 Intervention Strategy for Preventing and Countering Sexual Violence in Higher Education, Ministry of Education and Higher Education, 2017, p. 17

<sup>9</sup> Definition adapted from the Larousse online dictionary <https://www.larousse.fr/dictionnaires/francais>

**Pedagogical relationship:** A relationship in the context of training and education and based on an interaction, such as a teacher and a student, a trainer and a learner, an education professional and a student, etc.<sup>10</sup>

**Unions:** CSN: LaSalle College Teachers Union, the Office and Professional Employees Union (local 574) and the United Steelworkers Union (local 8922) (including their officers, representatives and employees).

**Active witness:** A person who is aware of the importance of acting when a situation is potentially at risk for sexual violence and who has received training in this area.

**Third parties:** Any physical or moral person who is not a director, staff member, external member or student of the College who maintains relationships with the College, for example: staff at a student internship location, a service provider, a cafeteria employee, a student cooperative employee, a foundation employee, a volunteer, a security employee, etc.

**Sexual violence:** “1. [...] the concept of sexual violence refers to any form of violence committed through sexual practices or by targeting sexuality, including sexual assault.

It also refers to any other misconduct, including that relating to sexual and gender diversity, in such forms as unwanted direct or indirect gestures, comments, behaviours or attitudes with sexual connotations, including by technological means.”<sup>11</sup>

### 3. POLICY GOALS

- Fulfil the requirements of the Act.
- Prohibit all sexual violence in the college community, including through technological methods (platform, email, social media, etc.), and any retaliation towards a person who discloses an incident or files a complaint.
- As described by the Act, “to prevent and (...) fight sexual violence,”<sup>12</sup> by setting up activities to raise awareness, prevent violence and provide training, as well as guidelines for activities.
- Create a resource center for services and resources about sexual violence that is accessible to the entire community.
- Establish a process to handle disclosures and complaints within the time frame required by the Act.

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<sup>10</sup> Definition inspired by various online articles on pedagogical relationships

<sup>11</sup> *Act to prevent and fight sexual violence in higher education institutions*, art. 1, CQLR ch. P-22.1

<sup>12</sup> *Act to prevent and fight sexual violence in higher education institutions*, art. 1, CQLR ch. P-22.1

- Clearly define the roles and responsibilities of all college community participants.
- Reinforce actions and measures already in place in order to continue promoting and providing a healthy, safe study and work environment free from all forms of harassment and violence, and as a result, free from sexual violence.

#### **4. SCOPE (see wording)**

This applies to the entire college community which must comply with this Policy or face sanctions.

This Policy covers all educational or other activities occurring on College premises. It also applies to all other activities that may take place outside College premises as part of a program of study (internships, for example), or activities organized by the college (such as trips), by organizations in which the College, Student association and sports organizations participate (such as athletic competitions and sociocultural activities) or by members of the college community.

If these activities occur outside College premises and the respondent has no ties to the college, the victim can still use the sexual violence support services offered by the College if she or he studies or works at the College, even though the College cannot penalize the respondent in the same way it would a member of the College community or third party.

This Policy also applies to sexual violence situations expressed using technology. It reinforces the College's policy on this topic and its netiquette rules (see the Student Guide available on Omnivox).

#### **5. ROLES AND RESPONSIBILITIES FOR ALL PARTICIPANTS**

##### **- 5.1 The entire college community**

All members of the college community are responsible for reading and understanding this policy, for complying with it, and for taking action and using any measures necessary to follow its provisions. They must also complete the mandatory training, assist victims, and provide Sexual Violence Prevention and Resource Center contact details or the emergency number if necessary. In addition, all members of the community are strongly encouraged to report any events they experience or witness.

##### **- 5.2 Board of directors**

The board of directors adopts the policy and any changes made, and is sent information about the accountability report each year.

- **5.3 Permanent committee**

Responsible for creating and revising the Policy, the committee consults with the college community on this topic and conducts follow-up.

- **5.4 CEO**

The CEO ensures compliance with the Act, specifically application of the Policy and processing of disclosures and complaints within the time frame prescribed by the Act, and prepares the accountability report and files it with the board of directors. He or she is responsible for sending the required documents to the minister by the deadline specified by the Act or the minister.

- **5.5 Officers**

Department directors or managers acting in their place ensure the Policy is applied in their departments and complete their mandatory training as outlined in section 7. Sports organization managers and coaches, as well as campus and residence hall managers, have the same responsibilities.

Officers support staff members responsible for interventions resulting from this policy.

- **5.6 Staff**

Roles and responsibilities are outlined in section 5.1 of the Policy.

- **5.7 All Students**

Roles and responsibilities are outlined in section 5.1 of the Policy.

- **5.8 Student association officers and representatives**

Officers and representatives of the AGEL Student Association must show leadership by collaborating on implementing and applying the Policy. They must also ensure that the Policy is followed during activities organized by the Association. In addition, they must complete their training activities as outlined in section 7 of the Policy and encourage students to participate in College activities on sexual violence.

- **5.9 Union officers and representatives**

Union officers and representatives must collaborate on implementing and applying the Policy (especially during activities organized by the unions), on completing their training activities as outlined in section 7 of the Policy, and on encouraging their members to participate in College activities on sexual violence.

- **5.10 Contact person (Sexual Violence Prevention and Resource Center)**

In collaboration with a team of specialized professionals, the contact person manages the Sexual Violence Prevention and Resource Center, meeting with victims and respondents, listening to them and informing them about their options. The contact also records disclosures and complaints and provides follow-up within the prescribed time frame. The contact person is called upon to participate in implementing accommodations, offering specialized services and directing a victim or respondent to College or external psychosocial support resources based on their needs, and providing support in the steps a victim takes.

To fulfil their roles and responsibilities, the contact person regularly completes training on sexual violence, maintains direct contact with organizations working in this area, takes messages from the direct line, returns phone calls and participates in sexual violence committee activities, including those led by the Association des Collèges Privés du Québec.

- **5.11 Specialized professionals**

They offer the necessary psychosocial support services on campus or off campus, in collaboration with the contact person.

- **5.12 Security director**

Manages the security team and equipment and follows up with the authorities in case of criminal proceedings.

- **5.13 Third parties**

Third parties familiarize themselves with the Policy and commit to following it. For those who work on College premises, it is recommended that they complete the same training as staff.

**6. MEASURES TO RAISE AWARENESS AND PREVENT VIOLENCE**

- **6.1 General measures**

The College has implemented various measures to raise awareness and prevent violence. For example:

- As soon as they register, future students are informed that the Policy exists and are invited to read it by following the [collegelasalle.com/prevention](http://collegelasalle.com/prevention) link.
- At the beginning of each semester, a display table provides an opportunity for students to ask questions with staff who oversee sexual violence services.
- Short topical videos are available on the College's digital platforms.
- Informational messages covering elements of the Policy are shared from time to time via College print and digital media.
- From time to time, short messages about specialized groups, how they help, what they do and how to contact them are also shown on College screens and digital platforms.

- **6.2 People most at risk**

The College advocates for the values of open-mindedness and respect, which requires accepting diversity. Sexual or gender minorities, members of cultural and indigenous communities, and people from abroad or with disabilities can be disproportionately affected by sexual violence.

The Policy addresses this reality by making information about this topic available to everyone who comes to the College through information shared periodically via print and digital media. The most vulnerable people are encouraged to discuss their situation with staff managing the Sexual Violence Prevention and Resource Center.

**7. MANDATORY TRAINING**

The College is required by law to provide mandatory training activities for members of the college community.

College officers, staff members, officers and representatives of their respective associations and unions, as well as student association officers and representatives, must attend these training sessions each year:

- **7.1 For students**

A training session on all sections of the Policy (including definitions that address several aspects, the Code of Conduct for pedagogical relationships or positions of authority, resources and services available at the College or externally), as well as on high-risk situations and on witness behaviours in a situation.

The training, in video format, must be watched when students pick up their schedule or access it on the College's online platform.

- **7.2 For student association officers and representatives**

In addition to the training in 7.1, training on being an active witness delivered via video or by peers, as well as training on their responsibilities as officers and representatives of a student association offered at the ACPQ (Association des collèges privés du Québec) Leadership Camp in September each year.

A training session on other identified topics may be added each year.

- **7.3 For union officers and representatives**

In addition to the training in 7.1, a video training session on being an active witness available on the College's platform, as well as a training session on their responsibilities when organizing activities at the College or externally.

A training session on other identified topics may be added each year.

- **7.4 For staff**

A training session on all sections of the Policy (including definitions that address several aspects, the Code of Conduct for pedagogical relationships or positions of authority, resources and services available at the College or externally), as well as on high-risk situations and on witness behaviours in a situation. The training is recorded on video and played during the new term staff activity.

A training session on other identified topics may be added each year.

- **7.5 For the CEO and officers**

In addition to the staff training, active witness video training available on the College's online platform.

Training on their responsibilities when organizing activities at the College or externally.

For some managers (sports organizations, residence halls, etc.), additional training on specificities related to their respective environments.

A training session on other identified topics may be added each year.

- **7.6 For frontline College employees (contact person and Sexual Violence Prevention and Resource Center) and permanent committee**

An additional, more targeted training session on rape culture and legal aspects, as well as how to manage a disclosure or complaint.

- **7.7 For third parties**

Those who work on College premises are encouraged to participate in staff training sessions.

## **8. SECURITY MEASURES**

The College provides security guards 24 hours a day, 7 days a week, as well as a network of surveillance cameras on campus. Doors to the premises are locked after use and various areas, including outdoor fields, are lighted. Security guards make rounds on a regular basis. Despite all of this, great caution should be exercised during periods of reduced traffic.

Any irregularity must be reported to the security office located on the ground floor or called in to 1-514-934-6287.

The College's various security equipment is regularly checked and corrective actions are taken as soon as a problem is detected.

Following a disclosure or complaint, if the incident took place on premises controlled by the College, the College will verify security measures and modify or improve them if necessary.

- **8.1 IT and social media**



Although the College’s social media and other digital platforms are monitored, it is important to remain alert and notify the Sexual Violence Prevention and Resource Center contact person at the Student services if inappropriate images or remarks that appear to be sexually violent are published or shared digitally, as stipulated in the College’s policy on technology infrastructure and its netiquette rules.

## **9. GUIDELINES FOR SOCIAL OR WELCOMING ACTIVITIES AND SPORTS ACTIVITIES**

### **- 9.1 Reminder**

The Policy applies to all activities organized by the College, an officer, a staff member, a student organization or association, a sports organization, or a union, whether held at the institution or outside College premises.

### **- 9.2 Rules to follow**

The individual planning the activity should meet with the Sexual Violence Prevention and Resource Center contact person and complete the activity sheet, indicating the methods organizers will use to prevent sexual violence. For example, in invitation ads or emails before the event, include the phrase “Without a yes, it’s a no!” and phone numbers to call in case of emergency (see 14.1). For example, during the event, remind attendees about information shared before the event with a poster and add another poster about consuming alcohol in moderation.

In addition, the person planning an activity must “implement the necessary framework to prevent a game, joke or activity from compromising the physical and psychological integrity of the participants.”<sup>13</sup>

The individual in charge of an activity or another person from the organization present at the event must act as an active witness at all times. The College reserves the right to require more active witnesses depending on the number of participants at an event.

Organizers who do not comply with these rules will be subject to sanctions (see section 18).

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<sup>13</sup>Guide for higher education institutions/Development of the policy prescribed by the *Act to prevent and fight sexual violence in higher education institutions*, Ministry of Education and Higher Education, Government of Quebec, 2018, p.13

## **10. INTERNSHIPS AND OTHER EXTERNAL ACTIVITIES**

The Policy also applies in the case of **internships or other forms of educational activities** involving students being taught in locations that are not College premises and where a teacher or member of the College staff may not always be present. Students, College staff members and third parties must follow the Policy. If a member of the college community believes themselves to be a victim of sexual violence, they are encouraged to make use of the sexual violence response, referral and support services offered by the College, even if the respondent is not from the College.

A respondent who studies or works at the College can use the services outlined in this Policy, even if the victim is not part of the College community and the event took place off campus.

These specifications also apply to activities such as group trips organized by the College. Services can be accessed remotely by contacting the guide responsible for the trip or by calling the College's Sexual Violence Prevention and Resource Center toll-free at 1-438-469-1025 or 1-888-933-9007 (Montreal Sexual Assault Centre).

## **11. PROVISIONS APPLICABLE TO THIRD PARTIES**

The College informs external individuals or organizations with which we maintain relationships about the Policy and provides access to it via a link to an online platform included in emails sent to them or on contracts signed with them.

Third parties must comply with the Policy as a condition of performing any contract.

The College requests that third parties share the Policy with staff at their organizations who come into contact with members of the college community.

If third parties work on College premises (cafeteria or maintenance employees, for example), the College strongly encourages them to not only familiarize themselves with the Policy, but also to attend the mandatory training required for the entire college community (see section 7).

- **11.1 Sanctions**

The College cannot impose the same type of sanctions on a third party that violates the Policy as it would on a student or staff member. However, in cases of non-compliance with the Policy, it can prohibit the individual from entering College premises and even sever the relationship with them.

- **12. CODE OF CONDUCT FOR PEDAGOGICAL RELATIONSHIPS OR POSITIONS OF AUTHORITY**

- **12.1 Rules of conduct at the College**

The rules of conduct enacted in the College's institutional documents and best practices emphasize respect and the absence of real or perceived conflicts of interest in relationships between members of the college community. The Act further defines certain situations.

- **12.2 Code of conduct for pedagogical relationships or positions of authority**

The College considers that romantic or sexual relationships cannot be tolerated between a staff member in a pedagogical relationship or position of authority and a student. Therefore, all staff in a pedagogical relationship or position of authority must avoid developing such a relationship.

In cases where such a relationship existed before the Code of Conduct came into effect or if it was subsequently established despite the policy, the person in the pedagogical relationship or position of authority is responsible for immediately advising the human resources department in writing so that arrangements can be made to end the pedagogical or hierarchical relationship (for example, group transfer, evaluation by another teacher, etc.).

The Code also applies when technology is involved. As a reminder, the College's policy in this area limits relationships between a staff member and student to professional communications, i.e. messages and images shared on social media and other electronic communication methods should only relate to College activities and cannot be characteristic of a personal relationship or friendship.

- **12.3 Sanctions**

Non-compliance with the Code may lead to sanctions as mentioned in section 18 of the policy.

### **13. RESPONSE, REFERRAL, PSYCHOSOCIAL SUPPORT AND ASSISTANCE SERVICES**

- **13.1 Sexual Violence Prevention and Resource Center**

All services are provided in the Sexual Violence Prevention and Resource Center in the Student Affairs Office or can be accessed by calling 1-438-469-1025 (press 1 for the Montreal campus, 2 for the Laval campus).

Outside business hours, contact the Montreal Sexual Assault Centre at 1-514-933-9007 (Montreal) or 1-888-933-9007. This information and referral line is accessible at any time from anywhere in Quebec at no cost. In this case, following up with the contact person upon return to the College is recommended.

- **13.2 Available services**

Services are offered to victims, respondents, witnesses and the entire college community.

The reception staff answer questions about sexual violence and provide information to victims or witnesses about the options available to them (see Appendix 1). They receive disclosures and administrative complaints, initiate processing, and suggest support measures in collaboration with the appropriate professional resources and the victim. They offer psychosocial support and assistance to the victim, witness or respondent. A victim who wishes to submit a criminal complaint can obtain the necessary information here before proceeding with that process.

The College has signed a service agreement with external professionals specialized in various fields that complement the expertise of College staff to support victims and respondents. To use their services, speak to the contact person at the Sexual Violence Prevention and Resource Center.

- **13.3 Time frame**

The time frame for providing services and implementing accommodation measures is **seven (7) days**.

#### **14. PROCEDURES FOR MAKING A DISCLOSURE, FILING A COMPLAINT OR REPORTING AN EVENT**

##### **- 14.1 Disclosure and administrative complaint**

The victim of sexual violence may make a disclosure or file a complaint in complete confidentiality at any time, meaning within the time frame that suits them.

A witness may also disclose a situation at any time in complete confidentiality.

Beginning with the initial contact, the victim is informed that they may remain anonymous, use more than one recourse (even at the same time), and end an initiated process at any time.

For a disclosure:

- The victim should contact the contact person at the Student Affairs Office located on the 6<sup>th</sup> floor. Outside business hours, they can call the emergency number directly (1-888-933-9007) for external service and contact the contact person later.
- The contact person greets the victim, listens to them and evaluates the options to consider with them (see Appendix 2).
- Depending on the situation, the contact person or another specialized professional provides advice to the victim so they can resolve the situation themselves, if that is what they prefer; suggests mediation, psychosocial support and assistance services; examines accommodation measures with them; explains the progression of an administrative complaint; and brings to their attention the process of filing a complaint with law enforcement (see Appendix 4). In any case, the decision about next steps is usually made by the victim (see section 16.2 for exceptions).

If the victim decides to file a complaint immediately or at a later time, the contact person helps them complete the **administrative complaint** form and helps them decide which individuals will be made aware of their complaint while processing the case.

Depending on the circumstances, **accommodation measures** for a student may be academic (group transfer, assessment postponed, academic adjustments, etc.) or administrative (suspension of educational services contract, etc.), for example.

For a staff member, these measures may, for example, take the form of a temporary replacement, a change in manager, etc.

- **14.2 Complaint to law enforcement**

If the victim opts to file a complaint with law enforcement, a process they may undertake at any time, the contact person will refer them to the relevant authorities. During this time, the contact person will continue to provide College services.

- **14.3 Reporting an incident**

A person who witnesses sexual violence must report it to the contact person, alert the person in charge of the event when it occurs or call the police.

## **15. FOLLOW-UP FOR A DISCLOSURE OR ADMINISTRATIVE COMPLAINT**

- **15.1 Disclosure**

Appendix 2 illustrates how a disclosure is processed.

In compliance with section 13.3, the College provides assistance services to the victim per their request within seven (7) days. The intervention may take several forms: academic accommodations, an appointment with a psychologist, coaching, mediation, etc.

- **15.2 Administrative complaint**

The College follows a progression similar to the one shown in Appendix 3. It can be summarized as follows:

- The contact person submits the complaint recorded on the appropriate form to the oversight committee to evaluate if it is admissible and complies with the scope and jurisdiction of the policy.
- If it is, the process follows its course after the victim confirms they intend to continue with the complaint.
- The security director provides the case file to an external investigator who meets with the victim, the respondent and the witnesses. If the security director has distant or close ties to the complaint case, the CEO will designate a replacement.

- The investigator submits their report to the CEO who makes the final decision and determines the sanctions. The CEO can work with a committee for these two steps to avoid potential conflicts of interest.
- The contact person shares the report's conclusions with the victim, without revealing to them any sanctions imposed since this information is confidential.
- An individual designated by the CEO meets with the respondent and shares the results of the investigation and the applicable sanctions.

While a complaint is being processed, the individuals concerned can access assistance services at any time upon request.

**The maximum time allotted to process a complaint is ninety (90) days.**

- **15.3 Intervention in the college community**

A disclosure or complaint may lead to the implementation of various actions, such as:

- Informing the entire community about the occurrence of an event, while complying with all confidentiality rules
- Reminding all members of the college community about their roles and responsibilities with regard to sexual violence
- Reminding community members about the recommended behaviour of a witness or person in whom the victim has confided
- Meeting with members of a group of sexual violence witnesses
- Setting up emergency measures

After a disclosure or complaint, the College will evaluate the situation and determine any necessary measures to be improved or implemented to avoid the event reoccurring.

At the request of the person making the complaint, the educational institution shall provide the person with information regarding the disposition of the complaint, whether or not a penalty was imposed, and the details and terms of the penalty, if any.

## **16. CONFIDENTIALITY AND COMMUNICATING INFORMATION**

- **16.1 General rules**

In compliance with its established rules and practices, the College takes measures to ensure the highest confidentiality for victims, respondents and any other event participants when processing a disclosure or complaint. Among other measures, the contact person confirms with the victim the names of the people who will have access to

their disclosure or the contents of their complaint with the goal of providing the best service possible and sharing only essential information. They explain to the victim and the respondent the consequences of disclosing information and have them sign a confidentiality agreement.

However, the College cannot “compel a person to remain silent for the sole purpose of not damaging the educational institution’s reputation.”<sup>14</sup>

#### - **16.2 Minors and special situations**

Per Article 39 of the *Youth Protection Act*, the contact person or any other person from the College or an external specialized professional connected with the case must immediately report to the Director of Youth Protection (DYP) an event of sexual violence impacting a minor if they have “reasonable cause to believe that [the minor’s] security or development is or may be considered to be in danger.”<sup>15</sup>

The College must alert law enforcement authorities if it believes the safety of an individual may be compromised or if the individual may present a danger to themselves, to another person or to the college community (for example, because of suicidal tendencies or violent behaviours).

The College may send confidential information to an individual with the goal of protecting their safety.

Based on the severity or repetition of information received, the contact person may share the information anonymously with the proper authorities so that appropriate measures can be put in place. Any details enabling identification of the individuals who supplied the information must remain strictly confidential.

At the request of the person making the complaint, the educational institution shall provide the person with information regarding the disposition of the complaint, whether or not a penalty was imposed, and the details and terms of the penalty, if any.

### **17. MEASURES TO PROTECT AGAINST RETALIATION**

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<sup>14</sup> *Act to prevent and fight sexual violence in higher education institutions*, art. 3 (13), CQLR ch. P-22.1

<sup>15</sup> *Guide for higher education institutions/Development of the policy prescribed by the Act to prevent and fight sexual violence in higher education institutions*, Ministry of Education and Higher Education, Government of Quebec, 2018, p.21



The College uses the means at its disposal to protect a victim, witness or any other individual who supplies information about a situation from retaliation.

The contact person evaluates with them the potential risk of retaliation and suggests methods to counter them. For example, prohibiting contact between the victim and respondent, making academic accommodations that take into account the victim's educational career, and any other appropriate methods depending on the case on question.

The College informs the respondent that they must not threaten retaliation or retaliate against a victim or witness at the risk that their actions will be considered when handling the complaint and will affect possible sanctions.

### **18. SANCTIONS FOR VIOLATING POLICY**

Sanctions for violating the Policy are administrative or disciplinary in nature, in compliance with work contracts, collective bargaining agreements and the code of conduct in force at the College. They are determined and applied by taking into account the severity and repetitive nature of the violations.

For a student, sanctions range from a note in their file to dismissal and cancellation of their educational services contract. They may also include completing specific training on sexual violence, being temporarily suspended, being banned from College premises and any other sanction appropriate to the situation.

For a staff member, sanctions vary from a note in their file to dismissal. They may also include completing a specific training session on sexual violence, being suspended, being banned from access to College premises and any other sanction appropriate to the situation.

### **19. ACCESSING THE POLICY**

The College's policy is accessible at any time on the College website.

The full paper version of the text may be viewed at the Sexual Violence Prevention and Resource Center or the College library.

Certain sections are recapped from time to time in College media when topical features on sexual violence are published.

The Policy is given to each student upon admission and to each new employee when they sign their contract.

## **20. POLICY EFFECTIVE DATE**

The Policy is effective as of August 26, 2019.

## **21. POLICY REVISION**

Every two years when the College puts together its annual report for the board of directors, the permanent committee will evaluate the need to revise the Policy and make recommendations on this subject to the College CEO. If it is agreed that revisions are warranted, the committee will set up the required consultation mechanisms.

The changes will be submitted to the board of directors for approval and, if approved, the policy will be modified and forwarded to the minister.

The Act requires the College to make a revision at least every five (5) years.

## **22. ACCOUNTABILITY REPORT**

The CEO will report annually to the board of directors about Policy application.

The accountability report will be completed according to the methodology and criteria set forth by the minister, particularly regarding measures to prevent violence and raise awareness, training, and security measures, as well as the relevance and effectiveness of methods used for activities organized by a member of the college community.

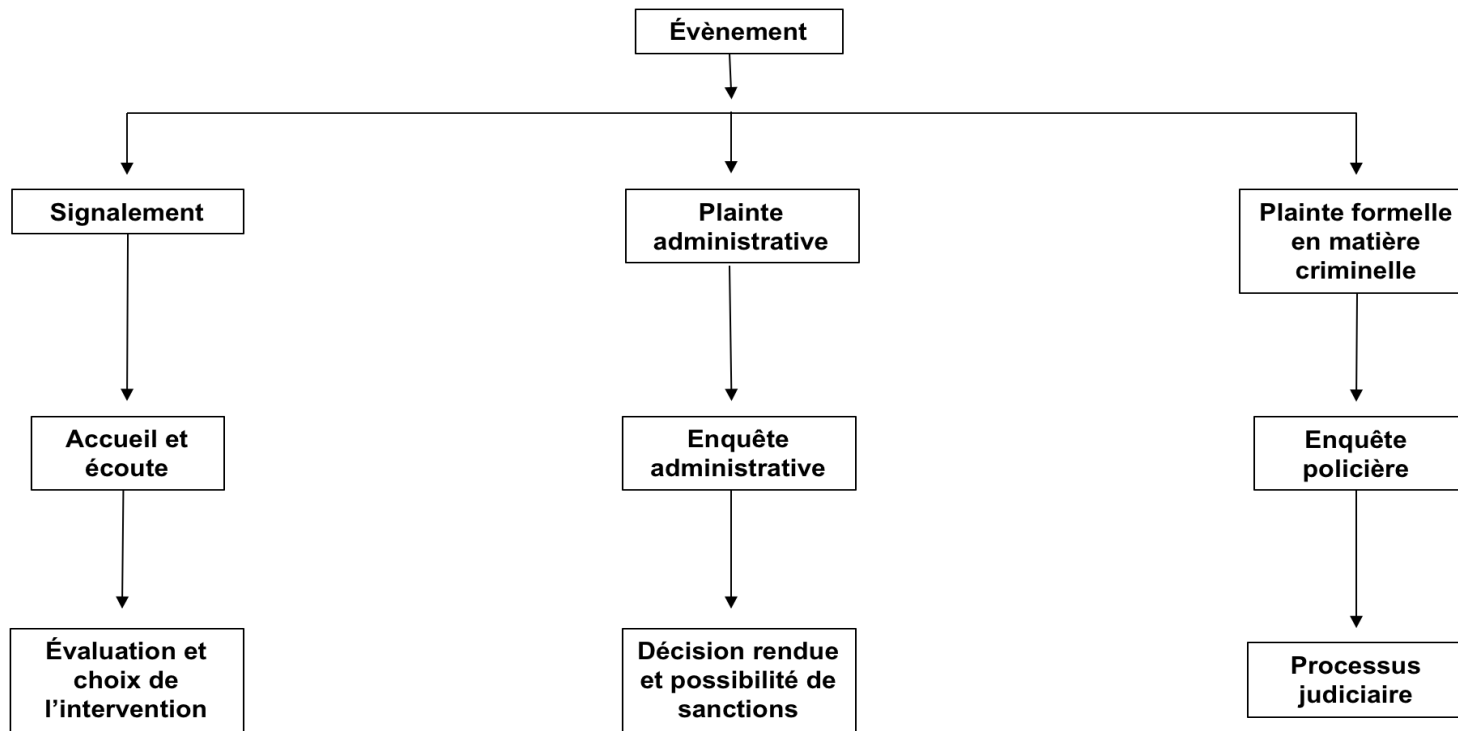
In addition, the accountability report covers disclosures and complaints, processing times, measures taken and sanctions.

The data disclosed during the annual report will be as specific as possible; however, disclosing it must not compromise the confidentiality to which the individuals concerned are entitled nor contravene legal provisions protecting personal data.



## Appendix 1 - OPTIONS

### EXEMPLES D'OPTIONS\* À LA DISPOSITION DE LA VICTIME DE VIOLENCES À CARACTÈRE SEXUEL

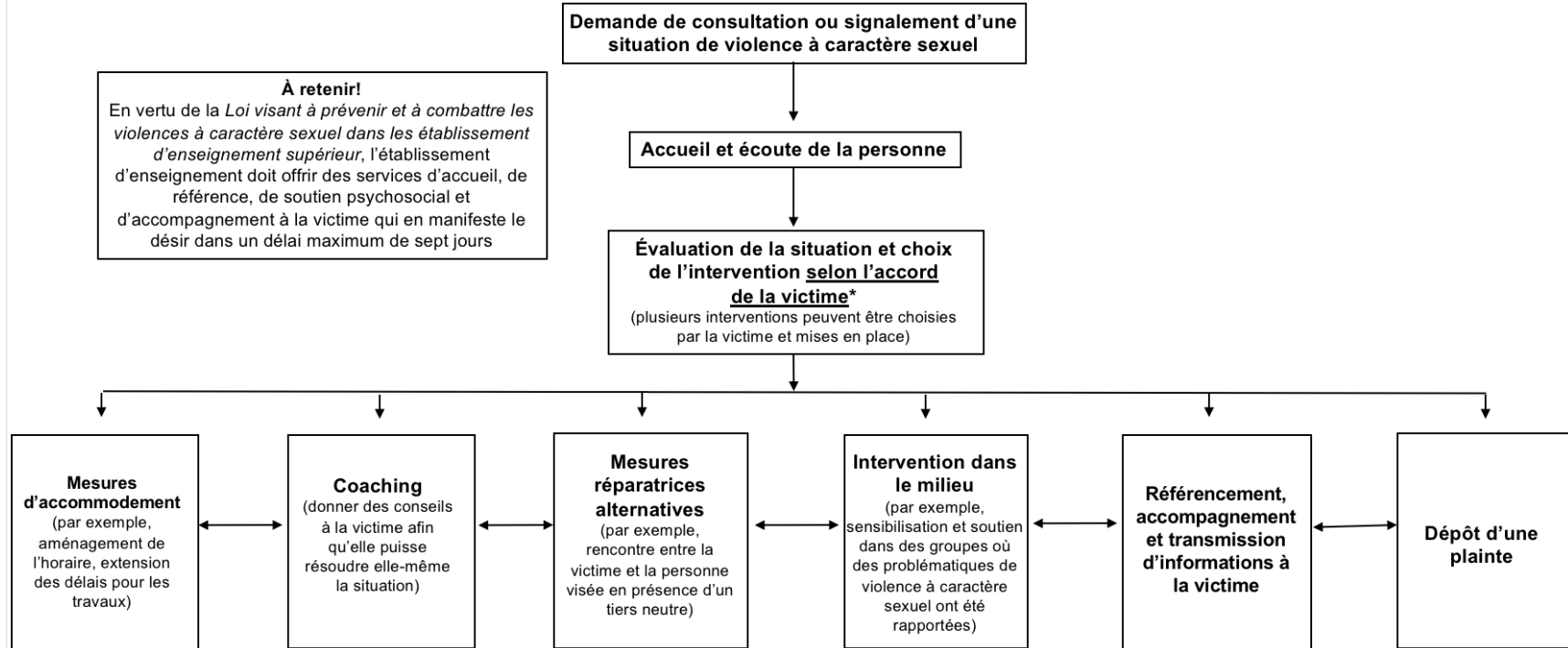


\* Toutes les options doivent être offertes à la victime et le choix doit lui revenir. Le choix de l'une des options par la victime ne doit pas exclure la possibilité qu'elle puisse en entamer une autre par la suite ou parallèlement.

Adapted in Word format from Appendix 1 of the Ministry of Education and Higher Education Guide

## Appendix 2 – DISCLOSURE/REPORTING

### TRAITEMENT D'UN SIGNALEMENT

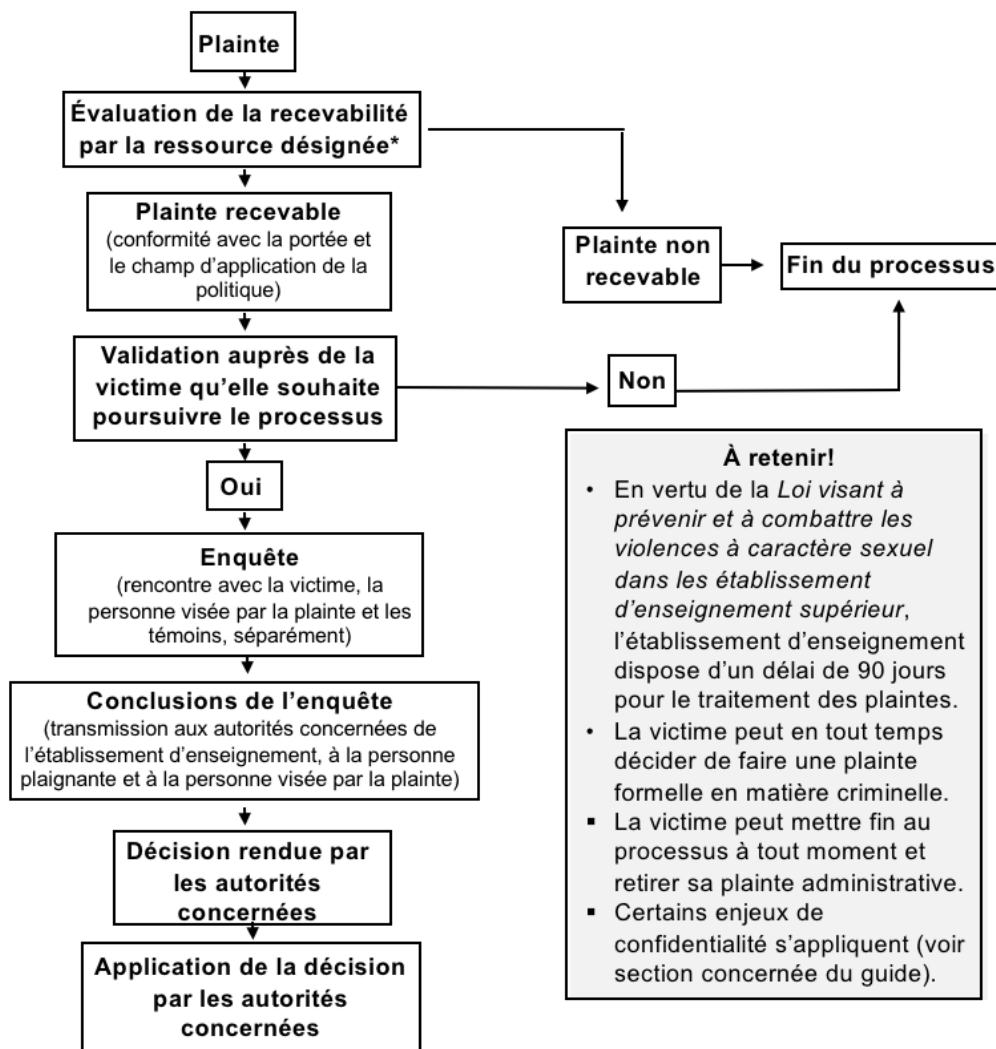


Ce tableau est inspiré de celui figurant à la page 129 du rapport du Groupe de travail sur les politiques et procédures en matière de harcèlement sexuel et de violence sexuelle (GT-PHS) intitulé *Le harcèlement et les violences à caractère sexuel dans le milieu universitaire*, adopté par le Conseil d'administration du Bureau de coopération interuniversitaire le 14 octobre 2016 et disponible en ligne à l'adresse suivante : [https://www.bci-qc.ca/wp-content/uploads/2017/04/Rapport-GT-PHS\\_adopté-CA\\_2016-10-14-V-fr-2e-edition-Avril-2017.pdf](https://www.bci-qc.ca/wp-content/uploads/2017/04/Rapport-GT-PHS_adopté-CA_2016-10-14-V-fr-2e-edition-Avril-2017.pdf)

Adapted in Word format from Appendix 2 of the Ministry of Education and Higher Education Guide

## Appendix 3 – ADMINISTRATIVE COMPLAINT

### TRAITEMENT D'UNE PLAINE ADMINISTRATIVE



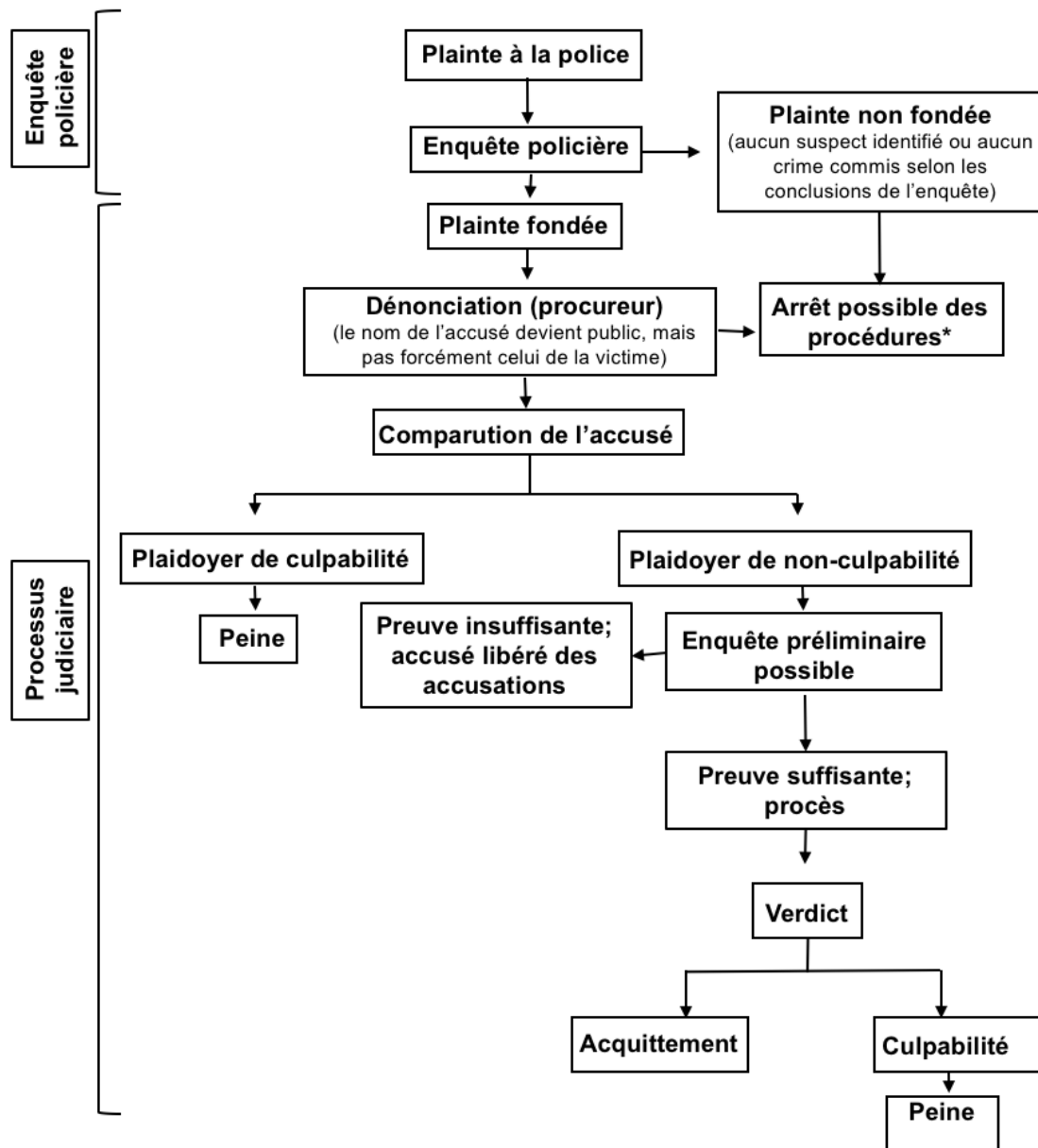
\* Que la plainte soit jugée recevable ou non, les mesures d'accompagnement et les autres choix d'intervention doivent être offerts à la victime.

Ce tableau est inspiré de celui figurant à la page 130 du rapport du Groupe de travail sur les politiques et procédures en matière de harcèlement sexuel et de violence sexuelle (GT-PHS) intitulé *Le harcèlement et les violences à caractère sexuel dans le milieu universitaire*, adopté par le Conseil d'administration du Bureau de coopération interuniversitaire le 14 octobre 2016 et disponible en ligne à l'adresse suivante : [https://www.bci-qc.ca/wp-content/uploads/2017/04/Rapport-GT-PHS\\_adopte-CA\\_2016-10-14-V-fr-2e-edition-Avril-2017.pdf](https://www.bci-qc.ca/wp-content/uploads/2017/04/Rapport-GT-PHS_adopte-CA_2016-10-14-V-fr-2e-edition-Avril-2017.pdf)

**Adapted in Word format from Appendix 3 of the Ministry of Education and Higher Education Guide**

## Appendix 4 – POLICE INVESTIGATION AND LEGAL PROCEEDINGS

### SCHÉMA DU PROCESSUS D'ENQUÊTE POLICIÈRE ET DU PROCESSUS JUDICIAIRE



\* Même s'il y a arrêt des procédures, les mesures d'accompagnement et les autres choix d'intervention doivent être offerts à la victime.

Ce tableau est inspiré de celui figurant à la page 137 du rapport du Groupe de travail sur les politiques et procédures en matière de harcèlement sexuel et de violence sexuelle (GT-PHS) intitulé *Le harcèlement et les violences à caractère sexuel dans le milieu universitaire*, adopté par le Conseil d'administration du Bureau de coopération interuniversitaire le 14 octobre 2016 et disponible en ligne à l'adresse suivante : [https://www.bci-qc.ca/wp-content/uploads/2017/04/Rapport-GT-PHS\\_adopté-CA\\_2016-10-14-V-fr-2e-edition-Avril-2017.pdf](https://www.bci-qc.ca/wp-content/uploads/2017/04/Rapport-GT-PHS_adopté-CA_2016-10-14-V-fr-2e-edition-Avril-2017.pdf)

Widely inspired by Appendix 4 of the Ministry of Education and Higher Education Guide



## Appendix 5 – RESOURCE AND LAW ENFORCEMENT CONTACT INFO

### College Resources

- Sexual Violence Prevention and Resource Center: contact person at the Student Affairs Office on the 6<sup>th</sup> floor
- Hotline: 1-438-469-1025 (Dial 1 for the Montreal campus, dial 2 for the Laval campus.)

### External Resources

- **Emergency hotline for the Montreal Sexual Assault Centre, available 24/7 toll-free: 1-888-933-9007**
- **DPCP (office of criminal prosecutions) information line about filing a complaint with the police: 1-877-547-3727**
- CALACS (coalition of sexual assault centers)  
<http://www.rqcalacs.qc.ca/calacs.php>
- CAVACS (Montreal crime victims assistance centre)  
<http://www.cavac.qc.ca/regions/montreal/accueil.html>
- Designated centers for sexual assault victims (health and social service network establishments) <http://www.harcelementsexuel.ca/centres-designes-quebec/>
- Sans oui, c'est non! campaign [Without a yes, it's a no!]: general information and videos in French at <http://www.harcelementsexuel.ca/>

### Law Enforcement

- Local police department: 1-514-280-0120
- **For all emergencies: 911**

## **Appendix 6 – LIST OF FORMS**

All forms are available at the Sexual Violence Prevention and Resource Center in the Student Affairs Office on the 6<sup>th</sup> floor. The Policy on Sexual Violence/Code of Conduct form is available in the Talent and Culture human resources department on the 2<sup>nd</sup> floor.

Form 1 – Policy on Sexual Violence/Disclosure Form

Form 2 – Policy on Sexual Violence/Administrative Complaint

Form 3 – Policy on Sexual Violence/Code of Conduct

Form 4 – Policy on Sexual Violence/Activity Planner Agreement

Form 5 – Policy on Sexual Violence/Confidentiality Agreement